

# JOURNAL OF THE SENATE

OF THE

## THIRTY-FOURTH GENERAL ASSEMBLY

OF THE

## STATE OF IOWA

WHICH CONVENEED AT THE CAPITOL AT DES MOINES,  
JANUARY 9, A. D. 1911, AND ADJOURNEED  
SINE DIE APRIL 12, A. D. 1911.

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OHIO STATE  
UNIVERSITY

DES MOINES  
EMORY H. ENGLISH, STATE PRINTER  
E. D. CHASSELL, STATE BINDER  
1911

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STATE OF OHIO

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## OFFICERS OF THE SENATE

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President

GEORGE W. CLARKE

Adel, Dallas county

President Pro Tem

JAMES A. SMITH

Osage, Mitchell county

Secretary

GEORGE A. WILSON

Des Moines, Polk county

First Assistant Secretary. Joseph E. Meyer, Des Moines, Polk county  
Second Asst. Secretary...O. H. Raleigh, Estherville, Emmet county  
Engrossing Clerk .....Marguerite Williams, Des Moines, Polk county  
Enrolling Clerk .....Harriet S. Elwood, Elma, Howard county  
Journal Clerk .....Paul Gilliland, Glenwood, Mills county  
Journal Clerk .....William M. Lewis, Des Moines, Polk county  
Sergeant-at-Arms .....Jacob H. Reese, Belmond, Wright county  
File Clerk .....John F. Gates, Green, Butler county  
Bill Clerk .....Floyd V. Bennett, Lenox, Taylor county  
Postmistress .....Mrs. Joseph LeGare, Jefferson, Greene county  
Chief Doorkeeper .....Newton J. Jolley, Osceola, Clarke county

## SENATORS

IV

District	NAME	P. O. ADDRESS	COUNTIES COMPOSING DISTRICT	OCCUPATION	NATIVITY	Years in Iowa	Age
40	Adams, Henry L.*	West Union	Allamakee, Fayette	Lawyer	Iowa	34	34
50	Allen, Joseph H.	Pocahontas	Buena Vista, Humboldt, Pocahontas	Banker and Lawyer	Iowa	40	40
2	Allen, William S.*	Fairfield	Jefferson, Van Buren	Lawyer	Iowa	51	51
45	Ames, Asa L.	Traer	Benton, Tama	Farmer	Iowa	51	51
49	Balkema, Nicholas*	Sioux Center	Lyon, O'Brien, Osceola, Sioux	Merchant	Wis.	26	45
21	<i>Balkuff, August A.</i>	Davenport	Scott		Iowa	52	52
6	Bennett, Theophilus W.*	Lenox	Adams, Taylor	Physician and Surgeon	Iowa	57	57
5	Brown, John D.*	Leon	Decatur, Ringgold, Union	Farmer and Stock	Ohio	56	70
24	Chapman, Horace R.*	Bennett	Cedar, Jones	Physician and Banker	Iowa	37	37
37	Chase, Daniel Cady	Webster City	Hamilton, Hardin, Wright	Attorney	Iowa	50	50
15	Clarkson, John T.	Albia	Marion, Monroe	Lawyer	Penn.	27	48
9	Cowles, La Monte	Burlington	Des Moines	Lawyer	Iowa	51	51
34	<i>Crow, Edward L.</i>	Mapleton	Crawford, Harrison, Monona	Farmer and Stock	Iowa	58	58
38	<i>De Wolf, Sherman W.</i>	Reinbeck	Black Hawk, Grundy	Lawyer	Iowa	36	36
7	<i>Dunnegan, John J.</i>	Shenandoah	Fremont, Page	Contractor	N. C.	29	49
31	Fitchpatrick, Joseph A.*	Nevada	Boone, Story	Law, Loans, etc.	Virginia	56	70
47	Francis, Leslie E.*	Spirit Lake	Clay, Dickinson, Emmet, Kosuth, Palo Alto	Lawyer	Iowa	39	39
20	<i>Garrett Alexander M.</i>	Letts	Louisa, Muscatine	Live Stock and Grain	Iowa	53	53
39	Gates, Charles*	Greene	Bremer, Butler	Lumber and Implements	Iowa	54	54
8	Gilliland, Shirley*	Glenwood	Mills, Montgomery	Lawyer	Iowa	54	54
43	Hammill, John*	Britt	Cerro Gordo, Franklin, Hancock	Lawyer	Wis.	22	35
33	<i>Hoyt, Edwin H.*</i>	Lamont	Buchanan, Delaware	Banker, Real Estate, Ins.	Iowa	39	39
32	Hunter, Robert*	Sioux City	Woodbury	Lawyer	Iowa	50	52
42	Jewell, Philo M.	Decorah	Howard, Winneshiek	Physician and Surgeon	Ohio	30	62
27	Larrabee, Frederic*	Fort Dodge	Calhoun, Webster	Law and Real Estate	Iowa	37	37
44	<i>Legal, John G.</i>	Charles City	Chickasaw, Floyd	Druggist	Missouri	49	51
17	McColl, Anthony M.*	Woodward	Audubon, Dallas, Guthrie	Lumber and Grain	New York	33	52
4	McCulloch, George*	Humeston	Lucas, Wayne	Physician, Farmer and Banker	Ohio	37	60
1	<i>McManus, Edward P.</i>	Keokuk	Lee	Quarryman	Iowa	52	52
29	Malmberg, Edward P.	Newton	Jasper	Lawyer	Iowa	32	32
48	Mattes, Joseph	Odebolt	Carroll, Greene, Sac	Hardware Merchant	Iowa	55	55
10	Neal, Samuel W.	Washington	Henry, Washington	Editor	Penn.	64	65
23	<i>Parshall, Lyman B.*</i>	Canton	Jackson	Farmer	New York	26	65

SENATORS

11	Proudfoot, Aaron V.*	Indianola	Clark, Warren	Attorney	Iowa	48	48
36	Quigley, Robert*	McGregor	Clayton	Attorney	Iowa	65	65
14	Ream, John F.	Oskaloosa, R. 5.	Mahaska	Miner	Penn.	55	56
46	Sammis, James U.*	Le Mars	Cherokee, Ida, Plymouth.	Attorney	Illinois	30	47
19	Saunders, Charles G.*	Council Bluffs	Pottawattamie	Lawyer	New York.	42	49
16	Savage, Arthur C.*	Adair	Adair, Madison	Banker	Iowa	41	41
35	Schrup, Nicholas J.	Dubuque	Dubuque	Banker and Insurance	Iowa	57	57
41	Smith, James A.*	Osage	Mitchell, Winnebago and Worth	Retail Lumber Merchant	New York.	41	59
18	Smith, Thomas H.	Harlan	Cass, Shelby	Lawyer	Iowa	56	56
12	Spaulding, Henry W.	Grinnell	Keokuk, Poweshiek	Mfr. of Carriages and Automobiles	Vermont	35	64
26	Stuckslager, Willard C.*	Lisbon	Linn	Iowa	Iowa	41	41
30	Sullivan, John B.	Des Moines	Polk	Banker	Iowa	41	41
3	Taylor, Lewis L.*	Centerville	Appanoose, Davis	Attorney	Kentucky	60	68
28	VanLaw, Comfort Harvey*	Marshalltown	Marshall	Lawyer	Iowa	41	41
13	Webber, John F.	Ottumwa	Wapello	Lawyer and Broker	Illinois	10	35
25	White, James A.*	South Amana	Iowa, Johnson	Farmer	Illinois	49	51
22	Wilson, John L.	Almont	Clinton	Farmer and Stock	Iowa	53	53

\*Term expires 1912.

Republicans in Roman—34. Democrats in Italic—16.

#### ADDITIONAL INFORMATION.

*Former Legislative Service*—Adams, S. 33; Allen, (Joseph H.) S. 32, 33; Allen, (William S.) H. 25, 26, S. 33; Balkema, S. 33; Balluff, H. 33; Bennett, S. 33; Brown, S. 33; Chapman, S. 33; Chase, H. 23, 24; Clarkson, S. 33; De Wolf, S. 32, 33; Fitchpatrick, S. 28, 29, 33; Francis, S. 33; Gates, S. 33; Gilliland, S. 30, 31, 32, 33; Hammill, S. 33; Hoyt, S. 33; Hunter, S. 33; Jewell, H. 32, 33; Larrabee, S. 33; McCulloch, H. 19, 30, 31, S. 33; McManus, S. 33; Mattes, H. 29, 30, 31, S. 32, 33; Parshall, S. 33; Proudfoot, S. 33; Quigley, S. 33; Ream, S. 33; Samis, S. 33; Saunders, elected to fill vacancy in S. 29, S. 30, 31, 32, 33; Savage, S. 33; Smith, (James A.) H. 22, 23 S. 28, 29, 30, 31, 32, 33; Stuckslager, H. 28, 29, S. 30, 31, 32, 33; Sullivan, H. 32, 33; Taylor, S. 30, 31, 32, Republicans in roman—70. Democrats in italic—38.

33; Van Law, S. 33; White, S. 33; Wilson, H. 25, 26, S. 27, 28, 29, 30, 31, 32, 33.  
*Military Service*—Allen, (Joseph H.) Private Co. F, 49th Iowa Inf., S. A. W.; Brown, Captain Co. L, 3d Iowa Cav.; Fitchpatrick, Private Co. E, 3d Iowa Inf.; Neal, Private Co. I, 25th Inf.; Quigley, Co. D, 46th Iowa Inf., and Co. K, 15th Iowa Inf.

*Education—Rural School*—Dunnegan, Fitchpatrick.

*Common School*—Balluff, Clarkson, McColl, Ream, Smith, (James A.), Spaulding.

*Graded School*—Brown, Garrett, Taylor.

*High School*—Balkema, Gates, Legel, Mattes, Sammis.

*Business College*—McManus, Wilson.

*Academy*—Jewell, Neal, White.

*College*—Adams, Allen (Joseph H.) Allen (William S.), Ames, Bennett, Chapman, Chase, Cowles, Crow, DeWolf, Francis, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Malmberg, Parshall, Proudfoot, Quigley, Saunders, Savage, Schrup, Smith (Thomas H.), Stuckslager, Sullivan, Van Law, Webber.

Married, 44. Widowers, Fitchpatrick, Neal, Taylor. Single, Larrabee, Malmberg, White.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 9, 1911.

Pursuant to law, the Senate of the Thirty-fourth General Assembly convened at 10 o'clock A. M., and was called to order by Lieutenant Governor George W. Clarke.

Prayer was offered by the Reverend Robert B. R. Bell of Des Moines, Iowa.

Senator Hunter moved that the officers of the Thirty-third 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 Hunter moved that a committee of five on credentials be appointed.

Carried.

The President announced the following Committee on Credentials: Senators Hunter, Adams, Larrabee, DeWolf, Legel.

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

Secretary—Geo. A. Wilson of Polk County.

First Assistant Secretary—Jos. E. Meyer, Polk County.

Second Assistant Secretary—O. H. Raleigh, Emmett County.

Journal Clerks—Wm. A. Lane, Guthrie County; W. M. Lewis, Polk County.

Enrolling Clerk—Harriet Elwood, Winneshiek County.

Engrossing Clerk—Margaret Williams, Polk County.

Sergeant-at-Arms—J. H. Reese, Wright County.

Bill Clerk—Floyd Bennett, Taylor County.

File Clerk—John Gates, Butler County.

Postmistress—Mrs. Joseph LeGore, Sac County.

Chief Doorkeeper—Newton J. Jolly, Clarke County.

Assistant Doorkeepers—D. A. Heisler, Isaac L. Rerick, J. H. Doty, Albert Howell, J. E. Winder, E. L. Stillson, B. F. Kinsey.

Chief Janitor—Jeff Logan.

Assistant Janitors—Jacob Wilson, P. S. Ervin.

Messengers—Lieutenant Governor's Messengers, Chas. Sandler, Marcus Finkleberg.

Lieutenant Governor's Clerk—F. R. Price.

Senator Mattes moved that the Senate take a recess until the Committee on Credentials is ready to report.

Carried.

The Senate was called to order by the President.

Senator Hunter 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-fourth General Assembly, and all are present:

First District, E. P. McManus.  
 Seventh District, J. J. Dunnegan.  
 Ninth District, Le Monte Cowles.  
 Tenth District, S. W. Neal.  
 Twelfth District, Henry W. Spaulding.  
 Thirteenth District, John F. Webber.  
 Eighteenth District, Thos. H. Smith.  
 Seventeenth District, A. M. McColl.  
 Twentieth District, A. M. Garrett.  
 Twenty-first District, August A. Balluff.  
 Twenty-second District, John L. Wilson.  
 Twenty-ninth District, Ed P. Malmberg.  
 Thirtieth District, John E. Sullivan.  
 Thirty-fourth District, E. L. Crow.  
 Thirty-fifth District, N. J. Schrup.  
 Thirty-seventh District, D. C. Chase.  
 Thirty-eighth District, Sherman W. De Wolf.  
 Forty-second District, P. M. Jewell.  
 Forty-fourth District, John G. Legel.  
 Forty-Fifth District, A. L. Ames.  
 Forty-eighth District, Joseph Mattes.  
 Fiftieth District, Joseph H. Allen.

We also find the following holdover senators entitled to seats in this body, and all are present:

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.  
 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.

ROBERT HUNTER,  
 SHERMAN W. DEWOLF,  
 JOHN G. LEGEL,  
 H. L. ADAMS,  
 FREDERIC LARRABEE,  
*Committee.*

The report of the committee was adopted.

The roll call disclosed the following Senators present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson.

Absent:

Quigley, McCulloch.

The following newly elected Senators appeared before the bar of the Senate and were duly sworn and subscribed their respective names to the oath of office:

Allen of Pocahontas, Ames, Balluff, Chase, Cowles, Crow, DeWolf, Dunnegan, Garret, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Schrup, Smith of Shelby, Spaulding, Sullivan, Webber, Wilson.



Senator Balkema 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 the 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:

Ames .....	No. 13	McColl .....	No. 4
Baluff .....	No. 29	Malmberg .....	No. 36
Chase .....	No. 9	Neal .....	No. 7
Cowles .....	No. 10	Schrup .....	No. 44
Crow .....	No. 5	Smith of Shelby.....	No. 24
Dunnegan .....	No. 1	Spaulding .....	No. 47
Garrett .....	No. 17	Stuskslager .....	No. 34
Jewell .....	No. 26	Sullivan .....	No. 39
Legel .....	No. 48	Webber .....	No. 8

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

Carried.

Senator Hunter nominated George A. Wilson of Polk County for Secretary of the Senate, and moved his election.

Those voting for George A. Wilson were:

Senators Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—46.

Those absent and not voting were:

Balluff, Garrett, McCulloch, Quigley—4.

So George A. Wilson was duly elected Secretary of the Senate.

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

First Assistant Secretary—Jos. E. Meyer, Polk County.

Second Assistant Secretary—O. H. Raleigh, Emmett County.

Journal Clerks—W. M. Lewis, Polk County; Paul Gilliland, Mills County.

Enrolling Clerk—Miss Harriet Elwood, Winneshiek County.

Engrossing Clerk—Miss Marguerite Williams, Polk County.

Sergeant-at-Arms—J. H. Reese, Wright County.

Bill Clerk—Floyd V. Bennett, Taylor County.

File Clerk—John F. Gates, Butler County.

Postmistress—Mrs. Joseph LeGore, Sac County.

Chief Doorkeeper—Newton J. Jolly, Clarke County.

Assistant Doorkeepers—Jesse Bowen, W. A. Groves, Levi Hockett, J. H. Doty, I. L. Rerick, Albert Howell, D. A. Heisler, E. L. Stillson.

Chief Janitor—Jeff Logan.

Assistant Janitors—P. S. Ervin, J. S. Wilson.

Those voting for the above-named persons for their respective offices were:

Senators Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—44.

Absent or not voting:

DeWolf, Garrett, McCulloch, Malmberg, Quigley, Ream—6.

So the above-named persons were duly elected to their 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—Geo. A. Wilson.

First Assistant Secretary—Jos. E. Meyer.

Second Assistant Secretary—O. H. Raleigh.

Journal Clerks—W. M. Lewis, Paul Gilliland.

Enrolling Clerk—Miss Harriett Ellwood.

Engrossing Clerk—Miss Marguerite Williams.

Sergeant-at-Arms—J. H. Reese.

Bill Clerk—Floyd V. Bennett.

File Clerk—John F. Gates.

Postmistress—Miss Josie LeGore.

Doorkeeper—Newton J. Jolly.

Assistant Doorkeepers—Jesse Bowen, W. A. Groves, Levi Hockett, J. H. Doty, I. L. Rerick, Albert Howell, D. A. Heisler, E. L. Stilson.

Chief Janitor—Jeff Logan.

Assistant Janitor—P. S. Ervin, J. S. Wilson.

Senator Smith of Mitchell offered the following resolution and moved its adoption:

*Be It Resolved by the Senate:*

That the rules of the Senate of the Thirty-third General Assembly be adopted and the same be in force until the report of the Committee on Rules of this, the Thirty-fourth General Assembly, is received and adopted.

Adopted:

Senator Francis moved that a committee of three be appointed to notify the Governor that the Senate was duly organized and ready for business.

Carried.

The President announced as such committee, Senators Francis, Gilliland and Webber.

Senator Saunders moved that a committee of three be appointed to notify the House that the Senate was duly organized and ready for business.

Carried.

The President announced as such committee, Senators Saunders, Balluff and Allen of Jefferson.

Senator Francis, from the committee appointed to notify the Governor that the Senate was duly organized and ready to receive any communication, announced that they had performed that duty and that the Governor was ready to read his message to the General Assembly in joint session at such time as they might fix for that purpose.

#### PETITIONS AND MEMORIALS.

Senator Chapman presented a petition of citizens of Cedar County favoring such laws as would better the control of sale of intoxicating liquors.

Referred to Committee on Suppression of Intemperance.

Senator Bennett offered the following Concurrent Resolution and moved its adoption:

*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.

The President announced as such committee, Senators Bennett, Chase and Neal.

Senator Saunders from the committee appointed to notify the House that the Senate was duly organized and ready for business announced that they had performed that duty.

Senator Van Law 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-fourth General Assembly a copy of the Code and Supplement thereto and subsequent session laws and annotations.

Adopted.

Senator Sullivan offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Be It 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 the inauguration of the Governor and Lieutenant Governor.

Adopted.

Senator Allen of Jefferson moved that a committee of three on Mileage be appointed.

Carried.

The President announced as such committee, Allen of Jefferson, Hammill and Crow.

Senator Bennett offered the following resolution and moved its adoption:

I move that a committee of three be appointed to provide chaplains for the Senate Thirty-fourth General Assembly.

The President named as such committee, Senators Bennett, Proudfoot and Parshall.

Senator Chapman offered the following resolution and moved its adoption:

*Resolved*, That the Custodian be instructed to furnish the Senate with at least two sanitary water coolers and distilled or other sanitary water for drinking purposes.

Adopted.

The following communication was presented and read before the Senate:

DES MOINES, IOWA, January 9, 1911.

*To the Honorable President of the Senate, Iowa State Legislature:*

The Iowa State Board of Health deems it wise to inform the honorable members of the Iowa Legislature that the drinking water of the city of Des Moines is unsafe for use, either for drinking purposes or for washing the teeth and mouth.

After a thorough investigation of the Des Moines water supply by the State Board of Health, through Dr. L. L. Lumsden, National Government Expert, we deem it wise to give this information. We append the recommendation of Dr. Lumsden:

"The outbreak of typhoid fever in Des Moines in November and December, 1910, was caused, beyond all reasonable doubt, by infection disseminated in city water obtained from the Baccoon river and the Raccoon basin."—L. L. Lumsden, Passed Assistant Surgeon, U. S. Public Health and Marine Hospital Service.

Very respectfully,

GUILFORD H. SUMNER,

*Secretary Iowa State Board of Health.*

Senator Sullivan offered the following resolution and moved its adoption:

*Resolved*, That the Secretary of the Senate be instructed and authorized to assign seats for reporters in the press gallery.

Adopted.

Senator Francis offered the following Concurrent Resolution and moved its adoption :

CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That a joint convention of the two houses of the Thirty-fourth General Assembly be held Tuesday, January 10 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, and that the President of the Senate and the Speaker of the House be appointed to deliver the invitation.

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

Adopted.

Senator Sullivan moved that the Senate take a recess of 15 minutes.

Carried.

The President called the Senate to order.

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

Senator Saunders moved that the time of adjournment be extended 15 minutes.

Carried.

Senator Sammis offered the following resolution and moved its adoption :

*Resolved*, That each Senator be and he is hereby authorized to appoint a committee clerk, who shall be a competent stenographer and of good moral character, and that such clerks may be sworn in whenever they present themselves for that purpose, subsequent to their appointment.

Adopted.

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.

The following Committee Clerks appeared before the bar of the Senate and were duly sworn :

Miss Nora McCormick, Senator J. H. Allen.  
Mrs. Kathryn Davis, Senator J. J. Dunnegan.  
Miss Edna J. Bally.  
Miss Esther Fein, Senator John Hammill.  
Mrs. Emma Malm, Senator Balkema.  
Miss Nellie Stickney, Senator Gates.  
Catherine McManus, Senator McManus.  
Freda McCausland, Senator Taylor.  
Wilhelmina Parshall, Senator Quigley.  
Edith Smith, Senator W. S. Allen.  
Amy Byram, Senator Sullivan.  
Ruth Way Hickman, Senator Saunders.  
Ruth McClure, Senator Hunter.  
J. J. Hayden, Senator A. C. Savage.

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

Carried.

Senate adjourned until 10 o'clock A. M. tomorrow.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 10, 1911.

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

Prayer was offered by Rev. Francis L. Strickland of Indianola, Iowa.

On request of Senator Allen of Jefferson, leave of absence was granted Senator Mattes for the day.

On request of Senator Malmberg, leave of absence was granted Senator Spaulding until tomorrow morning.

On request of Senator Proudfoot, leave of absence was granted him for the remainder of the day.

On request of Senator Wilson, leave of absence was granted Senator DeWolf for the remainder of the week.

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

### CONCURRENT RESOLUTION.

Relative to the holding of a joint convention of the two houses on Tuesday afternoon, January 10.

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 appointment of a joint committee to arrange for the inauguration of the Governor and Lieutenant Governor, and the Speaker of the House appoints as members of such committee on the part of the House, Fraley of Polk, Dawson of Cherokee, Ripley of Hancock, Shankland of Polk, Taylor of Union, Escher of Shelby.

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 additional employes, and the Speaker of the House has appointed as members of such committee on the part of the House, Shankland of Polk, Lund of Hamilton, and Miller of Bremer.

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 furnishing of Codes, Supplement to the Code, Session Laws and annotation to the members of the Thirty-fourth General Assembly.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced the following committee on the part of the Senate on the Concurrent Resolution relative to the inauguration of the Governor and Lieutenant Governor: Senators Sullivan, Hoyt, Neal, Savage, Wilson, Schrup.

## INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and 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 as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third General

Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator.

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

By Senator Brown, Senate File No. 2, a bill for an act to amend the law as it appears in Chapter Eleven (11), title Twelve (12) of the Supplement to the Code, 1907, relating to the Inspection of Petroleum Products, and to amend said chapter so as to include specifically gasoline for power, illuminating and heating purposes.

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

By Senator McManus, Senate File No. 3, a bill for an act to repeal Section Five Thousand and Twenty-eight-a (5028-a) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the State of Iowa.

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

#### HOUSE MESSAGES CONSIDERED.

Concurrent Resolution relative to the inauguration of Governor and Lieutenant Governor.

Passed on file.

Concurrent Resolution relative to the holding of a joint convention of the two Houses on Tuesday afternoon, January 10th.

Passed on file.

Concurrent Resolution relative to furnishing codes and supplements, Session Laws and Annotations to the members of the Thirty-fourth General Assembly.

Passed on file.

Concurrent Resolution relative to additional employes.

Passed on file.

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

Carried.

The President announced as such committee: Senators Francis, Sullivan and Webber.

#### INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 4, a bill for an act to provide for annual reports with reference to the operation of water, gas, heat, light for power works or plants, to provide for investigations with reference to the operation thereof, and prescribing the procedure therefor.

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

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 at 1:30 P. M., President Clarke presiding.

Senator Stuckslager offered the following Concurrent Resolution:

*Resolved by the Senate, the House Concurring:*

That when we adjourn on Thursday afternoon, January 12, it will be until Tuesday, January 17, at 10 o'clock A. M.

By unanimous consent the resolution was taken up and considered.

Senator Stuckslager moved the adoption of the resolution.

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 5, a bill for an act to amend the law as the same appears in the laws of the Thirty-third General Assembly of the State of Iowa, Chapter 184, relative to the Limit of Indebtedness of Independent School Districts.

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

By Senator Sammis, Senate File No. 6, a bill for an act to amend Section Four Thousand 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.

By Senator Sammis, Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

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

Senator Savage 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 Savage, and as such assistant tellers Senators Malmberg and Webber.

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 under the direction of the Sergeant-at-Arms to meet in joint convention.

The 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 Clarke, President of the Senate, presiding.

The roll was then called and the following members responded:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beebe, Bennett, Black, Boettger, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Chapman, Chase, Clarkson, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Krebill, Kull, Larrabee of Fayette, Larrabee of Webster, Leach, Legel, Lenocker,

Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—143.

Those absent were:

Allen of Pocahontas, Beans, Bowman, Campbell of Webster, Collin, DeWolf, Fraley, Hammill, Koontz, Kulp, Mattes, Miller of Bremer, Moore, Proudfoot, Spaulding—15.

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

Saunders of Pottawattamie 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 Saunders of Pottawattamie on the part of the Senate, and Representative Bybee of Marion and Harvey of Osceola 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 Carroll, who read his message, as per previous invitation.

#### THIRTY-FOURTH GENERAL ASSEMBLY—JANUARY, 1911.

##### BIENNIAL MESSAGE OF THE GOVERNOR.

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

In compliance with the provisions of Article 4, Section 12 of the Constitution requiring the Governor to "Communicate, by message, to the General Assembly, at every regular session, the condition of the State, and recommending such matters as he shall deem expedient," I present to you the following:

From the biennial report of the Auditor of State you will observe that there was in the State Treasury, July 1, 1910, \$1,003,915 to the credit of the general fund. The estimated receipts from that date to July 1, 1913, amount to \$12,540,000, making a total of \$13,543,915. The

estimated expenditures, for general purposes, from July 1, 1910, to July 1, 1913, are \$10,938,000, leaving a balance of \$2,605,915. From this should be deducted \$306,000, hunter's license, not available for general purposes, and \$800,000 needed to meet current expenses from July 1, 1913, to October 1, 1913, during which time the State's income is very meagre. Deducting these two amounts leaves a net balance of \$1,499,915 available for extraordinary appropriations during the biennial period ending June 30, 1913. More than this amount it would not be safe for you to appropriate.

By reason of the policy of economy practiced by the last session of the General Assembly and because of the increased income from sources other than by taxation the Executive Council has been able to make a reduction of one-tenth of a mill in the levy for general State purposes made in 1909 and a like reduction in 1910 so that the levy is now three and three-tenths mills, instead of three and five-tenths, as it had previously been. I scarcely need say to you that the levy for the next two years will depend entirely upon the extent of the appropriations made by you and the means which you provide for raising revenue from sources other than by taxation. I trust that you will keep well within the figures above quoted.

#### HOW TO AMEND THE LAWS.

In my inaugural address of two years ago I called attention to the fact that by reason of our methods of amending the laws many ambiguities exist and in some instances it is almost if not entirely impossible to know what is the law. I am thoroughly convinced that when a section of the law is to be amended it would be much better to repeal the section and re-enact it as it would appear when amended. By so doing the Legislature would know when passing upon an amendment just what was being done and the section would stand as an entirety. I feel assured that if you will take the pains to follow some amendments through the session-laws and the supplement, you will not hesitate to adopt the method suggested by me and which is in vogue in many of the states.

#### CONTROVERTED QUESTIONS.

Recently a question has arisen between the Executive Council and the Secretary of State upon the one hand, and certain building and loan associations upon the other as to the amount of fees to be paid and the methods of extending articles of incorporation of such association. It is the contention of those representing the associations that to pay the fees held by the Secretary of State to be due makes it impossible for them to incorporate. It is the desire of all concerned that you revise the building and loan laws so as to make them specific as to matters herein referred to and remove any unjust or unnecessary burdens that may be imposed upon the associations by present statutes.

A controversy has also arisen between those in charge of the Oil Inspection Department and certain railway corporations as to whether the oil used by such corporations must be inspected and the usual fee be paid for the inspection. It is the desire of your officials that you

make the law relating to the inspection so clear that there can be no room for controversy.

Our laws relating to the amount of fees to be paid by foreign corporations desiring to do business in this State seem to be of questionable validity and also appear to impose unjust burdens upon corporations, a portion only of whose capital is employed in the State. I recommend a careful review of these statutes by you to the end that they may be brought clearly within the decisions of the courts and that they may also be made fair and just if they be lacking in either of these respects.

Some doubt has arisen in the minds of members of the Executive Council as to whether or not the law relating to the State Board of Education contemplates that the Finance Committee shall reside in Des Moines, and also, as to the employment of a field man for the institutions under the provisions of Section 11 of the Act creating the Board; and with regard to some of the printing to be done for the institutions. It is the wish of the Council that you should make the law definite as to each of these matters.

#### EVIDENCE AS TO POPULATION.

I wish to call your attention to the fact that if it is your desire that the Federal Census of 1910 be accepted as evidence of population it will be necessary for you to amend the law so as to make provision therefor. The old law, Section 176 of the Code, provided for publishing in the official register the population of counties, cities and towns as shown by the last census, either State or Federal, and Section 177 provided that wherever in the code the population of any county, city, or town was referred to it should be determined by the publication above mentioned. The Thirtieth General Assembly repealed and re-enacted this law omitting any reference to the Federal Census or any provision for publication through the official register, so that it appears that the census report of 1905 must be relied upon and taken as evidence in questions as to population until another census is taken by the State in 1915.

That this is a matter of much importance you will readily observe for the reason that the salaries of certain county and township officials as well as the allowance and compensation for deputies and also the determination of the sufficiency of general consent petitions under the mulct law are in many instances determined by population.

#### COLLATERAL INHERITANCE TAX.

I am advised by those enjoined with the duty of enforcing the collateral inheritance tax law that it needs to be re-written to the end that it may be made more specific and that ambiguities that now exist may be removed. It is quite defective in some of its provisions, especially as to the collection of interest, and as to bringing suit against those who inherit under a will and who decline or fail to pay the tax in the manner and time provided by law.

The income to the State from collateral inheritance has increased quite perceptibly. The income for the last biennial period, ending June 30th, 1910, being \$447,179.40, while for the previous biennial period it was only \$341,359.93, making a net increase of \$105,819.47.

## DIRECT INHERITANCE TAX.

I believe that the time has arrived when the question of a direct inheritance tax should demand your most serious consideration. It is not a new thing in the affairs of states. Some of the older and more conservative Commonwealths, as well as many of the newer ones, have laws providing for the taxing of estates descending to direct heirs. In applying the law larger estates should be taxed at the greater rate and the per cent of tax exacted should increase with the size of the inheritance and with the remoteness in relationship of the deceased to the one who inherits. I recommend the enactment of a direct inheritance tax law not only as a means of raising revenue; but because I believe it to be correct in principle. Already twenty states, viz.: California, Colorado, Connecticut, Idaho, Illinois, Louisiana, Massachusetts, Michigan, Minnesota, Montana, Nebraska, New York, North Carolina, Oregon, South Dakota, Utah, Washington, West Virginia, Wisconsin and Wyoming have adopted direct inheritance tax laws. Each and all of these states, like our own, have a collateral inheritance law also. It cannot therefore be said that our State is either too old or too young to have such a law, or that the existence of any other statute should interfere.

## INCOME TAX.

At a later date I will transmit to your honorable body a certified copy of a joint resolution passed by the first session of the Sixty-first Congress proposing an amendment to the Constitution of the United States empowering Congress to enact a law to tax incomes.

Without here raising the question as to the wisdom of such a law, I wish to express it as my personal opinion that Congress should have power to enact such a law if it so desires and I therefore recommend favorable action upon the resolution by you.

For your benefit and instruction I herewith recite the entire contents of the document embodying the resolution as signed by the officers of the two Houses of Congress:

*SIXTY-FIRST CONGRESS OF THE UNITED STATES OF AMERICA—  
At the First Session.*

Begun and held at the City of Washington on Monday, the Fifteenth day of March, one thousand nine hundred and nine.

## JOINT RESOLUTION

Proposing an amendment to the Constitution of the United States.

Resolved by the Senate and the House of Representatives of the United States of America in Congress assembled (two-thirds of each house concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution:



"ARTICLE XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source derived, without apportionment among the several states, and without regard to any census or enumeration."

J. G. CANNON,  
*Speaker of the House of Representatives.*  
J. S. SHERMAN,  
*Vice President of the United States and  
President of the Senate.*

ATTEST:

A. McDOWELL,  
*Clerk of the House of Representatives.*

CHARLES G. BENNETT,  
*Secretary.*

By HENRY H. GILFRY, *Chief Clerk*

I certify that this joint resolution originated in the Senate.

CHARLES G. BENNETT,  
*Secretary.*

By HENRY H. GILFRY,  
*Chief Clerk.*

A TAX COMMISSION.

I wish to call attention to the fact that the tax laws of the State are very inequitable, and, in some respects, unjust. It has now been fourteen years since there has been a general revision of our revenue laws. Many changes in conditions have arisen in that time and many new methods of taxation have been adopted in other states which are worthy of consideration.

A tax ferret law, the taxing of moneys and credits; a filing fee upon mortgages, based upon the amount and time to run, and many other features of taxation are attracting much attention.

Our method of distribution of values are open to criticism, especially is this true as to telegraph, telephone and railway terminal property. Many of these questions are of such magnitude and importance that I do not believe that they can be properly dealt with during the time of an ordinary session of your honorable body. I therefore recommend that a commission be provided to study carefully all the phases of the taxing question, prepare an entire new revenue code and submit it to the next session of the General Assembly.

I wish in this connection to say that, in my opinion, the state loses a large sum of money every year by reason of failing to receive from the various counties its share of interest on delinquent taxes and of taxes that have been declared unavailable but are afterwards collected. I gave a great deal of thought and consideration to these matters while I was Auditor of State, and then recommended that provision be made for checking the accounts between the state and the counties, and the present Auditor, in his biennial reports, makes like recommendation. I am convinced that the state will receive many times more than the amount expended in making the checking if such a system is established. It has been stated by an accountant who has been checking the books of various

counties that in a single instance he found the county owing the state nearly three thousand dollars on the accounts above mentioned.

#### PROVIDENTIAL CONTINGENT FUND.

The last session of the General Assembly appropriated \$50,000 as a providential contingent fund to be expended by order of the Executive Council in the restoration or repairs of property of the State destroyed or damaged by providential causes. But \$3,409.58 of this fund have thus far been expended, all of which went to repair damages caused by fire to the warden's house at the penitentiary at Fort Madison. Since the State carries no insurance upon its property I recommend that at least such an amount as was provided by the last session of the Legislature be placed at the disposal of the Executive Council to meet such losses as may occur to the State's property during the next biennial period.

#### ENLARGE CAPITOL GROUNDS.

There seems to be no question but that in the course of time the State will of necessity be compelled to acquire additional ground in the vicinity of the State House for the erection of buildings. While it would be very desirable that a number of blocks of ground be acquired both with a view to locating other buildings and for the purpose of beautifying the State's property I am convinced that even if nothing more be done there should be a reasonable allowance placed at the disposal of the Executive Council for the purchase of lots facing the State House grounds. During the last year opportunities for making such purchases have been afforded, but there being no funds available the property was purchased by private parties.

#### COMMITTEE ROOMS OCCUPIED.

During the last biennial period several commissions which were created have been without permanent quarters. The Executive Council has found it necessary either to domicile these commissions in committee rooms or to rent quarters outside of the State buildings. We believed it to be expedient and that it would meet with your approval if committee rooms were occupied, so that we have placed the State Board of Education in the Speaker's room, the Soldiers' Roster force, the Conservation and Waterways Commission and the Chief Oil Inspector in committee rooms. A number of departments and offices are located by the Legislature either by resolution or by statute so that the Council has not absolute freedom in readjusting or rearranging the location of various departments. I believe that your body should either take these matters entirely into its own hands or should turn it all over to the Executive Council.

We have not yet moved the State Board of Education from the Speaker's rooms, because we have no quarters other than committee rooms in which to lodge it and we felt it advisable to wait until we might know your pleasure and convenience as to where we might locate this department during your session.

## GRANITE STEPS TO THE CAPITOL BUILDING.

I desire to call your attention to the fact that the steps leading up to the State House both upon the north and upon the west are in a very bad state of deterioration and that they should be replaced with granite steps as soon as in your judgment it can conveniently be done.

Judging from the cost of the steps at the east front the cost of granite steps at the north would likely be about \$5,000 and on the west about \$9,000. If the steps at but one entrance can be replaced during the coming biennial period I suggest that those at the north be replaced first.

## HISTORICAL BUILDING.

I am pleased to be able to report that the Historical Building, for which generous appropriations have been made by several sessions of the General Assembly, is practically completed and that it is now occupied by all of the departments intended for its occupancy. The building and its contents do great credit to the State and it is a popular resort, not only with our own people, but with those of other states who visit our Capital City.

## GEOLOGICAL SURVEY.

With full appreciation of the value of the work of the Geological Department I am compelled to say, that in part at least, the Board is so constituted as not to be able to have that opportunity to observe and know as much about the department as should be known by a managing body.

The Board as now constituted consists of the Governor, the Auditor of State, the President of the State University, the President of the Agricultural College and the President of the Iowa Academy of Science. In my judgment better work could be done and in a more satisfactory way if the department were connected with the Geological Department of the State University and the management and control were passed over to the State Board of Education and its finance committee.

## DRAINAGE, CONSERVATION AND WATERWAYS COMMISSION.

The Thirty-third session of the General Assembly created a commission to study into and investigate the subject of drainage, waterways, conservation of resources, etc., which commission has without compensation spent a great deal of time considering and investigating the subjects above mentioned. Mr. A. C. Miller, chairman of the commission, devoted much time and attention to the work and has added much enthusiasm to the general interest that has been taken in these matters during the last two years. In the published report made by the commission the various subjects included in the scope of its work are thoroughly discussed and many valuable recommendations are made, all of which will be brought to your attention by supplying each of you with copies of the printed report.

**LAKES DRAINED.**

The Executive Council has authorized the drainage of but two lakes since January, 1909, viz.: Bancroft Lake in Kossuth County and Wall Lake in Wright County. The lands within the meandered lines of some lakes authorized to be drained during the administration of my predecessor have been sold and the drainage taxes assessed against others have been paid. It has not been the policy of the Council to permit the drainage of any lakes that can be maintained as clear bodies of water, but has permitted such as cannot be so maintained to be included in drainage districts and the lands have either been sold or the taxes assessed against the same for drainage purposes have been paid by the State.

**MINING LAWS.**

The many mining disasters that have occurred within the last year have made it highly important that our laws be made so as to most effectually guard against the danger incident to that very hazardous occupation.

Fortunately our State has not been visited by any great calamity among those who work under the ground. There seems to be a feeling, however, that our mining code should be carefully gone over and changed in some particulars. The question as to the use of carbide lamps has attracted considerable attention. I therefore recommend a careful consideration of all the laws relating to mines and mining to the end that the lives of the men, as well as the property and interests of the operators or owners, be properly protected.

**ARBITRATION.**

Some states have enacted laws providing for the arbitration of disputes arising between employers and employed, and apparently with good results. I do not understand that compliance with the finding of a Board of Arbitration with reference to such matters could be enforced but the public is entitled to know the facts relating to matters of controversy which usually involve the public welfare and it is hardly likely that either party to a dispute could long maintain itself against the finding of a competent and unbiased tribunal. I therefore recommend that you give careful consideration to the question of establishing such a body in this State.

In this connection I desire to call attention to the fact that efforts will be made at this session of your body to have enacted a law with reference to compensation of workmen injured in hazardous occupations. While not fully advised with reference thereto, it is my understanding that such a law is desired both by the employer and the employed, so that the conditions under which and the amount of damages that may be recovered in so far as is possible may be determined in advance. It is desired also in order that expensive litigation and excessive costs of insurance may be avoided as well as for various other reasons. This is an important subject to the industrial interests of the State and it merits careful consideration.

## AGRICULTURAL SOCIETY.

From the appropriation made therefor by the Thirty-third session of the General Assembly together with funds of the society, there has been erected a splendid and commodious steel and concrete amphitheatre upon the ground of the State Agricultural Society. It has added greatly to the convenience of those visiting the Fair and has brought increased interest and attendance. Many other improvements have been made, such as the construction of more than 70,000 square feet of cement walk, adding two new units or buildings, one to the horse barn and one to the cow barn, and adopting a general and permanent plan for the development of the grounds and locating new buildings. About \$175,000 have been spent in various improvements at the Fair Grounds since your last session, nearly \$75,000 of which came from the funds of the Society. The State Fair has become to be a great means of education to our people along all the lines of the exhibits, and its benefits and influences are felt in all parts of the State. It stands easily in the front rank of all the State Fairs.

## HORTICULTURAL INTERESTS.

I have believed and still believe that the horticultural interests of the State have been and are being grossly neglected. The fruit crop failure of the last year should not prove a discouragement. It is believed by many that by proper care and the use of smudges much of the crop of last year might have been saved.

We need to have our people better educated along the lines of caring for and protecting our fruit interests. The horticultural people of the State are asking to have some one employed as a field man to spend his time among the fruit growers informing and enlightening them as to the best means of growing and caring for orchards. Whether this is the best means to employ in educating our people in fruit growing, I cannot say, but I recommend that you give every reasonable encouragement to this important interest.

## DAIRY EXPERIMENT AND EXTENSION WORK.

The last session of the Legislature made an appropriation of \$10,000 for the State Dairy Association to use in promoting the dairy interests of the State. I believe that very much good has been accomplished by the use of this fund and I recommend that a like amount be appropriated for the same purpose, for the next biennial period, to be expended either through the same channels as provided by the last Assembly or through other equally effective means.

There seems to be an increased demand for short course, institute and agricultural extension and agricultural experiment station work. While realizing that enthusiasts in these lines may become extremists, I am, nevertheless, convinced that if judiciously handled appropriations for these purposes may be made immensely profitable, and I recommend liberality with reference thereto. Our farmers are beginning to appreciate the value of scientific methods.

I wish, however, to suggest that the State Board of Education through its Finance Committee has undertaken to equitably determine about what appropriation is needed for agricultural extension work, for engineering extension work, for the agricultural experiment station and for good roads. These are all matters of great moment and should receive the most favorable consideration.

The State Food and Dairy Commissioner has constant calls for field work; especially does he feel the almost universal demand for better means of requiring compliance with proper methods of sanitation, so that you will be asked to enact a law conferring upon him additional authority with reference thereto, and I recommend the same for your careful consideration.

#### HOG CHOLERA SERUM.

The sum of eight thousand dollars was appropriated by the last session of the Legislature for the establishment of a plant for the manufacture of hog cholera serum. The operation and management of the plant was placed under the control of the State Veterinary Surgeon, who, under the advice of the Executive Council, leased 114 acres of ground north of the State Fair Grounds and thereon has located the plant. The entire amount of the appropriation has been used up, but the law provides that the proceeds of the sale of the serum may be used in connection with the operation of the plant. Up to January 1st \$2,534 worth of serum had been sold. So far as can be learned the serum method of treating the disease of cholera has proven successful. There is every reason to believe that the plant for the manufacture of serum is going to prove to be of great value to the State.

#### SOLDIERS' ROSTER.

A recent session of the General Assembly provided for the printing of a Soldiers' Roster and that the volumes when ready for distribution should be sold at cost, the Executive Council to determine what the actual cost had been. There has been practically no demand for the books, only 119 having been sold. Four volumes are now in print and have been distributed as the law provides. Much of the material of the two remaining volumes is ready for the printer. It will perhaps require an additional appropriation of \$800 to \$1,000 to complete the work.

It is quite evident that the number of copies originally provided for was far in excess of any probable demand and it would seem that the present number of 3,000 is more than will ever be called for unless they are distributed free of cost or at greatly reduced price. I believe that with reasonable restrictions these books should be distributed as other public documents, rather than to allow them to pile up in the State's storage rooms.

## THE SOLDIERS' HOME.

The State has undertaken to make the declining years of the soldiers of the Civil War peaceful and happy by providing a home for those who by reason of health and financial circumstances may need assistance. I shall not go into details as to the Home, but trust that you will provide every means both as to quarters, equipment and supplies necessary to make the remainder of life for these heroes both comfortable and enjoyable.

## THE NATIONAL GUARD.

I am pleased to be able to report to you that the National Guard of the State is in most excellent condition. In my judgment its efficiency has never been so great as at the present time. The four regiments have been organized into a brigade and most excellent work is being done. Three of our regiments attended the maneuvers at Sparta, Wisconsin, last August and received the highest commendation from those in command. At the rifle contest at Camp Perry, Ohio, our team ranked higher than that of any other state and was only led by two of the teams of the Government service. General Logan deserves great credit for the high standing and efficiency to which he has brought the Guard. I have not found it necessary at any time during my administration to call upon the Guard to keep the peace or to protect life or property.

The Adjutant General in his report filed with me, makes recommendation as to the distribution of the soldier's roster, as to relieving from taxation stocks or bonds issued in aid of erecting Armories, and as to an appropriation for the erection of an arsenal and armory, all of which I wish to call to your attention.

## SHILOH MONUMENT.

Since the adjournment of the last session of the Legislature the National Park at Shiloh, Tennessee, was visited by a cyclone, the exact date of which was October 14, 1909, which threw down and greatly damaged the Iowa monument recently erected there. I visited the park in person in order to determine the extent of the damage so that steps might, at once, be taken to repair and re-erect the monument. It was my purpose to ask the Executive Council to use sufficient of its providential contingent fund to restore the monument, but in taking the matter up with the Secretary of War he advised me that in as much as the monument when dedicated had been turned over to the Government he would ask Congress to make an appropriation sufficient to restore it. This took the matter out of our hands and we waited for Congressional action. The appropriation was made but with the understanding that the State would reimburse the Nation for whatever amount of money is required to re-erect the structure. I therefore recommend and ask that you appropriate and put at the disposal of the Executive Council sufficient funds to meet the above requirements. It was deemed advisable that the State have a representative to see to or assist in supervising the restoration of the

monument and I designated Colonel E. E. Soper of Emmetsburg, who was chairman of the Iowa Shiloh Commission which had charge of the erection of the monument, to represent the State. There being no provision of law for meeting his expenses in connection with the work of re-erection I recommend that the appropriation be made sufficient to cover that also.

#### PUBLIC SCHOOL SYSTEM.

In the biennial report of the Superintendent of Public Instruction you will find a very full and able discussion of many questions relating to the office of the Superintendent, to the school laws of the State, and to our public school system. I shall not go into details with reference to any of these questions but refer you to the report which contains a great amount of information and many valuable suggestions. The school problem of our State is one of the very important matters which you will have to deal with and I earnestly urge upon you the necessity for giving it more than usual attention.

#### STATE BOARD OF EDUCATION.

It is not my purpose to deal at length with the State Board of Education nor the institutions under its control. I am glad to be able to say that the Board and its Finance Committee have worked together in harmony for the best interests of the institutions and that, in my opinion, the work has been planned along practical and successful lines. In the Board's published report you will find a review of what has been done and also suggestions as to future plans and needs of the various schools under control of the Board. The suggestions as to continuing the millage tax; the readjustment of salaries; the application of business methods, etc., deserve especially attention.

The decrease in attendance at the State University has been the occasion of much comment. I have made some inquiry into the cause of this decrease and find that two reasons are assigned. It is claimed by many that the existence of saloons in Iowa City is responsible for the loss of students, while others attribute it to the more stringent requirements for admittance to the school. It is your duty to ascertain the cause and unless it is something which tends to the betterment of the institution you should not hesitate to remove it.

#### BANKS.

There is little, if anything, pertaining to banks and banking that needs to be called to your attention.

The banks of the State, in general, seem to be in a very flourishing condition. There have been no failures of State or savings banks during the last two years. The Auditor's biennial report shows that there were nine hundred and fifty State and savings banks and trust companies carrying deposits of nearly \$247,000,000 reporting to the department at the end of the biennial period ending June 30, 1910. Fifteen or more



have been added to the list since that date. The laws relating to the taxing of banks have been rendered somewhat chaotic by reason of some decisions of the courts, but that should be considered with other matters of taxation.

#### INSURANCE.

The insurance laws of the State have been so recently considered by a commission and acted upon by the Legislature that I do not deem it necessary to call particular attention to them at this time. Our companies are extending and enlarging their business and the magnitude and the importance of the insurance interests of the State are constantly growing. There has been considerable demand for a fire marshal to be provided for the State at large, as is done by some of our adjoining states, and I have been inclined to look with favor upon the establishment of such an office, but must confess that I have not had sufficient opportunity to fully satisfy myself with reference to the matter. It is, however, worthy of your consideration.

#### REORGANIZE SOME DEPARTMENTS.

The last session of the Legislature devoted considerable time to the question of the reorganization and consolidation of some departments of the State Government. This is a subject that I believe can be profitably dealt with by you. In my opinion much space could be saved and better service rendered by combining a number of the minor departments, but in any event some of them need reorganizing.

Why should there be a Board of Health, a Board of Medical Examiners, a Nurses Department, and an Embalming Department, a Department of Optometry, and a Department of Vital Statistics, with separate allowances for maintaining most or all of them I cannot understand. These should be brought closer together and the Executive Head of all of them should be the man in charge of the office, which in this instance would be the man now denominated the Secretary of the Board of Health. He should be clothed with much of the power now lodged with the various boards and with him should be entrusted the duty and responsibility of enforcing the laws and rules pertaining to public health. Where an epidemic or a question pertaining to the health of a community needs investigating, he should have authority to call to his assistance physicians of the community where the trouble exists. If the Board of Health is to be continued it should be largely in an advisory capacity, but in any event the members should be paid a fixed compensation instead of a per diem and expenses. The per diem system always has been and always will be a source of abuse.

The last session of the Assembly made an allowance of nine hundred dollars for extra clerk hire in the office of the Secretary of the Board of Health. By means of increased work in that office this allowance has all been used up and it is necessary in order that the work may be properly carried on, that you at once make another appropriation of nine hundred dollars for the use of that department.

What has been said as to the Board of Health applies in some respects to the Pharmacy Commission, especially as to the necessity for the man in charge of the office being the Executive Head of the department. This board, too, should be made largely advisory and to assist in examinations. The members should be placed upon a salary instead of a per diem. I do not know that any question has arisen as to irregularities or over charges by any of the present members of the board, but the system is wrong, has been greatly abused in the past, and may be in the future if continued.

The bill introduced at the last session of the Legislature by Representative Moore, now the Secretary of the commission, was, in the main, if not in detail, a good measure and is worthy of consideration at this session.

The Board of Veterinary Medical Examiners should be made an adjunct to the State Veterinary Surgeon's Department and that official should have full charge and control of all matters now lodged with the board, except that he should have assistance in conducting examinations. That there should be a separate and distinct department with an office to be carted about the State every time a change is made in the officials of the department does not conform to good business principles.

The per diem method of compensation applies to several departments and many employees. Where the work to be done is sufficiently established for you to determine the time needed to perform it, or where it can be determined what salary should be paid to any official or employee, a fixed amount should be substituted for the per diem, and if some better method could be provided for determining the expense allowance of those entitled to charge their expenses to the State it would be desirable that a change be made.

#### DOCUMENTS AND PRINTING.

I wish again to call your attention to the fact that a careful inquiry should be made into the number of documents now being printed, so as to ascertain whether there are not many more of some kinds being provided than there is a real demand for. I am in receipt of a communication from the Secretary of State in which he says: "The storage rooms for documents is rapidly becoming filled. Large numbers of Soldiers' Roster have been packed in boxes and stored in the paper warehouse. The accumulation of these and other documents will soon fill all storage rooms at my disposal unless some method for more rapid distribution is provided by the General Assembly." I believe that the State might be saved a considerable sum of money by reducing the number of some documents and by cutting out duplicated matter appearing in different reports.

In my opinion the time has come when you should give the most serious consideration to placing all State printing and binding in the hands of the Executive Council. With the enlarged facilities of the various establishments of the State for doing the work there seems to be very little need for continuing the offices of State Printer and State Binder. The Council can very readily handle this work through the office of the Secretary who now has charge of the paper and other stock

used and must keep a constant check upon the same, while the office of the Secretary of State must check all the work done. The abolition of the offices of printer and binder might necessitate the employment of a competent man to aid in looking after the work of printing and binding, but even then it would, in my opinion, prove a great saving to the State and the work would be turned out much more promptly.

#### PUBLIC UTILITIES COMMISSION.

Two years ago I recommended to the General Assembly the creation of a Public Utilities Commission, or the enlargement of the powers of the Railway Commission so as to give it control of public utilities. I then suggested that the membership of the Railway Commission, if clothed with the powers referred to, be increased to five and that the added members be appointed by the Governor, and as the term of the present members expire their successors be appointed. I desire now to renew that recommendation and to say that, in my opinion, a commission clothed with such power and authority as is given by the laws of the State of New York or Wisconsin would prove of great benefit to the State. Added reasons are apparent almost daily why we need such a commission. No more striking example could be found anywhere than here in our Capital City. Two years ago when the Legislature had a public utilities measure under consideration one of the officials of this city is reported to have given out an interview in which he bewailed the fact that after fifteen years of effort and just at a time when the city officials had the street railway question solved, the Legislature proposed to step in and spoil the whole plan. The Legislature did nothing. You are familiar with the street car controversy and know about how near it appears to be solved. Neither the commissioners, the committee from the business men's organization, nor the citizens who are willing to spend time and money have been able to bring about a settlement. In the meantime the public suffers the inconvenience and the railway company the uncertainty of an unsettled controversy. What is needed is an unprejudiced and an unblased commission removed from local and political influences and clothed with the power and authority of the State to deal not only with the question that has been a bone of contention here in Des Moines, but to deal with the many problems constantly arising in the various cities of the State.

Then, too, the question of the regulation and control of the water power of the State should be lodged with the proposed commission. This is an important matter and one which has been very much neglected.

Nowhere does there seem to be lodged power and authority to regulate rates and character of service of telegraph and telephone companies, nor to control consolidations and physical connections of telephone property. This power should be lodged with the commission herein proposed.

That the establishment of a commission will be opposed by some corporations and by some city officials is not to be doubted. Even the press of this city which claims to favor legislation of an advanced character and to stand for progressive ideas, was most active in opposition to this most

progressive of all measures considered by the Legislature two years ago. But these things should not deter you from doing that which will inure to the best interests of the people of the cities of the State and of the State at large.

The Railway Commission, through its report, calls attention to the fact that its powers are limited as to determining what shall constitute a proper highway or farm crossing, as to railroads crossing each other and as to matters of ordinary drainage, or at least the law is indefinite. It asks for a specific declaration as to its powers with reference to these matters and I recommend that the request be granted. I wish also, to call your attention to the commission's decision of industrial rates, express rates, long and short haul and to the regulation of rates, service, etc., of telegraph and telephone companies.

#### WATERED STOCK.

The Thirty-second session of the General Assembly enacted a law to prevent the issuing of watered stock. It provides that no stock shall be issued by any corporation except for cash, unless the consent of the Executive Council is first obtained, and that no stock shall be issued unless the par value is paid in cash, or its equivalent. As to incorporating an ordinary going business the law does not seem to have worked any particular hardship, but as to promoting new corporations and especially electric railways, it evidently has proven a hindrance. The particular cause of the trouble seems to be that the law does not take into account the expense incurred before arriving at the time to issue stock nor does it take into consideration any depreciation in the sale of bonds. It is the claim of those interested in railway building that they cannot meet the requirements of the statute, and, consequently, railway construction, in this State, is practically at a standstill. It is possible that if other states and the Federal Government were to enact laws similar to our own it might, to some extent, relieve the situation, or at least this State would be placed upon an equality with other states, but until such laws are passed we seem destined to suffer a decided disadvantage.

I have called your attention to this matter in order that you may be determined whether any relief can be had without defeating the real purpose of the law and if none can be had so that you may decide whether the law shall continue unchanged to wait the hope of action by other states and by Congress.

#### PRIMARY ELECTION LAW.

One of the important matters that should receive the attention of your honorable body is that of the primary election law. It ought to be so amended as to make it absolutely fair and, so far as possible, free from opportunities for abuse. Irregularities in the name of reform are no more excusable than under any other circumstances. If charges that have been made are true there can be no question but that many delegates to the last Republican State Convention won their seats by sharp political practice either upon the part of themselves or of others. I am not

referring to any particular faction. There ought not to be any ground for such charges and a law that makes such things possible should either be amended so as to guard against them or should be removed from the statute books.

It has been freely stated that in many instances lists of primary delegates were made up by parties who were not residents of the precincts and who had no interest in the delegates chosen except to be able to secure or control their votes.

Much complaint has also been made as to methods pursued in the selection of committeemen and with regard to the printing of pasters and marking them before they were handed to the voter. The paster has always been, and, in my opinion always will be, a source of abuse. Its use should be abandoned and the names of all delegates and committeemen should be filed with the county auditor and printed upon the ballot. The same care should be exercised with regard to these matters as is exercised as to candidates for office.

The primary law conveys the idea that party lines and party organizations are to be recognized and respected. It not only makes no adequate provision for enforcing party affiliations but it affords easy opportunity for an utter disregard thereof. There can be no valid reason assigned why the law should recognize the right of any party to have its ticket printed upon the official ballot to be voted at the general election unless party lines are to be respected and maintained in the naming of candidates.

The claim that the voters of one party interfering with the naming of candidates of another party is more than mere suspicion. This is clearly shown by an analysis of the vote of Polk County at the general election in 1908 and at the primary in 1910. In 1908 President Taft received 12,555 votes and Mr. Bryan received 7,924 votes. At the primary in June, 1910, the two Republican candidates for Governor received 12,982 votes and all of the Democratic candidates for Governor received only 775 votes. In other words, 427 more Republicans voted in the primaries in Polk County last June than voted at the preceding presidential election, and 7,149 Democrats staid away from the polls or for every Republican who staid away a Democrat voted in the Republican primary. Is there any one who believes that the number of Republicans who voted at the last June primary was one hundred three and four-tenths per cent of those voting at the preceding presidential election, while the Democratic vote at the primary was less than nine and eight-tenths per cent of the presidential vote of that party?

**I do not believe that any man will contend that such a policy is either in the interests of good political morals or party integrity. It can have but one ultimate result and that is the splitting of the majority party into hostile factions and the disintegration of the minority party. I believe it to be your duty to so amend the law as to obviate this abuse.**

**Two years ago I called the attention of the Legislature to the fact that the alphabetical arrangement of names upon the ballot apparently gave an advantage to the candidates whose name came first. The Thirty-third session of the General Assembly so amended the law as to provide**

that names should be rotated upon the ballot. This doubtless had the effect of equalizing the advantages and disadvantages of the old system, but it emphasized the fact that as to candidates with which the people cannot acquaint themselves they vote with apparent blindness. This is shown by the fact that at the last primary in forty-four counties the candidate for Railway Commissioner whose name came first carried the county. In seventeen other counties the reason that the candidate whose name came first did not carry the county seems to have been due to the location of other candidates. As to the office of Superintendent of Public Instruction fifty-eight counties gave their largest vote to the candidate whose name headed the list and twenty-two other counties seem to have been effected by location of candidates. As to the office of Clerk of the Supreme Court seventy-six counties favored the candidate whose name came first upon the ballot while for the office of Supreme Court Reporter eighty-nine counties gave a majority of votes to the candidate whose name came first and in the remaining ten counties it is quite clear that seven others were effected by location, two by the fact that the candidate resided in them. It will thus be seen that for what might be termed minor State offices candidates are being nominated almost by chance and not by deliberation based upon knowledge and judgment as to fitness for the position sought. Can it be said that such results are consistent with the highest type of official service?

These results have led many to conclude that it would be wise to so amend the law as to exempt from its provision all State officers except Governor and Lieutenant Governor. There is much argument in favor of this suggestion and when divested of mere sentiment, there is not much against it.

One of the inconsistencies of the law is that we require candidates for State offices to go before the people at a primary but we select delegates to the State Convention, which may be called upon to nominate candidates for State offices, through a county convention. Were I writing a primary law I should provide that the delegates to the State Convention should be elected at a direct primary, would forbid the use of proxies and would then nominate candidates for State offices by convention, composed of the men whom the people had selected.

I am not in favor of the repeal of the primary law, but I am in favor of such amendments as will make it fair and just. That wide spread opposition exists as to the entire system there can be no room for dispute, but whether this opposition shall cease and the law become a permanent part of the statutes of our State depends upon whether it shall be freed from its many abuses and objectionable features.

Since there can be no doubt but that when the time comes for the selection of delegates to the National Convention of 1912 a question will be raised as to whether the delegates selected at the recent primaries shall constitute the county conventions to name delegates to the State Conventions which are to select delegates to the National Conventions. I deem it expedient to call your attention to the fact that much difference of opinion exists with reference thereto. Those who hold that the primary delegates chosen last year will constitute the county convention, base their conclusions upon the language of Section 1087-a25 of the Supplement to the

Code as amended, which reads: "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." While those who hold the opposite view base their conclusions upon the fact that nowhere is there any reference in the primary to anything regarding delegates to a National Convention or to the convention itself, and they further argue, that these are not subjects of legislation for the reason that the National Conventions and committees of each party determine for themselves how conventions shall be constituted and how the delegates thereto shall be chosen. Personally, I have never believed that the primary law applies in any respect to delegates to National Conventions or to anything pertaining to the selection of such delegates. I call this matter to your attention not for the purpose of making recommendation, but simply that you may determine what, if any, consideration you may care to give it.

#### INSTITUTIONS UNDER MANAGEMENT OF THE BOARD OF CONTROL.

The institutions under the management of the Board of Control demand your most careful consideration. You will find in the report of the board, recently made public, a comprehensive review and discussion of the affairs and necessities of the various institutions and I earnestly request that you make a careful study of this report.

Some of the suggestions made by the board, as well as some not referred to in the report, I desire to call to your attention. Especially would I impress upon you the necessity for a careful study of the chapter devoted to insane and epileptics. The report shows that we now have in our hospitals for insane and our institution for feeble minded children five hundred fifty-one epileptics and that there are perhaps from two to four thousand outside of any institution. It is estimated that twelve to fifteen hundred of these people might be formed into a colony and cared for by the State. That it is very desirable that those now in institutions for the insane and the feeble minded should be removed therefrom is well established and is necessary because of the crowded conditions there existing, as well as for other reasons.

I believe the time has come when our State should begin to make preparations for the care of its epileptics and I therefore recommend that steps looking to that end be taken by you. I wish also to suggest in this connection that any arrangement for the location of such a colony should, in my opinion, provide that it be located near the center of the State and where it would be easily accessible by railroad.

Under the law the superintendents or managing officers of all the institutions, except those of the penitentiary and reformatory, have the supplies for their tables provided at the expense of the State. Whatever may have caused this discrimination originally, it is now grossly unjust and should not exist. It is expected that the Board of Control and the Board of Parole, as well as other officers, when visiting these institutions will stop with the wardens. If this is done the warden must, from his own funds, bear the expense. Because of this fact the Board of Parole, at

least, has recognized the impropriety of stopping with the warden and lodges at hotels. Many demands are made upon the wardens' hospitalities which he cannot afford to meet. I recommend that the same rule which applies to furnishing the tables of the superintendents of the various institutions of the State be extended to the wardens.

There are some conditions existing at our industrial schools which in my opinion should be changed. One of the worst features which I have observed is the existence of what is known as the dormitory system, whereby a large number of girls or boys, possibly as many as thirty to fifty, in some instances, are housed in one room during the night time, and without any attendant except possibly an occasional visit by the night watch. I am advised that the reason that no attendants for night time are provided is due to lack of sufficient allowance to employ them.

I am told by those in charge of the institutions that crime and vice result from these unobserved associations. Some of our more recently erected buildings have been constructed upon the dormitory plan. I recommend that those at the Mitchellville institution be changed to the individual room plan at as early a date as is possible, and that until such time as the changes can be made, night attendants be provided for the dormitories and that attendants for the dormitories be permanently arranged for at the Eldora institution. There are reasons why the dormitory system is best at the boys' school which does not obtain as to the school for girls, but there should at all times be a watch over the boys in the night time. The reasons are quite obvious and are of such importance as to demand early consideration.

I would suggest also that as an aid to better discipline, and for the protection of the boys and girls, a method whereby the more incorrigible and vicious can be transferred from the Eldora and Mitchellville institutions to the institution at Anamosa be adopted.

In other words, I would recommend a thorough system of gradation, so far as is possible, according to age and also to conduct and habits, extending through our industrial schools and to the reformatory, keeping always in mind the fact that where it can be done it is best to put children into private families or homes.

I want also to call your attention to the advisability of reducing the maximum age limit for admittance. I believe it to be the judgment of the Board of Control and of those in charge of the Mitchellville institution that it was a mistake to advance the age at which girls should be admitted to that institution to eighteen years, and I recommend that you look carefully into this matter and satisfy yourselves as to what is best and correct the mistakes if you believe it to be a mistake.

I have given a good deal of thought and consideration to the hospital for inebriates at Knoxville, and believe it to be my duty to say to you that the results accomplished there are far from being satisfactory. I have doubted very much the wisdom of continuing the institution, and yet I am not ready to recommend that it be abolished unless provision is made for caring for some of the inmates elsewhere. I am, however, convinced that as between continuing the institution as it has been run and abolishing it and using the building and grounds for some



other state purpose, it would be wise to abolish it. It has not been an entire failure, but it has not succeeded to that degree that would justify its continuance under present methods. I have discussed the condition existing with the present superintendent who took charge the first of last October, and with members of the Board of Control, and I believe we pretty generally agree that some radical changes should be made.

At present there is great lack of ability upon the part of the superintendent to enforce regulations and to inaugurate and enforce methods which he believes to be necessary to accomplish the purpose for which the institution was created. There is absolutely no means of restraining a large part of the men. If they want to run away there is nothing to prevent them from doing so. During the last biennial period two hundred and twenty-nine men escaped, and it appears that since the institution was established, January, 1906, out of a total number of two thousand one hundred five new commitments nearly seven hundred have escaped and perhaps only about two hundred twenty-five were returned.

There is practically nothing with which to employ the time of the men, except during the farming season, and then comparatively little, so that one hundred and fifty or more who are capable of doing work and who ought to be made to work are constant loafers at the state's expense. One of the first needs of the institution is to equip it with means of furnishing employment for every man who is able to work and then clothe the superintendent with authority to require him to work. Make it an institution of correction and reformation and let every man who is sent there understand that he goes there to be disciplined and to remain until he is capable of properly conducting himself at home. This would necessitate the establishment of proper means for restraining the men, provisions for enforcing the conditions and paroles, and general enlargement of the powers of the superintendent and others in authority, but in my opinion nothing short of this will justify the continuance of the institution.

Some of the persons sent there need medical attention, perhaps when first committed most all of them do, so that it would be necessary to maintain a hospital, but a large per cent of the inmates, after the first few days or weeks, at most, are abundantly able to work and need to be thoroughly disciplined. Nothing would have a more lasting or beneficial effect upon such individuals than a few months of labor. In other words, the institution should partake both of the nature of a hospital and a reformatory. It is impossible to determine what per cent of those committed to the institution are cured. The present management does not seem to regard the published figures as being reliable, and the means of securing information are not sufficient to enable a correct conclusion to be reached.

I am recommending further along in this message the creation of a committee to which I believe this entire matter should be referred. The superintendent and the members of the Board of Control should then be asked to come before the committee, and this whole subject should be gone into carefully and thoroughly.

There has been considerable demand, ever since the establishment of the Board of Control, to have the schools for the blind and deaf classed with the educational institutions. In view of the recent establishment of a State Board of Education with a finance committee which devotes all of its time to the institutions and also because of the enormous amount of work devolving upon the Board of Control, I am strongly impressed with the idea that it would be wise to transfer these schools to the care of the State Board of Education.

I have discussed the advisability of this transfer both with the Board of Control and the finance committee of the State Board of Education, and while the former would, perhaps, not recommend the transfer, it does not oppose it, and the latter body is ready and willing to accept the control of the two schools referred to if the transfer is deemed by you to be advisable.

#### GENERAL OBSERVATIONS.

There are a few general observations which I desire to make as to matters pertaining to the Board of Control and its affairs. First, let me say that when the board was created the law provided that the term of office of the members should expire in April of the year in which the sessions of the legislature were held. At that time the sessions were held in the even numbered years. When they were changed to the odd numbered years and no change was made in the terms of the members of the board, it left them to expire one year after the adjournment of the legislative session. I recommended a restoration of the original custom except that it would perhaps be better to make the term expire at the end of the fiscal year, June 30, instead of in April. In order to accomplish this, I would recommend that the present term of each member of the board be extended one year, so that they, too, will expire in the odd numbered years, 1913, 1915, etc.

It is my opinion also that the law as to confirmation should be changed so as to provide that only a majority of the Senate, instead of two-thirds, might be required.

Under the present method seventeen members of the Senate can defeat the will of the remaining thirty-three members and of the Executive, which belittles rather than dignifies the importance of confirmation.

I believe that greater good and more satisfactory results would be obtained if a recess committee were provided for, which committee would have authority to visit, inspect and investigate all of the state institutions between sessions of the legislature and be ready to report when the General Assembly convenes, than to continue the present junket system. I would require the Board of Control to make up its report and file its estimates in such time that the committee could thoroughly study and investigate them before the legislature convenes. It might be wise also to permit the committee to visit the institutions of other states for the purpose of making comparison and gaining information.

I believe, too, that a study of the cause and prevention of insanity, epilepsy, criminality, etc., should be entered upon scientifically by some competent and properly constituted body or committee with a view to preventing as well as caring for or curing diseases and diseased.

Before leaving this subject I want to recommend a thorough and careful review and study of the laws governing the Board of Control and of the methods in vogue. It would seem that in some instances the Board has regarded the provisions of the law as scarcely workable and has adopted methods not easily reconciled with the statute. Especially does this appear to be true as to the manner of purchasing goods and awarding contracts. If the law is not easy of application or is defective, it should be amended, but if not so amended it should be strictly complied with. One of the things complained of to me is that of a lack of publicity of information as to prices paid for goods and the sources from which purchased, the board having held that this information should be kept from the public, assigning as a reason that by so doing it has been able to get concessions by way of prices. While this may be true, it can scarcely be denied that such a course might also be used as a cloak for wrong doing, and it would be difficult to assign any very good reason why the state should expect to receive any better prices than individuals or firms who handle an equal amount of goods or wares. I believe that the plan which is safest and least open to criticism is to let the public know what its officials are doing, and this can best be done by a reasonable amount of publicity, or at least by furnishing information on request.

In my opinion some of the institutions have an unnecessary amount of money invested in supplies, other than provisions. In some instances numerous articles are found in the storerooms that apparently will not be needed for many months or even years. While the amount of money thus tied up may not be large, it, nevertheless, would seem to me to be wise for the Board of Control to require the steward of each institution to furnish a complete inventory of everything on hand, if such information is not already in the board's possession, and where a surplus of anything is found to exist and will not be needed within a reasonable time, transfer it to some other institution where needed, giving proper credit therefor.

During the last session of the legislature a special committee from the House to investigate the hospitals for insane was created. In view of the general tendency in that direction, as well as by reason of the unusual amount of criticism and comment during the last year, there is little doubt but there will be a disposition to inquire more closely into institution matters this session than previously. If any investigation is undertaken it should be by an unprejudiced and unbiased committee, whose purpose should be to ascertain the real condition of affairs for the betterment of the institutions themselves. Then, too, there are many matters which the board will want to present which have a bearing on its work generally as relates to a number of institutions under its control. The House has various committees on the different institutions under the management of the Board of Control, but the Senate has not. I there-

fore suggest that a committee of small membership from each house be appointed to consider Board of Control matters; that the committees be empowered to act jointly and to hear all matters which the board may wish to present to it, and may also inquire into or investigate any board or institution affairs that it may deem proper. Such a committee, if provided for, should be named in the same manner as other regular committees, so that the presiding officers can exercise the greatest freedom in determining who are proper parties to serve upon such a committee.

#### BOARD OF PAROLE AND INCREASE IN PRISON POPULATION.

A study of the report of the Board of Control and of the Board of Parole will disclose the fact that our prison population has increased quite materially since the establishment of the latter board. The average number of prisoners at Fort Madison for the last biennial period was 487, as against 443 for the preceding period, and at Anamosa it was 437, as against 354, or an average increase in the two institutions of 127.

The number of prisoners received at the two institutions during the last biennial period was only 803, as against 843 for the preceding period. It seems quite clear, then, that the increased average daily number of prisoners in the two institutions is not due to increase in crime, but to the lengthening of the time of service occasioned by the operation of the new law creating the Board of Parole and providing for an indeterminate sentence. No doubt this lengthening of term of service applies in greater degree to those having previously served in prison than to first term men, but as to this there are no figures obtainable. I am in full sympathy with the Board of Parole and indeterminate law, but I would so amend it as to lodge more discretion with the board and afford better opportunity for observing the conduct of paroled men so that greater clemency might safely be extended.

At present the Board is only allowed compensation for not to exceed one hundred days in each year. I believe the time has arrived when the members of the Board should be put upon a salary and their entire time should be required in the performance of their official duties. If this be done, in addition to having much more time to devote to the work now done by the Board, I believe that the members could also look after the paroled men, both as to securing employment and observing their conduct, thus obviating the necessity for a parole agent.

Furthermore, I would repeal that provision of the law requiring applications for pardon or parole of prisoners who have been found guilty of murder in the first degree to be submitted to the legislature, leaving the Governor to act independently, or I would confer the power now lodged with the legislature upon the Board of Parole, as I believe that every one of you who has ever served upon the committee of pardons will bear me out in the statement that within the short time of your sessions and the time you have to devote to investigations and hearings it is wholly impossible for you to so acquaint yourselves with the facts and circumstances as to be able to intelligently pass upon applications. Then,

too. applications from this class of prisoners must wait until the meetings of the legislature, thereby giving only three months in two years for considering such cases, whereas, the Board could hear them at any time.

I think, also, that there are some classes of crimes where the maximum limit of punishment might be thrown off and leave it to the discretion of the Board as to the length of service. I am strongly in favor of exercising a great degree of clemency with first offenders, where the family history and all the circumstances are well and favorably known, but I am likewise a believer in severe punishment for the habitual criminal. Possibly the following is a suggestion which you will not be prepared to receive, and I may be called an extremist in suggesting it, but I believe the time is coming when neither courts nor legislatures will concern themselves with the length of time of service of criminals, except as to those guilty of murder. Legislatures will determine the character of crimes for which criminals shall be committed to a prison. Courts will determine the question of guilt, and Boards of Parole and Pardon will determine how long the convicted should be incarcerated. In other words, the Board of Parole will become a branch of the court. This I believe to be the ultimate and proper sphere of a Board of Parole, when the system reaches a degree of greater development and perfection.

The work of establishing a reformatory at Anamosa has only been fairly begun. While I have no desire to criticise what has been done, there is no question but that it should be extended. Men who are sent out from the institution ought to be able to take up some regular line of work, and the fact that they are not able to do so makes it difficult for employment to be found for many of them, and where men are not able to secure employment there is much greater danger that they will go wrong. Our institution is much behind those of some other states in respect to the training given the men at the reformatory, and I do not deem it necessary to more than call your attention to this matter.

The question of providing a means whereby a part of the earnings of each prisoner may be used for the support of those dependent upon him is of vital importance, as many women and children are left as objects of charity and often to suffer severely by reason of having no one to assist in their support. Where there is no one dependent upon the prisoner the fund might be allowed to accumulate and be turned over to him at the time of his release to assist him in getting started. I, however, seriously question the wisdom of turning money over to a prisoner to be used upon himself while in prison.

The Board of Parole has recently made public its first printed report of its doings and transactions, and I respectfully direct your attention to it, as it will furnish much valuable information.

#### PARDONS, PAROLE, ETC.

As soon as the report can be put into published form there will be laid before you in detail information with reference to pardons, suspensions, restorations, commutations and remissions covering the period of my ad-

ministration, but for your present information I will say that fourteen pardons have been granted by me, one of which was upon recommendation of the Thirty-third General Assembly and nine upon recommendation of the Board of Parole. I have paroled from the penitentiary and reformatory twenty-six persons, one of which was upon recommendation of the Board of Control and nineteen upon recommendation of the Board of Parole. Seventy jail sentences have been suspended by me. I have restored to citizenship, upon recommendation of the Board of Parole, seventy-nine persons, and upon my own initiative thirty-four, making a total of one hundred and thirteen. I have revoked the parole of six persons who had been released from the penitentiary and reformatory, and have, likewise, revoked the suspension of sentence of four individuals who had been released from county jails. One prisoner has had his sentence commuted by me upon my own initiative and six upon recommendation of the Board of Parole. I have remitted twenty-two fines and two forfeitures.

#### BETTER HIGHWAYS.

The question of better roads has received more than usual attention during the last year. Many meetings have been held in various parts of the state and great interest has been taken in the matter of road building. Many of the highways of the state have become models of dirt roads, and with constant attention I believe can be kept so most of the year. Especial consideration has been given to what is known as the River-to-River Road, connecting Council Bluffs with Davenport and following generally the line of the Rock Island Railroad, and to the transcontinental road between Council Bluffs and Clinton and following the general course of the Northwestern Railroad. And now it is proposed to establish a route through the southern part of the state to be known as the Blue Grass Road, and connecting Council Bluffs with Fort Madison. Also one in the north part of the state, to be called the Hawkeye Route, connecting Dubuque and Sioux City. Perhaps the best and most scientifically constructed highway to be found in the state is that connecting Montezuma, Malcolm, Brooklyn and Grinnell, in Poweshiek county. It is built by contract out of the one-mill levy extended by the Board of Supervisors.

I believe that some legislation is needed with regard to highway construction and maintenance. I would clothe the Board of Supervisors with power to employ a competent engineer to work under the direction of the Board. I would abolish the office of county surveyor and have the duties now devolving upon him performed by the engineer. As a special fund to be used for dragging the roads, I would set aside one-quarter or one-third of the taxes collected for road purposes and to be expended by the trustees, and would forbid its use for any other purpose than that of dragging. Then it should be provided that the work of road building should be done before the fall of the year, when to work the roads, except to drag them, means to put them in condition often almost impassable during the winter and spring months.

One of the just sources of criticism regarding the expenditure of road funds is that too much of the money collected for road purposes is invested in heavy and costly machinery which is unnecessary in the care

of the roads. Some such machinery is needed, but too much is simply a waste of funds. I urge upon you careful consideration of the question of better highways. I do not, however, recommend an increase in the levy for road purposes, but the adoption of means whereby better results can be had from the income from the present levy.

If hundreds of miles of roads can be put in shape and kept up on the present levy, why cannot many thousands of miles be so kept if proper attention and care is exercised?

The question of state aid in the building of highways has been a subject of much discussion. I am not opposed to state aid, but it is well to consider where the money to be offered by the state is to come from. Some people discuss the question of state aid as though the state had unlimited means, derived elsewhere than from the taxpayers. At present more than fifty-three per cent of all the money expended by the state comes from the three and three-tenths mills levy for state purposes. It scarcely needs to be suggested that to offer any considerable amount in aid of road building would mean an increase in the levy for state purposes unless there are other means provided for raising the funds. A few years ago, when the primary election law was enacted, it contained a provision that the state should pay one-half of the expense of holding the primary. It only required one election to show the people that the money the state paid to the counties it first collected from them. The law was repealed at the first session of the legislature following its enactment. If the people of the counties want to contribute to the state in order that the state may turn the funds back to them by aiding in the construction of highways, I do not object, but I only wish to recommend such use of the funds now provided for as will, in my judgment, bring about better and more satisfactory results.

It is well here, also, I think, to say that the use of wide-tired wagons has proven a great aid to the keeping of highways in better condition. It has been suggested that after a given time none but wide-tired wagons be permitted for hauling heavy loads along the public roads. This is a suggestion that is worthy of your consideration.

I believe that the road laws of the state should be re-written in order that they may be simplified and brought together in one continuous enactment.

#### FISH AND GAME.

The last session of the General Assembly enacted a law providing that all persons desiring to pursue the pastime of hunting in the state should procure from a county auditor of some county of the state a license, for which an annual fee of one dollar should be paid. The fees derived from the sale of the licenses were to be forwarded to the treasurer of the state and were to constitute a fund to be known as the "Fish and Game Protection Fund," which should be used for the protection and propagation of fish and game and for the care and preservation of the lakes. An unexpectedly large amount of money was received in this fund, which for the first year amounted to \$107,798, and since July 1, 1910, \$68,293 has been received. There were in the treasury January 1st of this year \$121,823.21 to the credit of this fund.

The remainder of the fund collected has been expended in maintaining the Fish and Game Department, in the employment of deputies, in the care and preservation of the lakes, and in the protection and propagation of fish and game.

I am advised by the State Fish and Game Warden that since the fund above referred to was created he has had placed in the lakes of the state more than 300,000 game fish of adult size, and has seined from ponds and bayous of the state and placed in the streams more than 1,000,000 fish of varying sizes; that he has bought and had distributed over the state for hatching 6,500 ring-necked pheasant eggs and has bought and placed with farmers and others for breeding purposes 1,800 pheasants; that he has established in the state two small game farms, one in Pottawattamie county and one in Blackhawk county, and that he has contracts for delivery between December 15th last and the 1st day of March 10,000 Hungarian partridges, which are to be distributed over the state.

It is his purpose to continue his efforts until, if it is possible, the state may be thoroughly stocked with game birds of the varieties above named and the lakes and streams of the state may be well supplied with fish.

#### LAW OBSERVANCE.

Two years ago, when I delivered my inaugural address, conditions in the state were such that it seemed not only appropriate, but necessary, that I emphasize the necessity for better observance of the laws of the state, especially the laws relating to the sale of intoxicating liquors.

The General Assembly then in session enacted a number of statutes the purpose of which was to secure a better observance of law and also better and cleaner official service. While there has been much criticism of this legislation, there is no doubt but that it has resulted in bringing about better service upon the part of otherwise lax officials and has secured a better observance of laws in general. In my opinion the liquor laws of the state are better enforced today than they have been at any time in recent years.

#### THE DEATH OF SENATOR DOLLIVER.

The state was greatly shocked at the news of the death of Senator Dolliver, which occurred on the evening of the 15th day of October last, at his home in Fort Dodge. At the time of his death he was representing our state as its senior member in the United States Senate, and his death caused a vacancy which I have filled by the appointment of Hon. Lafayette Young. As you are aware, his appointment lasts only until your honorable body fills the vacancy or adjourns without filling it.

There has been much talk about the legislature's withholding action on the matter of electing a senator and providing for a special primary, so that the people may express their preference with reference thereto. The law clothes you with all the authority necessary to act and enjoins upon you the responsibility of filling the vacancy, and I trust that you will do so in due time.



## REFERENCE DEPARTMENT.

I have found the reference department, under the supervision of Mr. A. J. Small, of the Law Library, to be of great value in the study of new laws and in securing current information upon any subjects pertaining to the affairs of the different states, and especially legislation proposed or enacted by them. I desire to in this manner commend the work that has been done and to recommend that provision be made for its continuance and extension.

President Clarke 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 8, A. D. 1910, and announced as teller on the part of the Senate, Senator Savage of Adair and as assistant tellers, Senators Malmberg of Jasper and Webber of Wapello.

Speaker Stillman announced as teller on the part of the House, Representative Beebe of Franklin, and as assistant tellers, Representatives Smith of Decatur and Hayes of Montgomery.

The President further announced that in accordance with the statute, Tellers Senator Savage and Representative Beebe 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 Tuesday, November 8, 1910.

The tellers reported as follows:

HALL OF THE HOUSE OF REPRESENTATIVES,  
DES MOINES, IOWA, JANUARY 10, 1911.

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 November 8, 1910, beg leave to make the following report of the total vote cast for Governor:

	VOTES.
Beryl F. Carroll received.....	205,678
Claude R. Porter received.....	187,353
A. MacEachron received .....	10,248
John M. Work received.....	9,685
<b>Total .....</b>	<b>412,964</b>

And of the total vote cast for Lieutenant Governor at the election held November 8, 1910:

	VOTES.
George W. Clarke received.....	208,586
Parley Sheldon received.....	164,195
M. M. Dickson received.....	8,946
John B. Walton received.....	9,467
Total .....	391,194

All of which is most respectfully submitted.

A. C. SAVAGE,

N. W. BEEBE,

*Tellers.*

Report adopted.

Speaker Stillman 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 received the highest number of all votes cast for Lieutenant Governor duly 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 Clarke 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, IOWA, JANUARY 10, 1911.

This is to certify that upon a canvass in joint convention of the two houses of the Thirty-fourth General Assembly of the State of Iowa of the votes cast at the general election held November 8 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 10th day of January, A. D. 1911.

GEO. W. CLARKE,

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

PAUL E. STILLMAN,

*Speaker of the House.*

A. C. SAVAGE,

*Teller of the Senate.*

N. W. BEEBE,

*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, IOWA, JANUARY 10, 1911.

This is to certify that upon a canvass in joint convention of the two houses of the Thirty-fourth General Assembly of the State of Iowa of the votes cast at the general election held November 8, 1910, 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 10th day of January, A. D. 1911.

GEO. W. CLARKE,  
*President of the Senate and President of the Joint Convention.*

PAUL E. STILLMAN,  
*Speaker of the House.*

A. C. SAVAGE,  
*Teller of the Senate.*

N. W. BEEBE,  
*Teller of the House.*

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

Senator Hunter of Woodbury 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 Clarke named as such committee, Senator Hunter of Woodbury, Representative Speer of Warren.

The minutes of the joint session were read and approved.

On motion of Senator Gilliland of Mills, the joint convention was dissolved.

Motion prevailed.

The Senate returned to the Chamber and resumed its sitting.

The following named Committee Clerks appeared before the bar of the Senate and were duly sworn:

Louie Byram, Senator Garrett.

Grace Burlingham, Senator Hoyt.

John Loftus, Senator Schrup.

Terence Craig, Senator Balluff.

Jessie Rinabarger, Senator McColl.

Genevieve Parshall, Senator Parshall.

Maude Glynn, Senator Bennett.  
 Luella Mendenhall, Senator Van Law.  
 W. A. Patterson, Senator Proudfoot  
 Edith Alderman, Senator Fitchpatrick.  
 Stella Snider, Senator Adams.  
 Grace Bingham, Senator Sammis.  
 Etha Dawson, Senator Neal.

Leonard Donahue appeared before the bar of the Senate and was duly sworn as messenger.

Senator Sullivan of the Joint Committee 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 12, 1911.

James A. Smith, President pro tem. of the Senate, will preside.

The following program has been arranged for the afternoon:

Music by T. Fred Henry's Orchestra.

Calling to order by President pro tem. James A. Smith.

Invocation, Rev. J. W. Abel, Des Moines, Ia.

Selection by orchestra.

Selection, Iowa Ladies' Quartette—Grace Jones Jackson, Daisie Blinkley, Genevieve Wheat Ball, Frederika Gerhardt Downing.

Cornet solo, T. Fred Henry.

Administration of oath of office to Lieutenant Governor Geo. W. Clarke and Governor B. F. Carroll, elect, by Chief Justice John C. Sherwin.

Inaugural address.

Selection, Iowa Ladies' Quartette.

Music by orchestra.

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

#### EVENING PROGRAM. PUBLIC RECEPTION.

The Capitol Building will be open between the hours of 8 P. M. and 11 o'clock P. M. on Thursday, January 12, 1911, 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 band, for which the following program has been arranged:

#### EVENING CONCERT BY HENRY AND HIS ORCHESTRA.

Grace Jones Jackson.....Soprano  
 Lela Beckman Bates.....Harpist  
 T. Fred Henry.....Conductor

March—Our Own Iowa.....Henry  
 Overture—Jubel .....Weber  
 Infamatus from Stabat Mater.....Rossini

Grace Jones Jackson.

Songs of Our Nation.....Bendix  
 Cornet solo—The Holy City (by request).....Adams

T. Fred Henry.

Harp solo—Cavaleria Rusticana.....Mascagni

Lela Beckman Bates.

Operatic Gems .....Hoschna

INTERMISSION.

Charge of the Rough Riders.....Luders

Vocal solo—Song of the Soul.....Breil

(a) The Blue and Gray Patrol.....Balby

(b) The Whistler's Serenade.....Perry

Overture—Raymond .....Auber

Airs of All Nations.....Hollinson

Songs of the Day.....Lampe

Finale—Corn Exposition March.....Henry

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

Respectfully submitted,

JOHN B. SULLIVAN,

EDWIN H. HOYT,

SAMUEL W. NEAL,

ARTHUR C. SAVAGE,

JOHN L. WILSON,

NICHOLAS J. SCHRUP,

*On the Part of the Senate.*

WILBERT S. FRALEY,

WILFRED P. DAWSON,

ANDREW C. RIPLEY,

FRANK S. SHANKLAND,

FRANCIS J. TAYLOR,

CHARLES ESCHER, JR.,

*On the Part of the House.*

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

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 11, 1911.

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

Prayer was offered by the Rev. Father J. F. Nugent of Des Moines, Iowa.

## INTRODUCTION OF BILLS.

By Senator Parshall, Joint Resolution No. 1, proposing the ratification of the Sixteenth Amendment to the Constitution of the United States.

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

## JOINT RESOLUTION NO. 1.

Proposing the ratification of the Sixteenth Amendment to the Constitution of the United States:

WHEREAS, Both Houses of the Sixty-first Congress of the United States of America, at its first session, by a constitutional majority of two-thirds thereof, made the following proposition to amend the Constitution of the United States of America in the following words, to-wit:

“A joint resolution proposing an amendment to the Constitution of the United States.

“*Resolved*, By the Senate and House of Representatives of the United States of America, in Congress assembled (two-thirds of each House concurring therein), that the following article is proposed as an amendment to the Constitution of the United States, which, when ratified by the Legislatures of three-fourths of the several states, shall be valid to all intents and purposes as a part of the Constitution, namely, Article XVI. The Congress shall have power to lay and collect taxes on incomes, from whatever source

derived, without apportionment among the several states, and without regard to any census or enumeration." Therefore, be it

*Resolved*, By the Senate and House of Representatives of the State of Iowa, that the said proposed amendment to the Constitution of the United States of America be, and the same is hereby, ratified by the General Assembly of the State of Iowa; and, further be it

*Resolved*, That certified copies of this Joint Resolution be forwarded by the Governor of this state to the Secretary of State at Washington and to the presiding officers of each House of the National Congress.

Senator Hunter of the joint committee appointed to inform the Hon. B. F. Carroll and Hon. George W. Clarke of their election submitted the following report and moved its adoption:

REPORT OF JOINT COMMITTEE OF JOINT CONVENTION TO INFORM HON.  
B. F. CARROLL AND HON. GEORGE W. CLARKE OF THEIR ELECTION.

MR. PRESIDENT AND MR. SPEAKER—As a committee appointed at the joint session to inform the Honorable B. F. Carroll and Honorable 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 that he was ready to enter upon the duties of his office.

ROBERT HUNTER,  
*On the Part of the Senate.*  
GEO. W. SPEER,  
*On the Part of the House.*

Passed on file.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

CONCURRENT RESOLUTION.

Relative to taking a recess of the General Assembly from January 12 to January 17.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate Concurrent Resolution relative to adjournment from January 12th to January 17th.

Passed on file.

Senator Adams offered the following motion:

I move that there be added to the standing committees of the Senate a Committee on Board of Control and Its Institutions, the number to be determined by the Lieutenant Governor and the appointments to such committee to be made by him.

Laid over.

## INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 8, a bill for an act to create a State Highway Department, and to establish a State Highway Commission and the office of State Highway Engineer; prescribing the duties of each and fixing the compensation of said State Highway Engineer; authorizing state aid for the establishment, construction, maintenance and repair of public highways and bridges; creating a fund therefor; authorizing the receipt and application of donations and appropriations for such purpose, and prescribing procedure for counties to secure state aid, and to repeal Section Twenty-six Hundred Seventy-four-f (2674-f), Supplement to the Code 1907, and to repeal all acts in conflict with this act.

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

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the Joint Committee on Inauguration.

C. R. BENEDICT,  
*Chief Clerk.*

On request of Senator Chapman, leave of absence was granted him until Tuesday morning.

On request of Senator Balluff, leave of absence was granted him until Tuesday morning.

Senator Bennett, from the Joint Committee on Extra Help for the Thirty-fourth General Assembly, submitted 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-fourth 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,

T. W. BENNETT,

S. W. NEAL,

D. C. CHASE,

F. J. LUND,

FRANK SHANKLAND,

C. W. MILLER.

SENATE JOINT RESOLUTION NO. 2.

Joint resolution relating to the selection of additional employes of the Thirty-fourth 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 the following named persons, I. F. Hodson, H. A. King, J. C. Smith, Fred Johnson, J. Q. Jordan, George Thomas, Edwin Conrad, B. I. Kinsey, Tony Thompson, D. A. Winchel, J. H. Hensal, H. H. Baldwin, to be designated as assistants to the Custodian, whose duties shall be designated by him, and whose salary shall be seventy dollars per month.

SEC. 2. The Secretary of State is hereby authorized and directed to appoint J. E. Whipple and I. O. Pickett for service as clerks in the document department at a salary of seventy dollars per month.

SEC. 3. The Secretary of State is hereby authorized and directed to appoint J. H. Stewart and J. E. Winder for service in the document room at a salary of seventy dollars per month.

SEC. 4. The Secretary of the Executive Council is hereby authorized and directed to appoint L. L. Couse for service in the supply department at a salary of seventy dollars per month.

SEC. 5. The Custodian is hereby authorized and directed to appoint three experienced elevator tenders at a salary of sixty dollars per month.

SEC. 6. J. R. White is hereby appointed mail carrier.

SEC. 7. The Librarian is hereby authorized and directed to appoint a competent stenographer for service in the library at a salary of sixty dollars per month.

SEC. 8. The Speaker of the House is hereby authorized and directed to appoint Harry Marshall and Milton Childs for service as pages in the House at a salary of forty-five dollars per month.

SEC. 9. The President of the Senate and the Speaker of the House are each authorized to appoint a page for service as telephone messenger at a salary of forty-five dollars per month.

SEC. 10. The Curator of the Historical Building is hereby authorized and directed to appoint Mrs. William Coalson for service as matron in the Historical Building at a salary of sixty dollars per month, two assistant janitors for service in the Historical Building at a salary of sixty dollars per month.

SEC. 11. The Custodian is hereby authorized and directed to appoint C. H. Comley as assistant janitor in the cloak rooms at a salary of sixty dollars per month.

SEC. 12. 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 to exceed two weeks after adjournment of the Thirty-fourth General Assembly.

The joint resolution was read a first and second time.

Senator Bennett asked unanimous consent to take up for consideration Joint Resolution No. 2.

Consent granted.

#### THIRD READING OF BILLS.

Senate Joint Resolution No. 2 was taken up and considered.

Senator Bennett moved that the rule by which this bill shall be read a second and third time the same day be suspended.

Carried.

The Joint Resolution was read for information.

Senator Bennett moved that the rule 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Chase, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber—36.

The nays were:

Parshall—1.

Absent or not voting:

Balluff, Brown, Clarkson, Cowles, DeWolf, Gilliland, Hunter, McCulloch, Quigley, Sammis, Smith of Mitchell, White, Wilson—13.

So the Joint Resolution, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

On request of Senator Dunnegan, leave of absence was granted him until Tuesday morning.

On request of Senator Clarkson, leave of absence was granted him until Tuesday morning.

On request of Senator Gates, leave of absence was granted him until Tuesday morning.

On request of Senator Fitchpatrick, leave of absence was granted him for the remainder of the week.

On request of Senator McColl, leave of absence was granted him until Tuesday morning.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the report of the Joint Committee on Extra Help.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

Concurrent Resolution relative to the inauguration of Governor and Lieutenant Governor.

Passed on file.

The following Committee Clerks appeared before the bar of the Senate and were duly sworn:

Annie C. White, Senator Chase.  
Ivy M. Mayturn, Senator Chapman.  
Winnie Hickson, Senator McCulloch.  
M. L. Sweeney, Senator Smith of Mitchell.  
Leon Carpenter, Senator Smith of Shelby.

Senator Smith of Mitchell moved that the Senate do now adjourn until 1:30 P. M. tomorrow.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 12, 1911.

Senate met in regular session at 1:30 P. M., President Smith presiding.

Prayer was offered by the Rev. James P. Burling of Des Moines, Iowa.

On request of Senator Wilson, leave of absence was granted Senator Taylor for the day.

On request of Senator Larrabee, leave of absence was granted Senator Cowles for the day.

On request of Senator Mattes, leave of absence was granted Senator Saunders for the day.

## INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 9, a bill for an act to abolish the offices of State Printer and State Binder, to provide for the State printing and binding by the competitive contract system, to repeal Sections One Hundred and Seventeen (117) and One Hundred and Eighteen (118) and to enact substitutes therefor, and to amend Sections One Hundred and Nineteen (119), One Hundred Twenty-seven (127), One Hundred Twenty-nine (129), One Hundred Thirty (130), One Hundred Thirty-three (133), One Hundred Thirty-eight (138), One Hundred Thirty-nine (139), and One Hundred Forty-one (141) of the Code and the law as it appears in Section One Hundred Sixty-five (165) and One Hundred Sixty-eight (168), Supplement to the Code, 1907, relative to State Printer and State Binder, and State printing and State binding.

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

By Senator Sammis, Senate File No. 10, a bill for an act providing limitations for the commencement of actions relative to real property, additional to Chapter Two (2), Title Eighteen (XVIII) of the Code.

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

By Senator Quigley, Senate File No. 11, 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.

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

By Senator Sullivan, Senate File No. 12, a bill for an act to repeal Section Sixteen (16), Chapter Fourteen (14) of the acts of the Thirty-third General Assembly, and enact a substitute therefor, relating to the enticing away of children, and providing a penalty for the violation thereof.

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

By Senator Sullivan, Senate File No. 13, a bill for an act to prohibit persons, partnerships, or corporations, owning or operating street car systems, from using or operating any cars, with a side running board unless the same shall be provided with a center aisle or passageway of not less than two feet, running the entire length of such car, and fixing a penalty for the violation thereof.

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

By Senator Sullivan, Senate File No. 14, a bill for an act to amend Section 227 of Code, relating to the division of the State into judicial districts, and increasing the number of district judges in the Ninth District.

Read first and second time, and referred to Committee on Congressional and Judicial Districts.

By Senator Sullivan, Senate File No. 15, a bill for an act to amend the law as the same appears in Section 303-a of the Supplement to the Code of 1907, relating to the appointment and compensation of assistants to the County Attorney.

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

By Senator Sullivan, Senate File No. 16, a bill for an act to amend the law as the same appears in Section 308 of the Supplement to the Code of 1907, relating to the compensation of County Attorneys.

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

By Senator Sullivan, Senate File No. 17, a bill for an act to amend Section 2010 of the Code relating to the deposit and acceptance of money in case of an award under condemnation proceedings.

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

By Senator Sullivan, Senate File No. 18, a bill for an act repealing Section 1, Chapter 52, of the acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this State, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof.

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

By Senator Sullivan, Senate File No. 19, a bill for an act to repeal Section 4854 of the Code, and enact a substitute therefor, relating to the uttering of forged instruments and providing a penalty therefor.

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

Senator Allen of Jefferson from the Committee 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-fourth General Assembly entitled to mileage as follows:

	MILES	AMOUNT
Lieutenant Governor Clarke.....	44	\$ 2.20
Senator Adams .....	306	15.30
Senator Allen (Pocahontas) .....	206	10.30
Senator Allen (Jefferson) .....	234	11.70
Senator Ames .....	214	10.70
Senator Balkema .....	480	24.00
Senator Balluff .....	350	17.50
Senator Bennett .....	220	11.00
Senator Brown .....	174	8.70
Senator Chapman .....	370	18.50
Senator Chase .....	140	7.00
Senator Clarkson .....	136	6.80
Senator Cowles .....	336	16.80
Senator Crow .....	300	15.00
Senator DeWolf .....	210	10.50
Senator Dunnegan .....	334	16.70

	MILES	AMOUNT
Senator Fitchpatrick .....	70	3.50
Senator Francis .....	358	17.90
Senator Garrett .....	300	15.00
Senator Gates .....	300	15.00
Senator Gilliland .....	326	16.30
Senator Hammill .....	286	14.30
Senator Hoyt .....	300	15.00
Senator Hunter .....	460	23.00
Senator Jewell .....	450	22.50
Senator Larrabee .....	172	8.60
Senator Legel .....	320	16.00
Senator McColl .....	54	2.70
Senator McCulloch .....	174	8.70
Senator McManus .....	422	21.10
Senator Malmberg .....	70	3.50
Senator Mattes .....	290	14.50
Senator Neal .....	230	11.50
Senator Parshall .....	432	21.60
Senator Proudfoot .....	40	2.00
Senator Quigley .....	540	27.00
Senator Ream .....	128	6.40
Senator Sammis .....	380	19.00
Senator Saunders .....	284	14.20
Senator Savage .....	120	6.00
Senator Schrup .....	509	25.45
Senator Smith (Mitchell) .....	344	17.20
Senator Smith (Shelby) .....	228	11.40
Senator Spaulding .....	110	5.50
Senator Stuckslager .....	310	15.50
Senator Sullivan .....	..	.....
Senator Taylor .....	254	12.70
Senator Van Law .....	150	7.50
Senator Webber .....	200	10.00
Senator White .....	196	9.80
Senator Wilson .....	470	23.50

W. S. ALLEN,  
JOHN HAMMILL,  
E. L. CROW.

On the question, "Shall the report be adopted?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chase, Crow, Francis, Garrett, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Webber, Wilson—33.

Absent or not voting:

Balluff, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, McColl, Saunders, Savage, Spaulding, Stuckslager, Taylor, White, McCulloch—17.

So the report of the committee was adopted.

Senator Francis from the Committee on Assignment of Committee Rooms submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee on the Assignment of Committee Rooms, having had the subject under consideration, hereby report and recommend the following assignments, adopting and reaffirming the assignment of committee rooms of the Thirty-third General Assembly:

	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.		9 a. 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.

Respectfully submitted,

L. E. FRANCIS,  
JOHN F. WEBBER,  
JOHN B. SULLIVAN.

Adopted.



## MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

## CONCURRENT RESOLUTION.

Endorsing the city of New Orleans, Louisiana, as the logical point, and asking our Representatives in Congress to vote for the location of the World's Panama Exposition in said city.

C. R. BENEDICT,  
*Chief Clerk.*

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 amended and passed the following Joint Resolution, in which the concurrence of the House was asked:

## SENATE JOINT RESOLUTION NO. 2.

Relating to the selection of additional employes of the Thirty-fourth General Assembly, fixing their compensation and defining their duties.

C. R. BENEDICT,  
*Chief Clerk.*

A 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 the 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.

The Senate proceeded to the House.

## JOINT CONVENTION.

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

On roll call the following members responded:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Edmunds, Ellis, Enger, Escher, Fletcher, Francis, Fry, Garrett, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs,

Jacobson, Jewell, Krebill, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McCulloch of Wayne, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque; Milton, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Sullivan, Taylor of Union, Townsend, Van Camp, Van Law, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker.—127.

The following members were absent:

Balluff, Brockway, Chapman, Clarkson, Cowles, Dunne-gan, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fulton, Gates, Hamilton, Johnson, Klay, Koontz, Kull, McColl, McCullough of Dubuque, McManus, Moore, Murtagh, Penn, Saunders, Savage, Stoddard, Stuckslager, Taylor of Appanoose, Webber, White of Benton.—31.

President Smith declared a quorum of the members present in the Joint Convention.

The following program was carried out:

Music by T. Fred Henry's orchestra.

Calling to order by President pro tem. James A. Smith.

Invocation, Rev. J. W. Abel, Des Moines, Iowa.

Selection by orchestra.

Selection by Iowa Ladies' Quartette, Grace Jones Jackson, Daisy Binkley, Genevieve Wheat Baal, Frederika Gerhardt Downing.

Cornet solo, T. Fred Henry.

Administration of oath of office to Lieutenant Governor George W. Clarke and Governor B. F. Carroll, elect, by Chief Justice John C. Sherwin.

Inaugural address.

#### GOVERNOR B. F. CARROLL'S INAUGURAL ADDRESS.

*Members of the Thirty-fourth session of the General Assembly, January, 1911:*

In assuming, for a second time, the duties of Chief Executive of our State, I want to acknowledge with gratefulness the continued confidence that has been reposed in me and the honor that has again been conferred.

In the two years lying before us I shall put forth every possible effort to so conduct the affairs of the state as to merit the consideration that has been so generously extended by the suffrage of our people.

A few days ago I transmitted to you a message in which I discussed at length many subjects pertaining to the affairs of the state and made a number of suggestions as to matters of legislation. In this address I shall deal more particularly with the growth and development of the state and with those questions which relate to the doings and actions of the people as a whole, rather than to their officials and to the General Assembly.

#### FIFTY YEARS OF DEVELOPMENT.

I have witnessed fifty years of development of our splendid Commonwealth. It is true that during the first years of the fifty I was not of that age to give particular attention to the growth of the state, but my field of observations grew with my years until recently it has been my privilege to see and study it from every side and from every corner.

In the half century that has passed I have seen much of the cultivated portion of the state emerge from the prairie grass and from the forests and have seen its methods and customs arise from the most crude and primitive to the most advanced and enlightened. From the little old diamond plow, the mowing scythe and the cradle, the pepperbox threshing machine, the ox cart and the lynch pin wagon, we have come along to the use of the two row cultivator, the self binder, the threshing machine that cuts the bands, feeds itself and stacks the straw, and to the automobile as a means of conveyance. We have converted the sod house of Northwest Iowa and the log hut with its stick chimney and puncheon floor of the wooded sections, into the splendid and magnificent city and country homes of all parts of the state. We have elevated labor and broadened the field of activity for the business man. We have dignified and ennobled every profession known to our state and, above all, we have established a splendid and noble citizenship not excelled anywhere. All of this has come about in little more than a generation, and to my mind the possibilities of the future are as promising as the fulfillment of the past has been marvelous. The credit for all of this and the prospect for the future we owe, in a large measure, to that generation of sturdy men and women who came into our state during the first half of the last century and who were the real pioneers of that day and age.

Well do I remember the stories of early life in southeast Iowa as told by those settlers and with what anxiety and earnestness those commonplace people struggled with the hardships and privations of pioneer days. That which was the experience of southeastern Iowa was later the experience of the northwest and of almost all parts of the state. My memory reaches back to the closing days of that period when we had no means of reaching the outside world except by team and wagon and when we were almost an Empire shut up within ourselves. When the wheat and corn upon which the family subsisted were ground into flour or meal with the little water mills standing along the local streams, and when the clothing that covered the family was clipped as wool from the back of the sheep, carded by hand, spun into yarn by the women of the family, woven into cloth and made into clothing by the same hands. When the shoes which protected the feet from the cold of those severe winters were

made upon the cobbler's bench, during the evening hours, by the father or the large brothers of the family. Not a small part of the meat upon which the family subsisted consisted of small game, turkeys and deer, killed in the fields and forests.

Those pioneers were men and women of courage and determination and they were preparing this fertile Empire, which we call Iowa, for a great and glorious Commonwealth and whether they hailed from the timbered sections of the south and east or from the bleak prairies of the north and west they were building and planning for the future, and who is there now to rise up and and say that the work of that generation was not wisely and grandly done?

#### SIXTY-FOUR YEARS A STATE.

We are now in the sixty-fifth year of our statehood. During that time nineteen different individuals have occupied the position with which you have honored me for a second time. Eighteen of these men came from states other than Iowa. New England has furnished us six executives, viz.: Grimes, from New Hampshire; Merrill, from Maine; Briggs and Shaw, from Vermont; Hempstead and Larrabee, from Connecticut. Maryland gave us Kirkwood; Illinois, Drake; Ohio, Lowe and Garst; Pennsylvania, Carpenter, Newbold and Cummins, while New York was the birthplace of Stone, Gear, Sherman, Boies and Jackson. These men have done much to bring our state up to the high standing which it now enjoys in the sisterhood of states.

Some of them came to Iowa when it was yet a territory and assisted in laying the foundation upon which the Government of the Commonwealth is builded. They were members of the early assemblies and of the constitutional conventions. At that time the population and wealth of the state was largely confined to the eastern portion, but its settled territory extended quite rapidly. Our progress has been almost constant and our development very marked. Lands which cost the Federal Government from three to eight cents per acre are now worth as much as \$200 per acre. We have grown in population from about 96,000 in 1846 to nearly 2,225,000 in 1910. We have converted our forests and prairies, almost 55,000 square miles in area, into as many square miles of cultivated and productive land. We furnished nearly 70,000 Civil War soldiers and our full quota of Mexican and Spanish-American War volunteers. We have increased the production of our greatest staple, corn, from 1,400,000 bushels in 1846 to nearly 355,000,000 bushels in 1910. We have established in the state 1,656 banks and banking institutions with deposits approaching \$400,000,000. Our insurance interests are scarcely second to those of any of the older states. We have builded and are operating more than 10,000 miles of railroad. The value of our crops for the last year exceeded \$362,000,000. While the total value of farm products, including live stock, exceeds, \$800,000,000. We have given to the nation the greatest agricultural state in the union.

## LOSS IN POPULATION.

We have been hearing a great deal about the loss of population. What signifies the loss of 7,000 people out of a total number of two and one quarter millions? It takes three decimal places to find the figure representing the per cent of decrease.

Accepting the figures showing the population as being correct, and yet there is a perfectly rational explanation for the decrease which does not in any manner reflect upon the state or its material interests. Let me say in this connection that the national census of 1900 shows the population of the state to have been 2,231,858, while the state census of 1905 shows only 2,210,050, or a loss of 21,808. The census of 1910 places the figures representing the total population at 2,224,771, which shows a gain of 14,721 during the last five years. During the ten year period, however, there is shown to be a loss of 7,082. The number of farms in the state as shown by the 1900 census was 228,622 and by the recent census 216,807, or a decrease of 11,815. It certainly cannot be said that any land has actually been lost to the state, but it must mean that more than 11,800 farms have been consolidated with other farms and it is reasonable to assume that the families previously occupying the farms thus lost, being farmers' families, have, in general, sought homes elsewhere than in Iowa.

The average number of people to each farm, as shown by the census of 1900, was a little more than five and one-half, which, applied to the decrease in the number of farms, would mean a loss of more than 65,000 of the farming population of the state. There are many things which may have had to do with this change in population, but to my mind by far the most potent influence has been the very rapid advance in the high priced farms and go elsewhere to buy cheaper lands. Then, too, there is little doubt but that the young man just starting for himself and the man of small means have taken their families and gone where a quarter or a half section of land could be bought for less than an eighty acre tract can be bought for here in Iowa.

The same census enumeration which credits us with a decrease in population has done us the kindness to furnish other figures that present a very different picture and tell a very different story. For example, the recent census shows that the value of Iowa farm lands from 1900 to 1910 increased in round numbers from \$1,256,000,000 to \$2,800,000,000, or about 123 per cent. The value of buildings alone increased nearly 89 per cent. The value of farm implements and machinery increased nearly 65 per cent. The expenditures for labor increased from \$16,376,000 to \$24,732,000, or 51 per cent. Can any one study these figures and those that I have heretofore quoted and conclude that there is anything seriously the matter with Iowa?

## LOSS IN SCHOOL POPULATION.

I do not feel so deeply concerned about the loss of a few thousand people from our general population as I do about the loss in school population. From 1900 to 1910, as shown by the annual school enumeration, the school population of the state decreased from 731,154 to 677,204, showing

a loss of 54,150 persons of school age in ten years, being almost seven and one-half per cent decrease. This would indicate that in the main our loss in population consists of the younger men and women who are the parents of children less than twenty-one years of age. The result is that the attendance in our public schools, especially in the country schools, has been constantly decreasing.

In 1908 there were 1,752 schools in the state with an enrollment of ten pupils or less, while the report for 1910 shows 2,071 such schools. If this rate of decrease in attendance keeps up for a few years what is to become of the country school? We are confronted with no more serious problem than that of the rural schools. Some people have attributed our loss in population to our country schools and their methods. It would seem to me a much more reasonable criticism to attribute the condition of the country schools to the loss in population. Restore the old time number of pupils to the rural school districts and the solution to the school question will be greatly simplified.

During the last ten years the average size of the farms in Iowa have increased from 151.2 acres to 156.3 acres, or about 3.4 per cent, while the per cent. During the same period the decrease in school population has decrease in general population has been only about three-tenths of one been almost seven and one-half per cent. As previously shown much of the loss in school population is confined to the country districts, which indicates, not only a movement from the state, but from the country toward the cities and towns. This is a condition not peculiar to Iowa alone, but has been the experience of other of the older and more densely populated states, some of whose farms have been practically abandoned.

#### KEEP THE BOY ON THE IOWA FARM.

The slogan "Keep the boy on the farm" should be changed to "Keep the boy on the Iowa farm." It is likewise important that we encourage the girls to remain on the farms. Proper credit has never been given to the girls and women for the part they have taken in the development of the state. The women of Iowa have met every requirement that could be expected of wives, mothers and daughters. Every inducement should be held out both to the girl and to the boy who show a disposition to interest themselves in those things pertaining to country life to get them to stay upon the farm. It is not, however, every farmer's boy who would make a good farmer nor every girl who would make a good farmer's wife any more than it is every merchant's son who would make a good merchant or every lawyer's son who would make a good attorney. It used to be thought that if a boy did not show an aptitude for anything else he would make a good farmer, but the day of such way of thinking has passed. It requires brains and energy to make a good farmer, just as it does to succeed at any other line of business. The boy who can succeed at farming will find no more honorable or profitable occupation.

How can we encourage people to remain upon the farm? By making farm life more attractive. The farm home should be the equal in all respects to the town or city home and with the independent systems of

light, heat and water it is possible to so equip the country home as to make it the equal of any other.

I have been delighted, as I have gone about the state, to see the marked development along the lines above suggested. The figures previously quoted showing an increase of nearly 89 per cent in the value of buildings in ten years means that we are building better farm as well as town structures.

The improvement of our highways so as to bring the country home into closer relation to city and town life would, in my opinion, prove a potent factor in lessening the tendency to abandon the country. In this too we are making progress.

We have reached the period in our country's development when farm life means more than the raising of horses, cattle and hogs. It means all that and it also means the development of the highest type of American manhood and womanhood. Nowhere in all the realm of professional or business life do we find more successful men and women than those who came from the farm. The atmosphere surrounding the country home means the development of strong minds and bodies. What is it, then, that causes a constant stream of young people, as well as those of older years, to leave the farm and seek employment in the cities and towns? While there may be many answers to the question, it seems to me that there are a few very potent, and obvious reasons, among them being better wages obtainable, the shorter hours of labor, employment usually throughout the year, better social advantages and the fact that the high price of lands makes it difficult for the man of small means to equip himself with land, machinery, etc., necessary to engage in farming upon his own account.

This again furnishes a reason why our state has lost in population. The young man seeking employment other than farming, failing to find it in this state, goes elsewhere where manufacturing is engaged in more extensively, or where the kind of employment he desires may be found. This loss can only be overcome by the establishment of such industries as will keep our young men in our midst.

To check the drift of people from the country to the cities and towns, will, in my judgment, require a revival of social life in our rural communities. Many of the old time social features of the country have disappeared and a sufficient substitute therefor has not been found. The natural result is for the people to seek places of entertainment and amusement in the nearby city or town, and eventually these things draw them away from the country.

#### OTHER REASONS.

It seems to me that I have suggested some, at least, of the more apparent reasons for the loss of much of the population that annually leaves our state and is not wholly offset by people coming from elsewhere, as well as having touched upon the real causes of the drift from the country to the cities and towns. There are, not doubt, many other reasons for changes in population such as a desire for different climate, opportunities for speculation in lines of business not common to our state, a desire to engage in fruit and other farming such as is done in the irrigated

sections as well as because of the natural tendency toward changing about from place to place. Some one has quite aptly suggested that there are three classes of people required in the development of every new country. First comes the pioneer, who often does little more than to blaze the way and moves on. A second class comes in and takes his place and brings the country up to a fair stage of development; and then gives way to the third class, who become the permanent occupants of the country. It is the first and second classes, or the pioneer and the near pioneer, that we have been losing. It is only the natural order of things and it means that we have reached this third or highest stage of development.

I shall not say that there is no merit in the suggestion that our political strife has had an unwholesome effect upon the state. While these things may not have driven any one from among us, I do not apprehend that they have in any way encouraged people to locate here. No business man ever seeks a battle ground, either bloody or bloodless, upon which to make an investment, at least not until the battle is ended, and certain it is, that capital is not going to flow readily to a state where uncertainties exist as to the conditions under which it may be invested and handled. Neither do I believe it to be any encouragement to our business interests to have our state better known away from home by reason of its political and factional feuds than for its broad acres and immense crops. The terms "progressive" and "standpats" as used in this state to represent discordant elements, have never induced one man or one woman to locate in the state. There is evidence upon every hand and from almost every county that these bitter factional alignments have had their influence upon local business conditions of the various communities. Men have been known for these reasons to change their places of banking, of purchasing goods and of transacting business in general. Even the harmonious and united efforts of business men's organizations have been interfered with because of intense factional feeling. The man who suggested that these things have had a bearing upon the population of the state had much ground upon which to base his conclusion.

Nothing better could come to our state than that there should be an end of these matters. Give the business interests of the state precedence over the ambitions of men and let the people join in a united effort to promote the material welfare of the Commonwealth.

I do not wish to be misunderstood. Where we need new laws, and we do need some, let us have them, and let us have a chance to test their efficiency by requiring that they be observed. No wiser suggestion has been made recently than the suggestion by President Taft, that we halt in our efforts to legislate long enough to secure compliance with laws already enacted so that we may know just what additional legislation is needed. Constant agitation means constant disturbance of business conditions. I sometimes fear that we have been spending too much time inculcating in the minds of the people a feeling of distrust of all public officials and a further idea that nothing can be accomplished except by legislation, state or national. That man is a benefactor who can catch the ear of the people long enough to call their attention to the many things which they can do for themselves.



## ADVERTISE AND EDUCATE.

Much has been said recently about advertising the possibilities of our state. I doubt not that much good could be accomplished by judiciously publishing to the country at large the advantages and possibilities of our Commonwealth. While I believe in advertising, I believe also in a thorough system of education, here among our own people. I do not speak these words in any spirit of criticism, because we have been making such marked progress in recent years that in the face of the most severe criticism that one would be warranted in making he feels more like stopping to commend than to find fault, and yet with all this we do not fully realize the possibilities of our state. Our own people do not yet appreciate the almost unlimited resources of our soil when properly handled. We are still tending in the wrong direction, in this, at least, that our farms are increasing in size. Many men make money off of large farms, and there can be no criticism of that, but what we need to learn is more intensified farming. Produce more upon fewer acres. Our farms are capable of furnishing profitable returns for many more people than now occupy them if we will only farm closer. Ground which now yields thirty to forty bushels of corn per acre should be made to yield double that amount. This is no reckless statement and it needs only the application of proper efforts in order to demonstrate the fact. Upon a test, lands in our state have been made to yield more than one hundred and fifty bushels of corn to the acre, which is almost four times the highest average yield for any one year. Wheat has turned out in some instances more than fifty bushels to the acre during the last year and oats has gone from eighty to ninety bushels. These things are the best advertisements that our state could have when they are generally understood. If the average yield of corn could be brought up to fifty bushels per acre, it would be a gain of about twenty-five per cent over last year's crop, or a gain in value of more than \$32,000,000.

We need to have better attention given to reclaiming lands lying along our streams and which, when brought into cultivation, constitute the most productive soil to be found anywhere in the state. This can be done, and in some parts of the state, is being done by straightening the streams and tiling out the ground. The most valuable small farms to be found in the state are the farms that have been thus reclaimed. What was formerly known as the "Duck pond" country of northwest Iowa is fast becoming the most fertile and productive part of the state, through the means of drainage. From the best figures obtainable, it would seem we have already expended more than \$105,000,000 for drainage purposes throughout the state. We have laid approximately 40,000,000 rods, or about 124,000 miles of tile, enough to encircle the globe almost five times. Most of this has been laid since the enactment of our present drainage laws. It is estimated that it will be necessary to expend about \$150,000,000 more to complete the work of drainage in the state. This will mean, when done, that from six to seven dollars per acre for every acre of land in Iowa has been spent for drainage purposes. The increase yield in crops of a very few years will many times compensate for this expenditure of

money. This large increase in the productive capacity of the farms needs to be supplemented by like extension of other interests.

No greater need is felt than the necessity of the establishment of more manufactories within our midst. Already we have a great many manufacturing industries of a very high character, but there is room and much need for many more. The cement interests of our state are of immense importance and promise great success. We have the largest brick and tile factories in the world and these are supplemented by many smaller ones located in various parts of the state. Our gypsum interests are growing in importance. We have one sugar plant that turns out about one-fifteenth of the amount of sugar used in the state. And the managers of the factory inform me that they would have no difficulty in securing beets enough in the territory where the plant is located to supply three or four such factories. Why might not we be producing not only the remainder of what we consume, but be supplying other places where the growing of sugar beets is not a success? Here is a splendid opportunity for investment of capital. We are extensively engaged in manufacturing machinery used in dairying and in a more limited way in general agricultural pursuits, but there are many lines along which we are far behind states no better located or favored for such things than we are here in Iowa.

Many millions of dollars have gone from us in the last few years to buy automobiles. Why not recognize the fact that the automobile has come to stay and proceed to manufacture them at home more extensively than we are doing at present. We have been helping to make the cities of other states rich by buying their products as well as by furnishing them men and means for carrying on their business.

The use of silos has become so general that there can be no longer any question but that they are to be a permanent thing with us and there is no reason why the silo as well as the machines for preparing ensilage should not be manufactured here in Iowa. All that is needed along these lines is to get the attention of our people directed toward these various interests. We will then have enlarged our demand for labor and for the use of capital, both of which have been going elsewhere to find employment. I believe that our people are beginning to realize the importance of these matters as they have not done heretofore and that we are upon the eve of larger developments along these lines.

#### LITERARY.

One of the real sources of pride to every citizen of our Commonwealth who stands for higher and better things in the affairs of the state is the fact that while our population is made up of the representatives of almost every nation of the globe, our census of 1905 shows that 98½ per cent of all of the people over five years of age living within the borders of our state can read and write, and of those who have passed school age only one per cent but what can read and write. No where in all of the states of the union is there to be found a more intelligent, thrifty and prosperous people. We are blessed with a large number of small cities,

but are not burdened with any over grown places where the undesirable element accumulates. With the apparently equal advantages that obtain as to the various parts of the state and the well balanced population, we may reasonably expect the interests of the entire Commonwealth to move along in about the same manner. Let the possibilities and opportunity will take care of itself. We have not the cheap lands that other states have to offer. People have been passing by us and going where lands were much lower, but when quality and opportunity are taken into consideration there is no place that offers anything better than Iowa. It takes more money to handle a proposition here than in some of the newer sections of the country, but there is nothing safer and more certain of satisfactory returns than here in our own state. We lost our greatest number of people between 1900 and 1905, when our land values were advancing most rapidly. We will gain back what we then lost and add many more when the relative values of lands are better understood, and when our owners of small farms learn that it pays better to farm Iowa lands closer and better than it does to sell here and go elsewhere for the purpose of getting a larger number of acres of less productive soil.

We need to continue to educate our people in matters of agriculture, the care and cultivation of the soil, the selection of seed, the rotation of crops and the value of animal husbandry. These are our great and natural sources of wealth. I think it will be admitted that we have been making very marked improvements along all the lines I have mentioned, but the work should be continued. I think, however, that some, especially those who have so strongly urged the teaching of agriculture in the rural schools, overlooked the fact that a great school of instruction is carried on throughout the state from one year's end until the next. Thousands of agricultural papers and journals of a high order are sent into the farmers' homes every week, and through them are constantly presented the most advanced and up to date methods and ideas. In addition to this there were eighty-four counties that held short courses and farmers' institute sessions last year. The state also contributed during the same period to the holding of ninety-five county fairs or agricultural societies. Then, too, the farmers themselves are working out many of the problems of successful farm life. Along with the questions of agriculture should come renewed interest in horticulture. Large sums of money were made off of the fruit crop of 1909 and very much more could have been realized if our people had been educated in the matter of caring for, preparing and marketing and in disposing of their crop. We are lacking in this respect much more than in matters of agriculture. Why should we not apply the same methods here to protect our fruit crop that are resorted to elsewhere. We have this year, in Fremont county, an example of the value of smudging. Mr. C. E. Mincer of Hamburg had an apple crop of more than 8,000 bushels, which, according to his own judgment and that of other capable horticulturalists, he saved by smudging, the cost of which was about seven cents per bushel. You who know the market price of apples can readily determine the profit which he realized.

We need also to continue to educate our people in the matter of stock raising and especially in dairying. The one and one-half million of milch cows which we now have should be increased to three or four millions and much greater care should be exercised in the selection of dairy cows so as to eliminate those which do not yield enough butter fat to make their keeping profitable. In my opinion the enlargement of the dairy interests of the state would prove a more profitable and lasting benefit than almost any other kind of farming. It is not only a profitable industry, but dairy farming conserves the productive quality of the soil.

Corn and hogs have brought great wealth to the state, but many other lines of agricultural pursuits are equally profitable.

The poultry industry, while in the main engaged in as an incident to farming, is worthy of much greater attention. The census of 1905 shows that we had, at that time, more than 22,000,000 chickens in the state and that the value of the eggs produced was nearly \$11,000,000.

This review of the various branches of agricultural pursuits might be continued indefinitely, but we need something besides agriculture even here in this great state of fertile fields and fine farms. Here we have coal and capital. Our people are able to consume and do consume the best of everything placed upon the market. We ought to be manufacturing more of the things we consume.

I do not claim originality for the saying "more business and less politics," but I have been advocating it wherever I have gone for many months, and the state will have taken a long stride forward when that spirit shall be caught up from one border of the Commonwealth to the other. Would it not be a good time to revive the Indian meaning of the word "Iowa," viz., "This is the place," and let it be understood to mean the place for business, the place for profitable investments, the place where pauperism is reduced to the minimum. The place where illiteracy is scarcely known, the place of good homes, the place where the most valuable and productive farms in all the world are to be found. These things will not only attract but hold the best people in all the earth.

Time and your patience preclude the propriety of a further continuance of this discussion, but I want in closing, to send a message from the good people of Iowa to those of her sister states and welcome them to this great Commonwealth whose richness of soil, whose character of citizenship and whose opportunities for successful business enterprise are equal to those of any other state in the union. Here poverty is at a minimum and plenty is in abundance. Last year we produced enough corn to equal almost one hundred and sixty bushels for every man, woman and child in the state; enough eggs to have furnished every individual in the state an egg for breakfast every day in the year and to have had a surplus of sixteen million dozen left over; enough butter to have equalled more than two hundred and thirty pounds per year for each family of five persons. In other words, we could have furnished during the single year 1910 for every man, woman and child in the United States practically four bushels of corn, one dozen eggs and a roll of butter.

Though we do not claim superiority as a small grain producing state we nevertheless produced enough wheat last year to have furnished four

and one-half bushels to each individual in our state; enough barley to have furnished seven and three-tenths bushels per capita and oats equal to seventy bushels per capita.

Should we endeavor to load the horses, cattle, hogs, sheep, goats and mules of the state into ordinary size stock cars, eighteen cars to the train, running forty trains per day from this city to Chicago over any one of the trunk lines connecting the two places, start the first train at this hour and continuing every day in the year, the last train would not be moved before the first day of next January.

I shall not portray to you the picture of the Iowa corn crop loaded onto a wagon train moving around the globe, as has been so often done, but will state that last year's crop would require such a train to be more than sixty-five thousand miles in length, or equal to two and two-thirds times the circumference of the earth. Should we today load our corn crop of last year into wagons each holding forty bushels, hitch them behind teams and start them by the state house, double file, allowing forty feet to each team and wagon and travel forty miles a day every day in the year until the entire procession had passed, the last team would not have passed before the regular time for the adjournment of the next session of your honorable body in 1913.

Such is the condition of our state the loss of a few thousand of whose population has attracted so much attention throughout the United States. I take no stock in the suggestion that those people who have gone from among us represent our undesirable population. Many of them are the sons and daughters, the brothers and sisters of the best people in our commonwealth. If you will go to the states to the west you will find that we have sent them the best class of citizens to be found within their borders and that there they are helping to bring those states up to the high standard that we have attained to here in our beloved and beautiful Iowa.

Selection, Iowa Ladies' Quartette.

Music by orchestra.

Senator Gilliland moved that United States Senator Lafayette Young be invited to address the Joint Convention.

Motion prevailed and the Senator responded.

ADDRESS OF LAFAYETTE YOUNG BEFORE THE IOWA GENERAL  
ASSEMBLY IN JOINT CONVENTION AT THE INAUGURATION  
OF GOVERNOR CARROLL AND LIEUTENANT  
GOVERNOR CLARKE.

*Mr. President and Gentlemen of the Thirty-fourth General Assembly,  
and Ladies:*

I have never been more surprised than by this proceeding. I fear that the Senator from Mills took counsel with his enthusiasm and friend-

I have been interested in Governor Carroll's inaugural address. It contains facts in regard to Iowa which should be widely printed and circulated. Every commercial body in the State should regard this address as a booster document. What he has said about Iowa we can all endorse. But he has gone to infinite labor to place the information in most entertaining and attractive form. This State has only begun. We need more factories, more shops, better agricultural work. We need everything that is inviting. We need contentment and joy. Above all things, we need enthusiasm for the State.

When I am away from home I tell people that our principal occupations in Iowa pertain to agriculture and education. These are the essentials. Agriculture furnishes food which sustains life. Education develops the mind and the soul, making them capable of enjoyment. The world looks brighter through educated eyes. Education will bring appreciation of the comforts one has.

Recently I became absorbed with the idea that we should be educating farmers and mechanics. In doing this we do good two ways. We elevate the man and we add security to the government. We also add dignity to labor. I have sometimes thought the idleness is a greater curse than drunkenness. Every man who slugs another in a dark alley does it to get money without work. Every man who commits forgery does it because he wants to obtain money with which to carry on riotous living without working for the same. Therefore, when we are teaching industry, we are teaching patriotism. When we are teaching boys to work and to love it, we are saving them from a life of crime. Work is a blessing, any way it is considered. Blackstone tells us that property rights began when the aborigine first had a blanket of his own. From that beginning of property came individualism. From that humble start we have the Anglo-Saxon home, the fireside, and children. Any departure from labor, any return to idleness must necessarily be a return to vice. The dignity of labor can be taught in groups better than individually. I find, as a large employer of labor, difficulty in securing apprentices because there are so many boys who have never been taught to work with their coats off and their sleeves up—some of them think they could never become used to wearing an apron. Put these same boys in schools where trades are taught, associate them with others who wear aprons, and who have their sleeves up, and they will forget all about their false pride and will become enthusiastic in their work. Whenever a boy forgets his false pride and learns that all manual labor is honorable, and hasanship rather than his judgment. However, since the invitation is extended. I am pleased to respond.

thusiasm in his work, his future is secure and he can be counted upon as a good citizen. We have 91,000,000 people now, and we can't afford idleness. The trade school will make the shop look good. The enthusiasm of association with their fellows will inspire them. They will work with ambition and with hope. The responsibility of citizenship increases with the development of the country, and every man must be concerned about the moral welfare of the people. Every man must be concerned about the future of the boys. Every few years the republic passes into new hands. We ought to have some way to produce patriots without war. We ought to have some way of inspiring a love of country aside from the battlefield. I am growing more and more to be interested in agricultural and industrial education. I deplore idleness. Idleness is a pronounced present-day tendency. There can be no happiness without work, no good homes without it, no patriotism without it. Hence, I am interested in Iowa and Iowa citizenship because we are part of the great republic. I am grateful for the opportunity to say these few words. This is not a partisan occasion. It is patriotic. Here we can talk of a love for the State without a violation of good taste. The love of country should always be superior to any devotion to party or faction. If a man loves the flag and the State, it is easy to discover that he will love his fellow-men. I wish you all health during your stay in Des Moines. Iowa has always had good legislatures. Iowa has not had corruption. We have no occasion to blush when the name of Iowa is spoken anywhere at any time. Hoping I have not violated the canons of good taste, and knowing that I could not after accepting your unanimous invitation, I will now take my seat.

The minutes of the Joint Session were read and approved.

Senator Francis of Dickinson moved that the remarks of Senator Young be printed in the Journal.

Motion prevailed.

Senator Hammil of Hancock moved that the Joint Convention be now dissolved.

Motion prevailed.

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:

Lulu A. Cox, Senator Mattes.  
Belle I. Riddle, Senator Gilliland.  
Nora Dobson, Senator J. D. Brown.  
Bertha L. Hess, Senator H. W. Spaulding.  
Helena Lynch, Senator Jewell.  
Edith Williams, Senator Fred Larrabee.

Senator Hammill 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 Hammill, Balkema and Proudfoot.

The committee escorted Lieutenant Governor Clarke to the Chair.

President Smith presented Lieutenant Governor Clarke, and, surrendering the gavel, spoke as follows:

LIEUTENANT GOVERNOR CLARKE—It gives me personally great satisfaction to welcome you for the second time to this chair, and I know that I speak the voice of every Senator when I say it gives equal satisfaction to them. It is needless for those of us who served two years ago to say that we thoroughly understand the eminent ability with which you have served heretofore, and the impartiality with which you have presided at this desk. We look for a repetition of the very pleasant relations which existed between you and this Senate two years ago. Again I welcome you to this chair of authority. (Applause.)

President Clarke, upon assuming the Chair, responded as follows:

SENATORS—It is perhaps unfortunate that I have made no special preparation of a word that I might speak to you on an occasion like this. I have not. To say that I appreciate the kind words of the President pro tem. of the Senate of course goes without saying; I do. It has been my pleasure to be connected with five General Assemblies of the State of Iowa; this will be the sixth. It was my good fortune to be Speaker of two of those General Assemblies. I have presided over this House, as you know, during one session, and when the President pro tem. of this Senate says that I have your confidence and esteem he speaks words that to me mean more than anything else possibly could. We have heard in the other House this afternoon of the wonderful resources of our great State. We have heard the magnificent song, Iowa. We have been told of the wonderful resources of this State; but I tell you, after all, Senators, I would rather have the confidence and the esteem of the representative men of the State, of the five sessions of the Legislature with which I have served, than of all of the loads of wealth that might take



years and years to pass by a given point as shown by the illustrations of the Governor. It is of inestimable value, far beyond the value of corn, and oats, and hogs, and cattle, and gold, and silver, and when my earthly career is ended I would rather have it said that I had the confidence of my fellow citizens than to say that I was worth all that Iowa has.

Only one thing has ever occurred in connection with my career in the Legislature of this State that has had even the slightest tendency to wound my feelings. It was suggested not long ago that I might prostitute this office that I hold by using it as a trading and a dickering and huckstering place for personal advantage. I hope that the Senate of the State of Iowa knows that not for a single moment would I trade or suggest a trading for any hope of public advancement. (Applause.) We shall never have an ideal citizenship, Senators, or an ideal State, until we place politics upon an ideal plane (applause); and let it be, and, if you please, it will be, a part of my service to the State of Iowa to try to elevate if possible the politics of this State up to such an ideal plane. I would as soon a man would come to me and say that you would place a chairmanship for your advantage as for him to come to me and say that I would pay a man a hundred dollars for an advantage. In either case, in a moral sense, it is bribery. And no Senator will ever be able to say that for a single moment I ever thought or suggested such a thing to him. And now I am about to announce the committees I have appointed for this session of this Senate.

I have done it, Senators, in the very best way that I could. I have endeavored to be fair with each one of you. Here, gentlemen, is not the place, if you will permit me upon this occasion to say, for the development of partisan politics or factional politics. The only thing that can properly be considered by this Senate is the welfare of the people of the State of Iowa and the public service and public duty, and so far as the Chair is concerned, it will devote itself to that end, and, if you please, to not a thought of any other. And if the Secretary will, he now may read the announcement of the committees of the Senate for the ensuing session.

The list of Standing Committees of the Senate was then read by the Secretary as follows:

#### SENATE COMMITTEES.

##### WAYS AND MEANS.

Smith of Mitchell,	Cowles,
Francis,	Jewell,
Gilliland,	Wilson,
Allen of Pocahontas,	McManus,
Fitchpatrick,	Clarkson,
Savage,	Ream,
McCulloch,	White,
Hoyt,	Webber,
Bennett,	Balluff,
Chase,	Crow.
Neal,	

## JUDICIARY.

Gilliland,	Hammill,
Saunders,	Sullivan,
Allen of Pocahontas,	Cowles,
Van Law,	Chase,
Hunter,	Smith of Shelby,
Francis,	Malmberg,
Sammis,	DeWolf,
Proudfoot,	Clarkson,
Allen of Jefferson,	Quigley,
Adams,	Webber.

## APPROPRIATIONS.

Mattes,	Jewell,
Stuckslager,	Neal,
Saunders,	Ames,
Proudfoot,	Spaulding,
Savage,	Wilson,
Larrabee,	DeWolf,
Brown,	Taylor,
Adams,	Crow,
Allen of Jefferson,	Schrup,
McColl,	Legel.

## RAILROADS.

Saunders,	Chapman,
Allen of Pocahontas,	Fitchpatrick,
Mattes,	Brown,
Smith of Mitchell,	Spaulding,
Hunter,	McColl,
Sammis,	Ames,
Larrabee,	Wilson,
Balkema,	Parshall,
Gates,	Balluff,
Hoyt,	Garrett,
Bennett,	Dunnegan.

## AGRICULTURE.

Allen of Pocahontas,	Malmberg,
Savage,	Ames,
McCulloch,	Wilson,
Hunter,	White,
Brown,	Parshall,
Hammill,	Garrett,
Hoyt,	Crow,
Van Law,	Dunnegan,
Allen of Jefferson,	Legel.
Balkema,	

## SCHOOLS.

Adams,  
Hammill,  
Allen of Pocahontas,  
Chapman,  
Francis,  
Balkema,  
Jewell,  
Neal,

Chase,  
Malmberg,  
Wilson,  
DeWolf,  
Taylor,  
McManus,  
Legel.

## CITIES AND TOWNS.

Stuckslager,  
Gilliland,  
Saunders,  
Fitchpatrick,  
Hunter,  
Van Law,  
Hammill,  
Sullivan,  
Cowles,

Smith of Shelby,  
Chase,  
Wilson,  
McManus,  
Balluff,  
Webber,  
Garrett,  
Dunnegan.

## BANKS.

Hunter,  
Stuckslager,  
Mattes,  
Savage,  
Fitchpatrick,  
Proudfoot,  
Hoyt,  
Allen of Jefferson,

McColl,  
Cowles,  
McManus,  
DeWolf,  
Quigley,  
Balluff,  
Schrup.

## HIGHWAYS.

Balkema,  
Hunter,  
McCulloch,  
Brown,  
Chapman,  
McColl,

Spaulding,  
Ames,  
Parshall,  
White,  
Crow.

## INSURANCE.

Van Law,  
Francis,  
Stuckslager,  
Sammis,  
Benett,  
Sullivan,  
Smith of Shelby,

Cowles,  
Clarkson,  
Quigley,  
White,  
Dunegan,  
Schrup.

## ELECTIONS.

Francis,  
Smith of Mitchell,  
Sammis,  
Proudfoot,  
Adams,  
Sullivan,

Spaulding,  
Malmberg,  
Clarkson,  
McManus,  
Crow.

## TELEGRAPH AND TELEPHONES.

Hammill,  
Mattes,  
Brown,  
Savage,  
Sullivan,

Smith of Shelby,  
Wilson,  
Clarkson,  
Webber,  
Balluff.

## CORPORATIONS.

Sammis,  
Gilliland,  
Stuckslager,  
Larrabee,

Sullivan,  
Jewell,  
Schrup,  
Legel.

## PRINTING.

Sullivan,  
Mattes,  
Sammis,  
Gates,  
Chase,

Parshall,  
White,  
Garrett,  
Webber.

## SUPPRESSION OF INTEMPERANCE.

Allen of Jefferson,  
Mattes,  
Smith of Mitchell,  
Hoyt,  
Bennett,  
Chapman,

Gates,  
Spaulding,  
Malmberg,  
Taylor,  
Balluff,  
Crow.

## LABOR.

Larrabee,  
Van Law,  
Hunter,  
Smith of Mitchell,  
Allen of Jefferson,  
Bennett.

Smith of Shelby,  
McManus,  
DeWolf,  
Taylor,  
Ream.

## PUBLIC HEALTH.

Bennett,	Malmberg,
McCulloch,	Parshall,
Chapman,	DeWolf,
Allen of Jefferson,	Legel,
Jewell,	Schrup.
Smith of Shelby,	

## CONSTITUTIONAL AMENDMENTS AND SUFFRAGE.

Chase,	McCull,
Savage,	Cowles,
Hunter,	Neal,
Fitchpatrick,	Ream,
Francis,	Parshall,
McCulloch,	Dunnegan.

## PUBLIC LIBRARIES.

Savage,	Proudfoot,
Stuckslager,	Saunders,
Larrabee,	Spaulding,
Van Law,	DeWolf,
Sullivan,	Dunnegan.

## PENITENTIARIES AND PARDONS.

Proudfoot,	Taylor,
Chapman,	Parshall,
Saunders,	Legel.
Bennett,	

## MINES AND MINING.

Fitchpatrick,	Chase,
Hoyt,	Spaulding,
Van Law,	Ream,
Gates,	Taylor,
McCull,	Clarkson.
Neal,	

## EDUCATIONAL INSTITUTIONS.

McCull,	Malmberg,
Proudfoot,	Jewell,
Gilliland,	Schrup,
Smith of Shelby,	Webber.

## CHARITABLE INSTITUTIONS.

Jewell,	Crow,
Stuckslager,	Garrett,
Fitchpatrick,	Ream.
Hammill,	

## COMPENSATION OF PUBLIC OFFICERS.

Hoyt,	Van Law,
Gilliland,	Sammis,
Saunders,	Quigley,
Mattes,	White.

## PHARMACY.

McCulloch,	Chase,
Bennett,	Van Law,
Chapman,	Webber.
Sammis,	

## MILITARY.

Brown,	Larrabee,
Fitchpatrick,	Gates,
Neal,	Balkema,
Quigley,	Taylor.
Allen of Pocahontas,	

## FISH AND GAME.

Clarkson,	Ream,
Francis,	Quigley,
McColl,	Schrup.
Ames,	

## COMMERCE AND RETAIL TRADE.

Gates,	Adams,
Smith of Mitchell,	Quigley,
Balkema,	Schrup.
Larrabee,	

## CLAIMS.

Cowles,	Clarkson,
Brown,	Garrett.
Adams,	

## MANUFACTURES.

Spaulding,	Ames,
Hammill,	Garrett,
Gates,	Dunnegan.
Adams,	

## CONGRESSIONAL AND JUDICIAL DISTRICTS.

Chapman,	Smith of Mitchell,
Allen of Pocahontas	Cowles,
Savage,	Neal,
McCulloch,	Quigley,
Brown,	Parshall.

## SENATORIAL AND REPRESENTATIVE DISTRICTS.

Smith of Shelby,  
Mattes,  
Francis,  
Hammill,

Gates,  
Jewell,  
Ream,  
White.

## PUBLIC BUILDINGS.

Wilson,  
Allen of Pocahontas,  
Adams,

McManus,  
White,  
Dunegan.

## PUBLIC LANDS.

Ames,  
Stuckslager,  
Gilliland,

Hoyt,  
Webber,  
Legel.

## FEDERAL RELATIONS.

DeWolf,  
Gilliland,  
McCulloch,  
Proudfoot,

Balkema,  
Ream,  
Balluff.

## HORTICULTURE AND FORESTRY.

Taylor,  
Allen of Jefferson,  
Ames,

Garrett,  
Crow.

## RULES.

Neal,  
Saunders,

Smith of Mitchell,  
DeWolf.

## ENROLLED BILLS.

Malmberg,  
Larrabee,

Legel.

## ENGROSSED BILLS.

McManus,  
Balkema,

Balluff.

## HOUSE MESSAGE CONSIDERED.

Senate Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth General Assembly fixing their compensation and defining their duties.

Senator Bennett moved that the Senate concur in the following House amendments:

Amend by striking out the word, "Sixty," in Line Two of Section Five and inserting in lieu thereof the word "Seventy."

Amend by striking out the word, "Sixty," in Line Four of Section Ten and inserting in lieu thereof the word "Seventy."

Amend by adding the name, C. Moore, in Section One.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chase, Crow, Garrett, Gilliland, Hammill, Hoyt, Jewell, Larrabee, Legel, Malmberg, Neal, Proudfoot, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber, Wilson—27.

The nays were:

Parshall—1.

Absent or not voting:

Allen of Pocahontas, Balluff, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Hunter, McColl, McCulloch, McManus, Mattes, Quigley, Sammis, Saunders, Smith of Mitchell, Stuckslager, Taylor, White—22.

So the amendments, having received a constitutional majority, were declared concurred in.

Senator Adams called up for consideration the following motion submitted by him yesterday:

I move that there be added to the standing committees of the Senate a Committee on Board of Control and its institutions, the number to be determined by the Lieutenant Governor and the appointments to such committee to be made by him.

Senator Adams moved the adoption of the motion.

Adopted.

The following-named persons appeared before the bar of the Senate and were duly sworn:

C. H. Conley, janitor cloak room;  
George D. Thomas, janitor;  
J. R. White, mail carrier;

Messengers—Charles Sandler, messenger to Lieutenant Governor; Edward Swanson, Leonard Donahue, W. Raymond Arthur, Paul Coplan, Ronald L. Wood.



The President announced the following communication, which was read:

BOARD OF CONTROL.

DES MOINES, January 12, 1911.

*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 243 of the Acts of the Thirty-third General Assembly.

G. S. ROBINSON,

J. F. WADE,

M. BANNISTER,

*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, 1910—

Support .....	\$	30.90
Additional fire protection.....		140.24
Additional room for married people .....		3,703.00
Engine and generator.....		49.15
Furniture and furnishings.....		1,927.35
Hose carts .....		25.00
Improvement of plumbing, heating and lighting system and general repairs .....		947.35
		<hr/>
Total balances.....	\$	6,822.99

Transfer of funds as follows—

From Improvement of Plumbing, Heating and Lighting System and General Repairs Fund.		
For completion of morgue.....	\$	442.00
From Additional Room for Married People Fund.		
For tool house and vegetable cellar.....		1,305.50
		<hr/>
Total funds diverted.....	\$	1,747.50

## SOLDIERS' ORPHANS' HOME, DAVENPORT.

## Balances December 31, 1910—

Support .....	\$ 14,986.93
Books and periodicals .....	152.09
Connection of city sewer.....	17.63
Dormitory floors .....	50.50
Finishing cottage for girls.....	18.42
Fences .....	129.60
Gymnasium apparatus .....	200.00
Hog house .....	782.00
Painting .....	534.65
Rebuilding and equipping boys' industrial building.....	33.48
Total balances.....	\$ 16,905.30

## Transfer of funds as follows—

## From Connection of City Sewer Fund.

For fencing .....	\$ 11.05
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## From Wagon Shed Fund.

For repairing armature .....	\$2.65
For purchase of sand .....	4.50
For purchase of cement.....	.85
	<u>8.00</u>

Total funds diverted.....	\$ 19.05
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## COLLEGE FOR THE BLIND, VINTON.

## Balances December 31, 1910—

Support .....	\$ 19.32
New coal house .....	2,500.00
Contingent and repair.....	812.54
Fire escapes .....	268.92
New boilers, stack, and for enlarging and changing boiler house .....	5,386.46
Oculist fund .....	200.00
Gymnasium and equipment.....	326.66
Total balances.....	\$ 9,513.90

No transfer of funds.

## SCHOOL FOR THE DEAF, COUNCIL BLUFFS.

## Balances December 31, 1910—

Support .....	\$ 4,862.51
Contingent and repair.....	413.44
Fencing .....	893.27
Painting school house and gymnasium.....	344.19
Total balances.....	\$ 6,513.41

No transfer of funds.

## INSTITUTE FOR FEEBLE-MINDED CHILDREN, GLENWOOD.

## Balances December 31, 1910—

Support .....	\$ 1,367.17
Contingent and repair.....	1,329.01
Furniture and furnishings.....	10.99
Improvement of grounds.....	50.00
Paint and painting.....	955.93
Railway switch .....	3,500.00
Wing for new custodial building.....	134.39

Total balances.....\$ 7,347.49

## Transfer of funds as follows—

From Furniture and Furnishings Fund.	
For plumbing in new wing of custodial building.....	\$ 1,825.00

## STATE SANATORIUM FOR THE TREATMENT OF TUBERCULOSIS, OAKDALE.

## Balances December 31, 1910—

Support .....	\$ 8,881.84
Amusements .....	83.95
Books and periodicals.....	297.75
Buildings for poultry.....	391.10
Contingent and repair.....	789.20
Cottages for patients.....	20

Total balances.....\$ 10,444.04

## Transfer of funds as follows—

From Cottages for Patients Fund.	
For window and door screens for employes' building and superintendent's cottage .....	\$ 200.00
For extending smoke stack and kitchen cottage chimney, setting new boiler, and making entrance way to basement of employes' building.....	1,300.00

Total funds diverted.....\$ 1,500.00

## INDUSTRIAL SCHOOL FOR BOYS, ELDORA.

## Balances December 31, 1910—

Support .....	\$ 694.07
Agricultural implements .....	144.84
Band and orchestra instruments.....	31.75
Blacksmith and machine shop and equipment.....	31.41
Cow barn .....	3,297.56
Contingent and repair.....	3,862.21
Dental fund .....	97.75

Draining land .....	1,718.44
Drain tile .....	1,000.00
Fencing .....	215.90
Fire station .....	1,500.00
Furniture and furnishings.....	593.58
Granary .....	397.86
Greenhouse and connections.....	3,000.00
Horses, cattle and hogs.....	100.00
Horse barn .....	65.00
Hospital building .....	10,000.00
Ice house .....	364.68
Lectures, entertainments, etc.....	352.62
Library books and periodicals.....	275.07
Tunnels, pipe, pipe covering, etc.....	4,391.83
Two steam boilers.....	992.00
	<hr/>
Total balance.....	\$ 33,626.57
No transfer of funds.	

## INDUSTRIAL SCHOOL FOR GIRLS, MITCHELLVILLE.

Balances December 31, 1910—

Support .....	\$ 102.23
Books and peridicals.....	392.91
Chaplain's fund .....	95.50
Contingent and repair .....	18.89
Dental fund .....	226.67
Finishing basement, Larrabee Cottage.....	1,500.00
Furniture and furnishings.....	688.00
New greenhouse and equipment.....	2,000.00
Painting, interiors and exteriors.....	518.43
Stand pipes, connections, hose-reels and hose.....	600.00
	<hr/>
Total balances.....	\$ 6,142.63
No transfer of funds.	

## MT. PLEASANT STATE HOSPITAL, MT. PLEASANT.

Balances December 31, 1910—

Support .....	\$ 4,219.22
Carpets and rugs.....	745.06
Contingent and repairs.....	1,891.20
Cows .....	906.17
Drain tile .....	161.10
Fencing .....	30.18
Food cars .....	304.73
Furnishing farmers lodge.....	1,136.42
Furniture and furnishings.....	1,302.01
Gutters, main building.....	982.50

Horses, wagons and farm implements.....	260.17
Hydrotherapeutic department, woman's infirmary.....	607.13
Kitchen equipment .....	820.88
Laundry machinery .....	182.13
Lavatories, closets, dining-room sinks and connections.....	331.65
Open air pavilion.....	2,000.00
Operating room .....	1,000.00
Paints and painting .....	1,064.72
Patients' library .....	102.49

Total balances .....\$ 18,047.76

Transfer of funds as follows—

From Hydrotherapeutic Department, Women's Infirmary Fund.

For balance on contract for boilers.....	\$ 50.00	
For 12 only dressers.....	203.74	
For work on gutter, main building.....	563.89	
For 16 rolls Rubberoid Roofing.....	27.20	
For air cushions and scales.....	23.50	\$ 868.33

From Food Car Fund.

For scales and meat hooks for butcher shop....	\$ 35.27	
For work on gutters, main building.....	304.73	340.00

From Ice Plant Fund.

For brick used in setting battery of Murray boilers .....	\$142.00	
For fire brick used in setting battery of Murray boilers .....	163.50	
For foundation bolts and plate for generator....	9.98	
For 32 bbls. of lime.....	32.00	347.48

From Enlarging Sewage Disposal Plant Fund.

For 3,000 silo blocks.....	\$151.50	
For ensilage cutter.....	159.25	
For wire for re-enforcing silo.....	19.96	
For lumber and shingles.....	322.17	
For cow stanchions.....	432.00	1,084.88

Total funds diverted.....\$ 2,640.69

INDEPENDENCE STATE HOSPITAL, INDEPENDENCE

Balances December 31, 1910—

Support .....	\$ 1,889.94
Changing elevator .....	1,500.00
Contingent and repair.....	2,975.35
Electric motors .....	1,500.00
Electric wiring .....	4,000.00
Floors and flooring.....	993.16
Fencing land .....	3.98
Infirmary and equipment.....	4,834.54
Iron working lathe .....	750.00
New sewer .....	1,200.00

New smokestack .....	364.36
Paints and painting.....	1,160.56
Railway switch .....	17,317.53
Rebuilding north wing of greenhouse.....	1,000.00
Tiling .....	884.76
<b>Total balances .....</b>	<b>\$ 40,374.18</b>

## Transfer of funds as follows—

## From New Smokestack Fund.

For lightning rods on horse and cow barn.....	\$ 235.47
For pipe for water line to cow barn.....	111.69
For valves and fittings, cow barn.....	28.79
For sewer tile, cow barn.....	123.30
For new stanchions, cow barn.....	352.68
For vegetable paring machine.....	225.00

Total funds diverted.....\$ 1,076.93

## CLARINDA STATE HOSPITAL, CLARINDA.

## Balances December 31, 1910—

Support .....	\$ 2.23
Contingent and repair.....	947.32
Cottage for women.....	2,307.00
Plumbing and fixtures.....	394.33
Rewiring .....	2,065.00

Total balances .....

No transfer of funds.

## CHEROKEE STATE HOSPITAL, CHEROKEE.

## Balances December 31, 1910—

Support .....	\$ 336.07
Books and periodicals.....	88.02
Contingent and repair.....	1,061.70
Fencing .....	52.17
Fire station and root cellar.....	295.37
For increasing and improving the water supply.....	53.42
Infirmary and equipment.....	378.80
<b>Total balances.....</b>	<b>\$ 2,265.55</b>

## Transfer of funds as follows—

## From Pictures and Picture Molding Fund:

For white lead for painting.....	\$ 207.00
For washing soda.....	43.00

## From Fire Station and Root Cellar Fund.

For hauling coal.....	387.27
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Total funds diverted.....\$ 637.27

## STATE HOSPITAL FOR INEBRIATES, KNOXVILLE.

Balances December 31, 1910—

Support .....	\$ 7,775.27
Engine, generator and connections.....	22.84
Purchase of land.....	507.00
Sewage disposal plant.....	305.94
Shop building and machinery.....	5,000.00
Walks and improvement of grounds.....	197.06
Walks .....	250.00
<b>Total balances.....</b>	<b>\$ 14,058.11</b>
No transfer of funds.	

## STATE PENITENTIARY, FORT MADISON.

Balances December 31, 1910—

Support .....	\$ 234.52
Books and periodicals .....	2,342.08
Building new cell house.....	17,655.30
Changing and improving building.....	894.98
Contingent and repair.....	410.82
Extension of smokestack.....	200.00
Furnishing furnace for warden's house.....	350.00
Hospital and library building.....	77.38
Locks for cells.....	1,200.00
Lectures and entertainments.....	256.79
New prison wall.....	94.59
Transportation of prisoners.....	1,945.26
Ventilating cell house.....	384.41
Warden's house .....	119.64
<b>Total balances.....</b>	<b>\$ 26,165.77</b>
No transfer of funds.	

## THE REFORMATORY, ANAMOSA.

Balances December 31, 1910—

Support .....	\$ 52.21
Barn .....	2,000.00
Books and periodicals.....	1,967.75
Tubular boiler and connections.....	3.58
Completing cell floors and for steam connections and furnish- ing cells .....	3,206.12
Completing cell bank.....	2,305.28
Contingent and repair.....	722.85
Derrick supplies .....	355.98
New electric light plant.....	1,001.83

Freight on stone.....	246.85
Lectures, etc. ....	79.27
Lime and cement.....	891.50
Powder and fuse .....	497.64
New power house.....	1,000.00
Printing and bindery, additional.....	30.57
Salaries of foremen.....	2,948.16
Tools for shop and quarry.....	243.25
Transportation of discharged prisoners.....	693.89
Warden's house .....	17.50
Wiring and lighting new cell bank.....	757.69

Total balances.....\$ 19,021.92

No transfer of funds.

RECAPITULATION OF BALANCES.

	Support.	Special.	Total.
Soldiers' Home .....	\$ 30.90	\$ 6,792.09	\$ 6,822.99
Soldiers' Orphans' Home.....	14,986.93	1,918.37	16,905.30
College for the Blind.....	19.32	9,494.58	9,513.90
School for the Deaf.....	4,862.51	1,650.90	6,513.41
Institution for Feeble-Minded Children	1,367.17	5,980.32	7,347.49
State Sanatorium for the Treatment of Tuberculosis .....	8,881.84	1,562.20	10,444.04
Industrial School for Boys.....	694.07	32,932.50	33,626.57
Industrial School for Girls.....	102.23	6,040.40	6,142.63
Mt. Pleasant State Hospital.....	4,219.22	13,828.54	18,047.76
Independence State Hospital.....	1,889.94	38,484.24	40,374.18
Clarinda State Hospital.....	2.23	5,713.65	5,715.88
Cherokee State Hospital.....	336.07	1,929.48	2,265.55
State Hospital for Inebriates.....	7,775.27	6,282.84	14,058.11
State Penitentiary .....	234.52	25,931.25	26,165.77
Reformatory .....	52.21	18,969.71	19,021.92
Total.....	\$ 45,454.43	\$ 177,511.07	\$ 222,965.50

RECAPITULATION OF FUNDS TRANSFERRED.

Soldiers' Home .....	\$ 1,747.50
Soldiers' Orphans' Home .....	19.05
Institution for Feeble-Minded Children .....	1,825.00
State Sanatorium for the Treatment of Tuberculosis.....	1,500.00
Mt. Pleasant State Hospital .....	2,640.69
Independence State Hospital .....	1,076.93
Cherokee State Hospital .....	637.27
Total .....	\$ 9,446.44



DES MOINES, IOWA, JANUARY 12, A. D. 1911.

*To the Senate of the Thirty-fourth General Assembly*

GENTLEMEN—In accordance with the provisions of Chapter 104 of the Acts of the Thirtieth General Assembly, I transmit herewith condensed financial statements of the State University of Iowa and the State Teachers' College.

Very respectfully,

D. A. EMERY,

*Secretary of the State Board of Education.*

## IOWA STATE TEACHERS' COLLEGE.

## SPECIAL FINANCIAL REPORT.

FISCAL PERIOD JULY 1, 1908, TO JUNE 30, 1910.

ESTIMATED INCOME AND EXPENSES FOR FISCAL PERIOD,  
JULY 1, 1911, TO JUNE 30, 1913.*To the Members of the Thirty-fourth General Assembly of the State of Iowa:*

GENTLEMEN—The officers of the State Teachers' College 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 Twenty-eighth 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 Thirtieth General Assembly. It contains the following:

1. Summaries of the several funds for the fiscal period.
2. An estimate of the income and expenses that may be anticipated for the fiscal period 1911-1913.

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.

## IOWA STATE TEACHERS' COLLEGE.

Statement of receipts and disbursements for the biennial period, July 1, 1908, to June 30, 1910:

## TEACHERS' FUND.

Balance, July 1, 1908.....	.....
Received from State appropriations.....	\$167,060.40
Transferred from Students' Contingent Fund....	24,483.33
Total disbursements .....	\$190,821.67
Balance on hand June 30, 1910.....	722.06
	<hr/>
	\$191,543.73
	<hr/>
	\$191,543.73

## CONTINGENT FUND.

Balance on hand July 1, 1908.....		\$ 4,487.23
Received from State appropriations.....		75,236.22
Transferred from Students' Contingent Fund.....		15,000.00
Sale of material.....		2,161.63
Interest on general daily balance.....		560.07
Received from School District No. 5.....		654.80
Received from Independent School District of Cedar Falls .....		4,938.19
Total disbursements .....	\$ 95,097.52	
Balance on hand, June 30, 1910.....	7,940.62	
		<hr/>
	\$103,038.14	\$103,038.14

## SUMMER TERM FUND.

Balance, July 1, 1908.....		.....
Received from State appropriations.....		\$ 16,000.00
Transferred from Summer Contingent Fund.....		11,489.61
Transferred from Students' Contingent Fund.....		300.00
Total disbursements .....	\$ 27,727.50	
Balance on hand, June 30, 1910.....	62.11	
		<hr/>
	\$ 27,789.61	\$ 27,789.61

## MILLAGE FUND.

Balance on hand, July 1, 1908.....		\$ 2,425.58
Received from State appropriations.....		135,500.00
Refunds, freight and material.....		35.85
Transferred from Paving and Walks Fund.....		110.04
Total disbursements .....	\$132,798.26	
Balance on hand, June 30, 1910.....	6,273.21	
		<hr/>
	\$139,071.47	\$139,071.47

## LIBRARY FUND.

Balance on hand, July 1, 1908.....		\$ 2,453.76
Received from State appropriations.....		10,000.00
Received from fines and lost books.....		196.48
Total disbursements .....	\$ 9,082.00	
Balance on hand, June 30, 1910.....	3,568.24	
		<hr/>
	\$ 12,650.24	\$ 12,650.24

## LIBRARIANS' SALARY FUND.

Balance on hand, July 1, 1908.....		\$ 946.93
Received from State appropriations.....		9,000.00
Total disbursements .....	\$ 8,086.19	
Balance on hand, June 30, 1910.....	1,860.74	
		<hr/>
	\$ 9,946.93	\$ 9,946.93

## PAVEMENT, WALKS, AND IMPROVEMENT OF GROUNDS FUND.

Balance on hand, July 1, 1908.....		\$ 1,037.21
Received from State appropriations.....		5,000.00
Total disbursements .....	\$ 4,060.75	
Balance on hand, June 30, 1910.....	1,976.46	
	\$ 6,037.21	\$ 6,037.21

## HOSPITAL FUND.

No balance, July 1, 1908.....		
Received from State appropriations.....	\$ 1,000.00	
Received from fees and bills paid.....		842.00
Total disbursements .....	\$ 775.20	
Balance on hand, June 30, 1910.....	1,066.80	
	\$ 1,842.00	\$ 1,842.00

## SUMMER CONTINGENT FUND.

Balance on hand, July 1, 1908.....	\$ 6,055.25	
Total fees collected.....		11,958.47
Transferred to Summer Term Fund.....	\$ 11,489.61	
Lecture course .....	825.00	
Balance on hand, June 30, 1910.....	5,699.11	
	\$ 18,013.72	\$ 18,013.72

## COMMENCEMENT CONTINGENT FUND.

Balance on hand, July 1, 1908.....	\$ 315.91	
Total fees collected, including class play.....		1,751.12
Total disbursements .....	\$ 1,127.61	
Balance on hand, June 30, 1910.....	939.42	
	\$ 2,067.03	\$ 2,067.03

## STUDENTS' CONTINGENT FUND.

Balance on hand, July 1, 1908.....	\$ 16,737.60	
Total fees collected.....		33,753.00
Transferred to Teachers' Fund.....	\$ 24,483.33	
Transferred to Contingent Fund.....	15,000.00	
Transferred to Summer Term Fund.....	300.00	
Balance on hand, June 30, 1910.....	10,707.27	
	\$ 50,490.60	\$ 50,490.60

## STATISTICAL INFORMATION REQUIRED.

Regular School Year—	1908-09	1909-10
Number of students in teachers' course.....	2,545	2,548
Number of pupils in training schools.....	286	313
	2,831	2,861

FACULTY OF INSTRUCTION.

Regular School Year—	1908-09	1909-10
Number of professors.....	44	45
Number of assistant professors.....	13	11
Number of instructors.....	21	24
Number of assistants.....	7	5
Assistants (part time).....	5	5
	90	90

FACULTY OF INSTRUCTION—SUMMER TERM.

	1908	1909	1910
Professors .....	27	36	33
Assistant professors .....	4	8	8
Instructors .....	21	16	24
Assistants .....	3	..	..
	55	60	65
Students enrolled summer terms, already reported among students annually enrolled.....	1,311	1,278	1,274

PROPOSED BUDGET

FOR THE

BIENNIAL PERIOD, JULY 1, 1911, TO JUNE 30, 1913.

OF THE

IOWA STATE TEACHERS' COLLEGE.

PREPARED BY

HOMER H. SEERLY, PRESIDENT.

August 1, 1910.

*Financial Statement Condensed*—Showing present support, necessary expenditures, present demand and actual needs of the Iowa State Teachers' College for the biennial period beginning July 1, 1911, and ending June 30, 1913:

I. Teachers' Fund.

	EXPENSE	INCOME
1. Permanent fund now granted annually.....		\$ 87,500.00
2. From student fees.....		10,300.00
3. Additional appropriation needed annually....		22,000.00
4. Salaries of teachers, 1910-11.....	\$104,020.00	
5. Necessary advances and adjustments of salaries .....	7,480.00	

6. Necessary new teachers:

1. Supervisor of advanced training.....	1,800.00	
2. Professor of commercial work.....	1,500.00	
3. Instructor in commercial work.....	1,000.00	
4. Instructor in domestic science.....	1,000.00	
5. Additional professor of education.....	1,800.00	
6. Instructor in history and economics.....	1,200.00	
		\$119,800.00
		\$119,800.00

NOTE.—The salaries of the superior teachers are of such a basis that an actual increase is essential if Iowa is to compete successfully with other states. Talent such as this College needs when new teachers are to be appointed to fill vacancies or to add to the force of a department is not now obtainable at the scale of salaries paid. There must be considerable advance in salaries all along the line if the work is to be kept at the right standard.

II. Contingent Fund.

	EXPENSE	INCOME
1. Permanent fund now granted annually.....		\$ 40,000.00
2. From student fees.....		5,000.00
3. Estimated receipts from contracts with school districts .....		5,000.00
4. Estimated material sold.....		1,000.00
5. Additional appropriations requested annually		3,000.00
6. Salaries of employes.....	\$ 26,330.00	
7. Increase present salaries.....	1,500.00	
8. New employes .....	3,670.00	
9. Fuel, estimated .....	8,000.00	
10. Department supplies, estimated.....	6,000.00	
11. Office expenses, postage, printing, telegraph, telephone, etc. ....	2,000.00	
12. Quarterly Bulletin, estimated.....	2,500.00	
13. Water, estimated .....	1,500.00	
14. Superintendent's department—express, freight, special labor and unclassified items.....	5,500.00	
15. Electric light .....	2,000.00	
		\$ 59,000.00
		\$ 59,000.00

NOTE.—This statement estimates two additional janitors for the library and one additional clerk and stenographer in the office. It also provides for a night engineer, with the intention of opening the library evenings until 10 o'clock. The estimates are all made on a minimum basis and cannot suffer reduction without degrading the service now had.

### III. Summer Term Fund.

(On the basis of six weeks' term, with fees of \$5 paid by each student enrolled.)

	EXPENSE	INCOME
1. Permanent fund now granted annually.....		\$ 8,000.00
2. Additional appropriation needed annually for next two years on present basis.....		3,000.00
3. Estimated fees paid by students.....		6,000.00
4. Salaries of teachers.....	\$ 15,000.00	
5. Lectures .....	500.00	
6. Additional teachers .....	1,500.00	
	<hr/>	<hr/>
	\$ 17,000.00	\$ 17,000.00

NOTE.—Even on this estimate too much dependence is made from year to year upon the expected fees that will be paid by students. Any unexpected condition that would either prevent or interfere with the summer session attendance would place the College in debt, with no funds to meet the contracted obligations. In fact, this term ought to be a free session to the active public school teachers and the money necessary to support such a session should be entirely appropriated. This would mean an appropriation of at least \$25,000 a year, as the attendance would naturally increase.

### IV. Summer Term Fund.

	EXPENSE	INCOME
On the basis of a session of at least ten weeks, free enrollment being granted to actual teachers		\$ 40,000.00
1. Teachers for such session, estimated.....	\$ 30,000.00	
2. Other expenses .....	10,000.00	
	<hr/>	<hr/>
	\$ 40,000.00	\$ 40,000.00

### V. Library Fund.

	EXPENSE	INCOME
1. Appropriation requested for the biennial period		\$ 10,000.00
2. For library books and materials.....	\$ 10,000.00	

### VI. Librarian Salary Fund.

	EXPENSE	INCOME
1. Appropriation requested for the biennial period		\$ 14,000.00
2. For library salaries.....	\$ 14,000.00	

NOTE.—This estimate is based upon the intention to open the library during the hours, from 7:30 a. m. to 10 p. m. if the Board approves the plan and provides the necessary additional assistants needed. It is estimated that three additional assistant librarians will need to be employed, their distribution of time being approximately six and one-half hours per individual.

VII. *Pipe Organ Fund.*

	EXPENSE	INCOME
1. Appropriation requested to pay part purchase cost of pipe organ.....		\$ 5,000.00
2. Necessary expenditure to get such an organ as the school's work demands.....	\$ 10,000.00	
3. Shortage to be made by contributions and lecture fees .....		5,000.00
	\$ 10,000.00	\$ 10,000.00

VIII. *Nurse and Hospital Support Fund.*

	EXPENSE	INCOME
1. Appropriation requested for biennial period...		\$ 2,500.00
2. Expense of maintaining such department, \$2,250 per year .....	\$ 4,500.00	
3. Fees from students, estimated, \$750 per year..		1,500.00
4. Hospital bills paid.....		500.00
	\$ 4,500.00	\$ 4,500.00

NOTE.—This estimate is based upon the experience of the year 1909-1910. It is necessary to add equipment to the present outfit and to be able to provide domestic help and additional nurses in all cases where the numbers increase beyond the average of three patients. The income from fees does not increase proportionately with the number of patients.

IX. *Fire Protection Fund.*

	EXPENSE	INCOME
1. Appropriation asked .....		\$ 5,000.00
2. Expenditures necessary .....	\$ 5,000.00	

NOTE.—The college buildings do not have adequate fire protection. The fire pressure now given by the Cedar Falls water system does not exceed 50 pounds. This is not enough to protect the roofs of several of the buildings in case of emergency, fire from accident or from lightning, and in case of the disablement of the city pumping engine the college would be at great inconvenience and possible loss.

I am of the opinion that a standpipe ought to be erected upon the grounds in the center of the quadrangle and that a pump should be installed in addition to the power house that must be constructed and the proper attachments be made so the college can use its deep well. Provision for protection is essential where such a large investment exists as the State has at the college.

X. *Lecture and Entertainment Fund.*

	EXPENSE	INCOME
1. Appropriation asked annually.....		\$ 3,000.00
2. Lectures, concerts and other instruction for the students outside of faculty instruction.....	\$ 3,000.00	
	\$ 3,000.00	\$ 3,000.00

NOTE.—The custom for past few years has been to sell a lecture ticket for the season at \$2 to such students as cared to purchase them. This has deprived many deserving students of the privilege to hear the best lec-

turers, the best concerts and the best entertainments that have been procured by the college because of their inability to meet the necessary expenses and yet purchase these additional tickets for admission. These privileges are a necessary part of the work expected of every good college, and no student that enrolls should be refused permission to attend because of not having the means to do so. As a rule, teacher students are in moderate circumstances, and the college should provide these things as a part of the course of study.

SUMMARY OF APPROPRIATIONS REQUESTED.

I. *Permanent Funds.*

1. Teachers' fund, annually.....	\$22,000.00
2. Contingent fund, annually.....	10,000.00
3. Summer term fund, annually.....	3,000.00
	\$35,000.00
Total annual support.....	\$35,000.00

NOTES.

1. If the summer term is opened free of tuition for six weeks the appropriation would need to be about \$18,000 a year.
2. If the summer term is opened all the summer free of tuition, making a term of about twelve weeks, the appropriation would need to be about \$40,000 a year.
3. If tuitions are removed for the regular sessions it would require an additional appropriation of about \$25,000 annually to properly conduct the college.

II. *Temporary Funds.*

1. Library Fund, two years.....	\$10,000.00
2. Librarian Salary Fund, two years.....	14,000.00

NOTE.—Same as past period, except increase asked in salary fund to enlarge service in the new library.

3. Pipe Organ Fund, special.....	5,000.00
4. Nurse and Hospital Fund, two years.....	2,500.00
5. Fire Protection Fund, special.....	5,000.00
6. Lecture and Entertainment Fund.....	3,000.00
	\$39,500.00
Total.....	\$39,500.00



THE STATE UNIVERSITY OF IOWA, IOWA CITY.

Special report of the Secretary of the University to the Thirty-fourth General Assembly, 1908-1909.

January 1, 1910.

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

I submit herewith my special report for the year commenced July 1, 1908, and ended June 30, 1909, in accordance with the provisions of Chapter 104, Acts of the Thirtieth General Assembly.

Very respectfully,

W. J. McCHESNEY, Secretary of the University.

IOWA STATE BOARD OF EDUCATION.

James H. Trewin, President.....Cedar Rapids
D. A. Emery, Secretary.....Des Moines

MEMBERS OF THE BOARD.

TERMS EXPIRE 1911.

A. B. Funk.....Spirit Lake
Geo. T. Baker .....Davenport
Thos. D. Foster.....Ottumwa

TERMS EXPIRE 1913.

P. K. Holbrook .....Onawa
Chas. R. Brenton.....Dallas Center
D. D. Murphy .....Elkader

TERMS EXPIRE 1915.

James H. Trewin.....Cedar Rapids
Roger Leavitt.....Cedar Falls
Edw. P. Schoentgen.....Council Bluffs

FINANCE COMMITTEE.

W. R. Boyd, President.....Cedar Rapids
Thos. Lambert .....Sabula
D. A. Emery, Secretary.....Des Moines

OFFICERS OF THE UNIVERSITY.

George E. MacLean, President.
W. J. McChesney, Secretary.
Lovell Swisher, Treasurer.

STATE UNIVERSITY OF IOWA, IOWA CITY.

Statement of receipts and disbursements for the year commenced July 1, 1908, and ended June 30, 1909.

## RECEIPTS.

<i>Funds for the erection of buildings, etc.</i> .....	\$139,450.33
<i>Income Fund</i> .....	338,251.79
<i>Special Funds</i> .....	28,734.67
Total receipts .....	<u>\$506,436.79</u>

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Loden Oratory Prize Fund, and the W. J. Bryan Prize Interest Fund, the Mark Ranney Memorial Interest Fund, the Waite Lowry Gifford Memorial Fund, are not shown in the 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.

## DISBURSEMENTS

*Funds for the erection of buildings, etc.*

Building Tax Fund.....		\$105,317.32
Repair and Contingent Fund.....	\$ 12,120.57	
Equipment and Supplies Fund.....	8,065.65	
Equipment Fund, Natural Science		
Building .....	56.00	
Engineering Shops Fund.....	472.56	
Equipment Fund, New Medical		
Building .....	144.33	20,859.11

<i>Income Fund</i> .....	334,960.79
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*Special Funds.*

Library Fund .....	\$ 5,047.21
Special Land Fund.....	14,777.60
Donated Land Fund.....	1,598.03
Paving and Sidewalks Fund.....	2,979.66
Care of Campus Fund.....	1,903.71
	<u>26,306.21</u>

Total disbursements .....	<u>\$487,443.43</u>
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## BALANCES IN UNIVERSITY TREASURY, JUNE 30, 1909.

*Funds for the erection of buildings, etc.*

Building Tax Fund .....	\$ 9,780.35
Equipment Fund, New Medical Building.....	382.18
Equipment and Supplies Fund.....	3,048.17
Engineering Shops, etc., Fund.....	63.20
<i>Income Fund</i> (excluding hospital surpluses for the year .....	3,291.00

*Special Funds.*

Library Fund .....	2.74	
Special Land Fund .....	1,637.70	
Donated Land Fund .....	674.03	
Care of Campus Fund .....	113.99	
Total balances .....		\$ 18,993.36

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

Total receipts, as shown .....		\$506,436.79
Total disbursements .....	\$487,443.43	
Balances .....	18,993.36	
	\$506,436.79	\$506,436.79

Amount of moneys available from all sources during the year commenced July 1, 1908, and ended June 30, 1909, for the erection, equipment, improvement, and repair of buildings at the University.

*1-5 Mill Building Tax Fund (29th G. A., Ch. 171,  
Sec. 2).*

Balance in Building Tax Fund, July 1, 1908....	\$ 20,083.34	
Received—state warrants .....	95,000.00	
Received—sale of old material .....	14.33	
		\$115,097.67

*Repair and Contingent Fund (32d G. A., ch. 214,  
Sec. 2).*

Received—state warrants .....	2,500.00	
Received—state warrants (32d G. A., ch. 212, Sec. 2) .....	7,500.00	
Received—transferred from Income Fund.....	2,121.07	
		12,121.07

*Equipment and Supplies Fund (32d G. A., ch. 214,  
sec. 2).*

Balance in Equipment and Supplies Fund, July 1, 1908 .....	1,113.82	
Received—state warrants .....	10,000.00	
		\$ 11,113.82

*Equipment Fund, New Medical Buildings.*

Balance in Equipment Fund, New Medical Build- ings, July 1, 1908 .....		526.51
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*Equipment Natural Science Building, Etc., Fund,  
(32d G. A., ch. 214, sec. 2).*

Received—state warrants .....	17,500.00	
Received—transferred from Income Fund, July 1, 1908 .....	2,297.60	
		\$ 19,797.60

*Engineering Shops, Etc., Fund.*

Balance on hand, July 1, 1908.....	515.02.	
Received—sale of old material .....	20.74	
		<u>535.76</u>
Total .....		\$159,192.43
Less overdrafts on fund, July 1, 1908.....		19,742.10
(Overdraft covered by requisition following day.)		
		<u>\$139,450.33</u>

Receipts from all sources during the year commenced July 1, 1908, and ended June 30, 1909, going to make up the "Income Fund" of the University, except hospital receipts.

## State appropriations for support:

32d G. A., ch. 212, sec. 2.....	\$200,500.00	
32d G. A., ch. 214, sec. 2.....	35,000.00	
32d G. A., ch. 244, sec. 1.....	4,532.92	
		<u>\$240,032.92</u>

## Tuition:

College of Liberal Arts .....	\$ 18,803.25	
College of Applied Science .....	3,934.50	
College of Law .....	10,713.00	
College of Medicine .....	13,707.50	
College of Homeopathic Medicine .....	1,864.00	
College of Dentistry .....	9,281.00	
College of Pharmacy .....	3,816.25	
Graduate College .....	145.00	
Summer Session and Library School.....	1,649.00	
Special Examination Fees.....	210.00	
School of Music .....	5,018.50	
		<u>69,142.50</u>
Diploma fees .....	3,690.00	
Ophthalmology and Otology receipts.....	757.24	
Dental clinic receipts.....	7,741.60	
Interest on daily bank balances.....	1,742.94	
Law Loan Book Account.....	278.50	
Miscellaneous cash—rents, materials sold, laboratory breakage deposits, net, locker rentals, etc..	1,774.70	
Interest on Permanent Land Fund.....	11,927.96	
Rent on Permanent Land Fund.....	200.00	
Warrants cancelled .....	223.15	
		<u>\$337,510.91</u>
Total .....		\$337,510.91
Balance on hand, Income Fund, July 1, 1908 .....		740.88
		<u>\$338,251.79</u>

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, 1908, and ended June 30, 1909.

*Library Fund* (32d G. A., ch. 214, sec. 2).

Received—state warrants .....\$ 5,000.00  
Received—sale of books ..... 49.95

\$ 5,049.95

*Special Land Fund* (32d G. A., ch. 214, sec. 2).

Balance in Special Land Fund, July 1, 1908....\$ 2,794.30  
Received—state warrants ..... 12,500.00  
Received—rents ..... 1,121.00

16,415.30

*Donated Land Fund.*

Balance in Donated Land Fund, July 1, 1908....\$ 1,473.05  
Rents ..... 799.01

2,272.06

*Paving and Sidewalks Fund* (32d G. A., chap. 214, Sec. 2).

Balance in Paving and Sidewalks Fund, July 1, 1908 .....\$ 240.14  
Received—state warrants .....\$ 2,500.00  
Received—sale of old material..... 23.46  
Transferred from Income Fund ..... 216.06

2,979.66

*Care of Campus Fund* (32d G. A., ch. 214, sec. 2).

Balance in Care of Campus Fund, July 1, 1908..\$ 17.70  
Received—state warrants ..... 2,000.00

2,017.70

\$ 28,734.16

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, the W. J. Bryan Interest Fund, the Mark Ranney Memorial Interest Fund, and the Walter Lowry Gifford Memorial Interest Fund, are not shown in the statement, as these funds are held in trust by the University, the interest 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, 1908, and ended June 30, 1909.

*University Hospital.*

Balance to credit of hospital, July 1, 1908 .....\$ 2,309.60  
Hospital earnings .....\$ 31,573.09  
Nurses' earnings outside of hospital 1,232.10  
Operating room fees..... 3,465.00

36,270.19

Total receipts .....\$ 33,579.79

*University Homeopathic Hospital.*

Balance to credit of hospital, July 1,		
1908 .....	\$	90.52
Nurses' earnings outside of hospital.	\$	437.40
Operating room fees .....		970.82
Hospital earnings .....		6,382.80
Miscellaneous sources .....		2.00
		<u>7,793.02</u>
Total receipts .....	\$	7,883.54

Expenditures from funds for the erection, equipment, improvement, and repair of buildings at the University, during the year commenced July 1, 1908, and ended June 30, 1909.

*1-5 Mill Building Tax Fund.*

Expended for the erection of the President's house (for detailed account of the expenditures on this building, see Secretary's printed annual report) .....	\$	16,570.74
Expended for the erection of the Law Building (for detailed account of the expenditures on this building, see Secretary's printed annual report) .....		62,772.52
Expended for the erection of the Engineering Building Addition (for detailed account of the expenditures on this building, see Secretary's printed annual report) .....		23,763.96
Expended for the erection of the Natural Science Building (for detailed account of the expenditures on this building, see Secretary's printed annual report) .....		2.00
Expended for the erection of the University Hospital Wing (for detailed account of the expenditures on this building, see Secretary's printed annual report) .....		2.10
Expended for fire escapes on the various buildings (for detailed account of these expenditures, see Secretary's printed annual report) ..		1,206.00
G. H. Elsworth, salary as Superintendent of Construction .....		1,000.00
		<u>\$105,317.32</u>
Total expenditures .....		9,780.35
Balance on hand, June 30, 1909 .....		

\$115,097.67

*Repair and Contingent Fund.*

General repairs .....	\$	2,894.09
Plumbing repairs .....		667.54
Electrical repairs .....		664.60
Steam fitting repairs .....		6.35

Athletic Field—care of .....	160.94	
Athletic Field—repairing bleachers .....	319.38	
Heating plant repairs .....	656.30	
Boiler repairs .....	212.19	
Care of campus .....	197.19	
Old Science Building repairs .....	1,097.51	
School of Music Building repairs .....	199.69	
Dental Building repairs .....	272.63	
Old Science Building painting .....	496.20	
Pharmacy Laboratory repairs .....	142.05	
Materia Medica Laboratory repairs .....	40.88	
Flood sewer .....	48.74	
Concentrating wall .....	219.93	
Internal Medicine Laboratory .....	859.24	
President's House, grading .....	404.29	
Engineering Building, walk .....	24.34	
Roof painting .....	22.89	
Medical shed, removal .....	564.81	
De Sellem House repairs .....	991.52	
Dennis House repairs .....	957.27	
		<hr/>
Total expenditures .....		\$ 12,120.57
Overdraft, July 1, 1909 .....		.50
		<hr/>
		\$ 12,121.07

*Equipment and Supplies Fund.*

College of Applied Science, equipment.....	\$ 1,467.12	
Physics and Mechanics, equipment .....	1,251.35	
Commercial Museum, equipment.....	242.92	
College of Dentistry, equipment.....	518.72	
Department of Botany, equipment.....	27.79	
Department of Education, equipment.....	40.50	
Engineering Building Addition, equipment.....	2,737.76	
University laundry, equipment .....	339.05	
Electrical supplies .....	1,192.61	
Plumbing supplies .....	226.93	
Gas light fixtures .....	21.50	
		<hr/>
Total expenditures .....		\$ 8,065.65
Balance on hand, June 30, 1909 .....		3,048.17
		<hr/>
		11,113.82

*Equipment Fund, Natural Science Building, Etc.*

Hospital wing, equipment .....	\$ 56.00	
Overdraft, July 1, 1909 .....	19,741.60	
Overdraft covered by requisition following day.		
		<hr/>
		19,797.60

*Equipment Fund, New Medical Buildings.*

Department of Pathology and Bacteriology, equipment .....	\$ 38.86
Department of Materia Medica, equipment.....	30.90
Department of Hygiene, equipment.....	59.57
Ladies' study room, Medical Building.....	15.00
<hr/>	
Total expenditures .....	\$ 144.33
Balance on hand, June 30, 1909.....	382.18
<hr/>	
	\$ 526.51

*Engineering Shops, Etc., Fund.*

Hydro-Electric Plant, retaining wall.....	\$ 36.39
Hydro-Electric Plant, equipment.....	436.17
<hr/>	
Total expenditures .....	\$ 472.56
Balance on hand, June 30, 1909.....	63.20
<hr/>	
	\$ 535.76

Expenditures from Income Fund for the year commenced July 1, 1908, and ended June 30, 1909. (For an itemized account of all disbursements summarized below, see Secretary's printed annual report.)

*Cost of Instruction.*

College of Liberal Arts .....	\$100,949.00
College of Applied Science .....	26,500.00
College of Law .....	14,749.92
College of Medicine .....	24,775.00
College of Homeopathic Medicine .....	5,330.00
College of Dentistry .....	14,425.00
College of Pharmacy .....	3,880.00
Graduate College .....	3,835.00
Summer Session and Library School.....	6,106.05
<hr/>	
Total cost of instruction .....	\$200,549.97

*Cost of Administration.*

Salaries .....	\$ 13,690.00
Supplies, etc.....	1,424.94
<hr/>	
Total cost of administration.....	15,114.94

*General Library.*

Salaries .....	\$ 4,456.60
Supplies, etc.....	1,024.15
<hr/>	
Total expense of Library from Income Fund....	5,480.75

(Books, periodicals, etc., are paid for from the special library appropriation.)



## II. EXPENDITURES.

## (a) For 1908-9.

*Educational Support Funds.*

Salaries, including administrative officers.....	\$152,656.57
Department expenses and ordinary equipment..	60,196.43
Administrative and general expenses.....	17,761.30
Maintenance of buildings and grounds, including heat, light and janitor service for buildings and care of campus.....	56,649.49

287,263.79

*Agricultural Extension Fund.*

Salaries of Extension staff, including Secretary.	\$ 15,549.10
Current expenses and equipment.....	13,001.44

28,550.54

*Experiment Funds.**Agricultural Experiment Station:*

Salaries of Extension staff and assistants....	\$ 28,436.65
Current expenses and equipment.....	23,240.80

51,574.45

*Horse Breeding Experimentation:*

Salaries .....	\$ 250.00
Current expenses and horses purchased.....	4,275.39

4,525.39

*Engineering Experiment Station:*

Salaries .....	\$ 1,818.18
Current expenses and equipment.....	1,178.16

2,996.34

*Good Roads Experimentation:*

Salaries .....	\$ 2,420.00
Current expenses and equipment.....	2,719.67

5,139.67

*Building and Equipment Fund Expenditures.*

Repairs and contingencies.....	\$ 23,607.43
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*Special Building Tax:*

Hall of Agriculture.....	136,555.41
Central Building .....	1,312.32
Engineering Hall Annex.....	4,014.25
Ceramics Building .....	252.67
Hall of Agriculture—Furniture and fixtures....	416.56
Central Heating Plant (\$60,000.00).....	27,000.00
Dairy Farm buildings, farm and equipment....	436.14
Machine Shop .....	1,508.28
Water system improvement.....	4,895.57
Walks and grading.....	359.09
Sidewalks and grading (\$7,500.00).....	672.28
Engineering Hall Annex—Furnishings and fix- tures .....	.45
Purchase of pure-bred stock.....	675.85

Purchase of pure-bred stock (\$10,000.00).....	1,292.45	
Special equipment for college departments (old)	492.32	
Special equipment for college departments (new)	4,772.08	
Room rent .....	2,290.05	
		<u>\$210,535.20</u>
Total expenditures for 1908-9 for all purposes .....		\$590,685.38

## (b) For 1909-10.

*Educational Support Funds.*

Salaries, including administrative officers.....	\$184,829.96	
Department expenses and equipment.....	62,049.06	
Administrative and general expenses.....	19,747.78	
Maintenance of buildings and grounds, including heat, light and janitor service for buildings and care of campus.....	62,114.09	
		<u>328,740.89</u>

*Agricultural Extension Fund.*

Salaries of Extension staff, including Secretary..	\$ 21,348.14	
Current expenses and equipments.....	12,076.02	
		<u>33,424.16</u>

*Experiment Funds.*

## Agricultural Experiment Station:

Salaries of Station staff and assistants.....	\$ 29,724.87	
Current expenses and equipment.....	33,766.93	
		<u>63,491.80</u>

## Horse Breeding Experimentation:

Salaries .....	\$ 250.00	
Current expenses .....	221.00	
		<u>471.00</u>

## Engineering Experiment Station:

Salaries .....	\$ 1,880.00	
Current expenses and equipment.....	2,398.75	
		<u>4,278.75</u>

## Good Roads Experimentation:

Salaries .....	\$ 3,603.33	
Current expenses and equipment.....	1,420.69	
		<u>5,024.02</u>

*Building and Equipment Fund Expenditures.*

Repairs and contingencies.....	\$ 39,028.41	
Special Building Tax:		
Hall of Agriculture.....	14,833.13	
Central Building .....	1,094.49	
Engineering Hall Annex.....	30,827.17	
Ceramics Building .....	13,242.52	
Domestic Technology Building.....	18,870.49	
Hall of Agriculture—Furniture and fixtures.....	18,799.28	
Central Heating Plant (\$50,000.00).....	7,475.23	
Water system improvement.....	104.43	
Sidewalks and grading (\$7,500.00).....	5,826.51	

Engineering Hall Annex—Furnishings and fixtures .....	2,786.88	
Purchase of pure-bred stock (\$10,000.00) .....	5,138.96	
Special equipment for College departments .....	6,705.63	
Room rent .....	1,624.41	
		<u>166,407.54</u>
Total expenditures for 1909-10 for all purposes .....		\$601,838.16

## SUMMARY.

Receipts:		
Balances in College and State treasuries, July 1, 1908 .....		\$ 85,052.88
Additional funds available in 1908-9 .....	\$ 650,111.62	
Additional funds available in 1909-10 .....	620,526.31	
		<u>\$1,270,637.93</u>
Total funds available during biennial period from all sources and for all purposes .....		\$1,355,690.81
Expenditures:		
During fiscal year 1908-9 .....	\$ 590,685.38	
During fiscal year 1909-10 .....	601,838.16	
	<u>\$1,192,523.54</u>	
Less net expenditures of Hospitals paid from Hospital balance .....	737.04	
		<u>\$1,191,786.50</u>
Railway Damage Fund transferred to Endowment Fund .....		88.00
Balance in College and State treasuries, June 30, 1910 .....		163,816.31
Total .....		<u>\$1,355,690.81</u>

## III. BALANCES AT CLOSE OF BIENNIAL PERIOD, JUNE 30, 1910.

In hands of College Treasurer:		
College support, including student funds .....	\$ 29,185.48	
Agricultural Extension Fund .....	2,707.81	
Experiment Funds:		
Agricultural Experiment Funds .....	6,255.56	
Engineering Experiment Funds .....	2,297.38	
Horse Breeding experimentation .....	3.61	
Good Roads experimentation .....	.40	
		<u>8,557.05</u>
Building and Improvement Funds:		
Agricultural Hall furniture .....	\$ 10.81	
Repair and Contingent Fund, including amount transferred from Tuition Fund .....	6,197.66	
Room Rent Fund .....	1,286.12	
		<u>7,494.59</u>
Total in College Treasurer's hands .....		\$ 47,944.93

In hands of State Treasurer:

Special Building tax.....	\$ 97,546.50	
Part of special appropriation of Thirty-third General Assembly made available before July 1, 1910, unexpended.....	18,324.44	
Pure-bred stock appropriation (old).....	44	
Total in hands of State Treasurer.....		115,871.38
Total .....		\$163,816.31

The support funds are drawn quarterly at the *end* of the quarter. The balances are therefore necessarily large at the beginning of each quarter.

The law requires that the sales of departments and hospital receipts shall be reported separately. The following are the receipts and expenditures for these accounts during the biennial period:

#### SALES OF DEPARTMENTS.

For year 1908-9.....	\$ 75,788.24	
For year 1909-10 .....	72,982.40	
Total.....		\$148,770.64

The proceeds of these sales are reappropriated to the departments. They constitute a revolving fund, which, as it comes and goes, results simply in a change in the farm department assets.

### III. COLLEGE HOSPITAL ACCOUNT.

#### RECEIPTS.

Cash on hand, July 1, 1908.....		\$ 1,870.93
Receipts from students and others in 1908-9.....	\$ 2,826.01	
Receipts from students and others in 1909-10.....	2,325.94	
		5,151.95
Total .....		\$ 7,022.88

#### DISBURSEMENTS.

For expenses of maintenance, 1908-9.....	\$ 3,419.81	
For expenses of maintenance, 1909-10.....	2,469.18	
		5,888.99
Cash on hand, July 1, 1909-10.....		1,133.89
Total.....		\$ 7,022.88

The hospital is self-supporting. By the payment of a small fee each semester the student is insured the privileges of the hospital without further expense. The Board of Education simply manages the fund, in trust, for the student body.

IV. NUMBER OF INSTRUCTORS AND STUDENT ENROLLMENT.  
INSTRUCTORS.

1908-9.

Professors, assistant professors and administrative officers.....	76
Instructors and assistant.....	74
	<hr/>
Total.....	150

1909-10.

Professors, assistant professors and administrative officers.....	87
Instructors and assistant .....	80
	<hr/>
Total.....	167

STUDENT ENROLLMENT.

1908-9.

Division of Agriculture:	
Science and Agriculture .....	6
Animal Husbandry .....	340
Agronomy .....	106
Forestry and Horticulture.....	51
Dairy .....	66
	<hr/>
	569
Division of Veterinary Science:	
Veterinary Medicine .....	126
	<hr/>
	126
Division of Engineering:	
Civil Engineering .....	308
Mechanical Engineering .....	164
Electrical Engineering .....	273
Mining Engineering .....	46
Ceramics .....	4
	<hr/>
	795
Division of Science:	
General Science .....	142
Domestic Science .....	125
	<hr/>
	267
Miscellaneous:	
Music .....	9
	<hr/>
	9
	<hr/>
Total .....	1766
Winter Short Course.....	796
Special music students.....	69
	<hr/>
Grand total .....	2631

*Cost of Apparatus and Supplies of Departments.*

College of Liberal Arts .....	\$ 8,251.16	
College of Law .....	104.57	
College of Medicine .....	10,441.61	
College of Homeopathic Medicine.....	123.66	
College of Dentistry .....	6,429.60	
College of Pharmacy .....	1,861.56	
Graduate College .....	311.46	
Summer Session and Library School.....	287.44	
		<hr/>
Total cost of apparatus and supplies of departments .....		27,811.06
<i>University Expansion Expenses</i> .....	\$ 446.32	
<i>Law Loan Book Account</i> —law books.....	123.14	
<i>Fixed Charges, or General Expenditures, such as fuel, light, janitor service, engineer, fireman, etc.</i>		75,491.38
<i>Tuitions refunded</i> .....		290.00
<i>Tuitions—School of Music</i> —turned over to Effie Mae Proffitt, Director of the School.....		5,018.50
		<hr/>
Total expenditures, Income Fund.....		\$330,326.06
Transferred by order of the Board of Regents to Paving and Sidewalks Fund.....	\$ 216.06	
To Repair and Contingent Fund .....	2,121.07	
To Equipment Natural Science Building, Etc., Fund .....	2,297.60	4,634.73
		<hr/>
		\$334,960.79
Balance on hand, June 30, 1909.....		3,291.00
		<hr/>
		\$338,251.79

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, 1908, and ended June 30, 1909.

*Library Fund.*

Expended for books, periodicals, and binding, as set out in the Secretary's printed report.....	\$ 5,047.21
Balance on hand, June 30, 1909.....	2.74
	<hr/>

\$ 5,049.95

*Special Land Fund.*

Expended for land, as set out in the Secretary's printed report .....	\$ 14,777.60
Balance on hand, June 30, 1909.....	1,637.70
	<hr/>

\$ 16,415.30

*Donated Land Fund.*

Expended for Labor and material on Athletic Field .....	\$ 1,598.03
Balance on hand, June 30, 1909.....	674.03

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\$ 2,272.06

*Paving and Sidewalks Fund.*

Expended for cement walks and to the City of Iowa City for paving .....	2,979.66
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*Care of Campus Fund.*

Expended for labor, seeding, planting, grading, etc. ....	\$ 1,903.71
Balance on hand, June 30, 1909.....	113.99

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\$ 2,017.70

Expenditures from hospital receipts for the year commenced July 1, 1908, and ended June 30, 1909.

*University Hospital.*

Salaries .....	\$ 5,266.33
Help .....	3,185.77
Provisions .....	9,707.41
Household .....	11,005.90
Medicine .....	4,579.60

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Total expenditures ..... \$33,745.01

Balance in Income Fund to credit of University Hospital account, June 30, 1909.....	4,834.78
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\$38,579.79

*University Homeopathic Hospital.*

Salaries .....	\$ 1,400.00
Help .....	520.27
Provisions .....	3,650.08
Household .....	1,584.00
Medicine .....	693.60

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Total expenditures ..... 7,847.95

Balance in Income Fund to credit of University Homeopathic Hospital account, June 30, 1910..	35.59
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\$ 7,883.54

## STAFF OF INSTRUCTION.

Number of Professors.....	68
Number of assistant professors .....	22
Number of instructors and assistant instructors.....	48
Number of fellows.....	4
Number of scholars .....	20
Number of lecturers .....	23

## NUMBER OF STUDENTS ENROLLED DURING REGULAR ACADEMIC YEAR.

	Men.	Women.	Total.
College of Liberal Arts .....	550	552	1102
Graduate College .....	86	74	160
College of Applied Science .....	242	1	243
College of Law .....	220	2	222
College of Medicine.....	255	12	267
Training School for Nurses (College of Medicine).....		48	48
College of Homeopathic Medicine .....	40	2	42
Training School for Nurses (College of Homeopathic Medicine) .....		18	18
College of Dentistry .....	168	3	171
College of Pharmacy .....	71	2	73
School of Music (affiliated).....	25	76	101
	1657	790	2447
Duplicates .....	128	66	194
Total for regular year, excluding duplicates.....	1529	724	2253
Summer session, 1908 .....	143	220	363
	1672	944	2616
Duplicates .....	74	70	144
Total for entire year, including Summer Session, without duplicates .....	1598	874	2472

## THE STATE UNIVERSITY OF IOWA, IOWA CITY.

OFFICE OF SECRETARY OF THE UNIVERSITY,

January 1, 1911.

*To the Members of the Thirty-fourth General Assembly of the State of Iowa:*

I submit herewith my special report for the year commenced July 1, 1909, and ended June 30, 1910, in accordance with the provisions of Chapter 104, Acts of the Thirtieth General Assembly.

Very respectfully,

W. J. McCHESNEY,  
*Secretary of the University.*

## IOWA STATE BOARD OF EDUCATION.

James H. Trewin, President.....Cedar Rapids  
D. A. Emery, Secretary.....Des Moines

## MEMBERS OF THE BOARD.

TERMS EXPIRE 1911.

A. B. Funk .....

Geo. T. Baker .....

Thos. D. Foster.....

Spirit Lake  
Davenport  
Ottumwa



## TERMS EXPIRE 1913.

P. K. Holbrook .....	Onawa
Chas. R. Brenton .....	Dallas Center
D. D. Murphy .....	Elkader

## TERMS EXPIRE 1915.

James H. Trewin.....	Cedar Rapids
Roger Leavitt.....	Cedar Falls
Edw. P. Schoentgen.....	Council Bluffs

## FINANCE COMMITTEE.

W. R. Boyd, President.....	Cedar Rapids
Thos. Lambert .....	Sabula
DD. A. Emery, Secretary.....	Des Moines

## OFFICERS OF THE UNIVERSITY.

George E. MacLean, President.  
 W. J. McChesney, Secretary.  
 Lovell Swisher, Treasurer.

## THE STATE UNIVERSITY OF IOWA, IOWA CITY.

Statement of Receipts and Disbursements for the year commenced July 1, 1909, and ended June 30, 1910.

## RECEIPTS.

<i>Funds for the erection of Buildings, etc.</i> .....	\$127,837.96
<i>Income Fund</i> .....	371,993.50
<i>Special Funds</i> .....	41,098.71
Total receipts .....	\$540,930.17

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Fund, the W. J. Bryan Prize Interest Fund, the Mark Ranney Memorial Interest Fund, the Waite Lowry Gifford Memorial Interest Fund, are not shown in the 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.

## DISBURSEMENTS.

<i>Funds for the erection of Buildings, etc.</i>	
Building Tax Fund.....	\$ 81,404.60
Repair and Contingent Fund.....	\$ 14,916.07
Equipment and Supplies Fund.....	9,496.12
Equipment Fund, New Medical Buildings .....	71.36
Equipment New Law Buildings, etc., Fund .....	9,399.05

Engineering Shops Fund.....	63.20	
Heating and Hydraulic Plants Equipment Fund .....	7,599.84	
		41,545.64
<i>Income Fund</i> .....		371,113.47
<i>Special Funds.</i>		
Library Fund .....	\$ 13,594.35	
Special Land Fund.....	19,694.60	
Donated Land Fund.....	1,529.77	
Paving and Sidewalks Fund.....	946.59	
Care and Improvement of Campus Fund .....	113.99	
		35,879.30
Total disbursements .....		\$529,943.01

## BALANCES IN UNIVERSITY TREASURY, JUNE 30, 1910.

*Funds for the erection of buildings, etc.*

Building Tax Fund .....	\$ 3,375.75
Repair and Contingent Fund .....	3.65
Equipment and Supplies Fund .....	1,096.55
Equipment New Medical Buildings Fund.....	310.82
Equipment New Law Building, etc. Fund.....	100.95
<i>Income Fund</i> (excluding hospital surpluses for the year) .....	880.03

*Special Funds.*

Library Fund .....	\$ 1,445.78
Special Land Fund .....	1,310.50
Donated Land Fund .....	374.47
Paving and Sidewalks Fund.....	2,088.66

Total balances .....	\$10,987.16
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The University has no balances in departments to report, since any unexpended balances in departmental appropriations revert to Income Fund at the close of each fiscal year.

Total receipts, as shown .....	\$540,930.17
Total disbursements .....	\$529,943.01
Balances .....	10,987.16
	<u>\$540,930.17</u>
	<u>\$540,930.17</u>

Amount of moneys available from all sources, during the year commenced July 1, 1909, and ended June 30, 1910, for the erection, equipment, improvement, and repair of buildings at the University.

*1-5 Mill Building Tax Fund* (29th G. A., ch. 171,  
sec. 2).

Balance in Building Tax Fund proper, July 1, 1909 .....	9,780.35
Received—state warrants .....	75,000.00
	<hr/>

*Repair and Contingent Fund* (32d G. A., ch. 212,  
sec. 2).

Received—state warrants (33d G. A., ch. 244, sec. 1) .....	7,500.00
Received—state warrants .....	7,170.32
Received—sale of old material.....	249.40
	<hr/>

14,919.72

*Equipment and Supplies Fund* (33d G. A., ch. 244,  
sec. 1).

Balance in Equipment and Supplies Fund, July 1, 1909 .....	3,048.17
Received—state warrants .....	7,500.00
Received—sale of old material .....	44.50
	<hr/>

\$10,592.67

*Equipment Fund, New Medical Buildings.*

Balance in Equipment Fund, New Medical Build- ings, July 1, 1909 .....	382.18
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*Equipment New Law Building, etc. Fund,* (33d G.  
A., ch. 244, sec. 1).

Received—state warrants .....	9,500.00
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*Engineering Shops, etc. Fund.*

Balance in Engineering Shops, etc., Fund, July 1, 1909 .....	63.20
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*Heating and Hydraulic Plants Equipment Fund*  
(33d G. A., ch. 244, sec. 1).

Received—state warrants .....	7,500.00
Received—sale of old material.....	99.84
	<hr/>

7,599.84

Total ..... \$127,837.96

Receipts from all sources, during the year commenced July 1, 1909,  
and ended June 30, 1910, going to make up the "Income Fund" of the  
University, except hospital receipts.

State appropriations for support:

32d G. A., ch. 212, sec. 2.....	\$205,500.00
32d G. A., ch. 214, sec. 2.....	35,000.00
33d G. A., ch. 244, sec. 1.....	18,750.00
33d, G. A., ch. 244, sec. 1.....	16,500.00
	<hr/>

\$275,750.00

## Tuition:

College of Liberal Arts .....	\$ 19,014.25	
College of Applied Science .....	3,233.00	
College of Law .....	11,937.50	
College of Medicine .....	9,252.00	
College of Homeopathic Medicine .....	1,715.75	
College of Dentistry .....	8,627.25	
College of Pharmacy .....	2,704.50	
Graduate College .....	150.00	
Summer Session and Library School .....	1,235.00	
School of Music .....	3,059.00	
Special Examinations .....	159.00	
		<hr/>
		61,077.25
Diploma fees .....		4,155.00
Ophthalmology and Otology receipts .....		997.14
Dental Clinic receipts .....		8,827.84
Law Loan Book account.....		364.75
Miscellaneous cash—rents, material sold, laboratory breakage, deposits, net, locker rentals, etc.		1,975.22
Interest on daily bank balance .....		2,075.57
Interest on permanent land fund.....		12,959.73
Rents from permanent land fund.....		100.00
Warrants cancelled .....		420.00
		<hr/>
Total .....		\$368,702.50
Balance on hand, July 1, 1909.....		3,291.00
		<hr/>
		\$371,993.50

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, 1909, and ended June 30, 1910.

*Library Fund* (33d G. A., ch. 244, sec. 1).

Balance in Library Fund, July 1, 1909.....	\$ 2.74
Received—state warrants .....	15,000.00
Received—sale of books .....	37.39
	<hr/>

15,040.13

*Special Land Fund* (33d G. A., ch. 244, sec. 1).

Balance in special land fund, July 1, 1909.....	\$ 1,637.70
Received—state warrants .....	17,500.00
Received—rents and sale of old buildings.....	1,867.40
	<hr/>

21,005.10

*Donated Land Fund.*

Balance in Donated Land Fund, July 1, 1909.....	\$ 674.03
Received—rents, etc.....	1,230.21
	<hr/>

1,904.24

*Paving and Sidewalks Fund* (33d G. A., ch. 244, sec 1).

Received—state warrants .....	\$ 3,000.00
Received—sale of old material .....	35.25

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3,035.25

*Care of Campus Fund.*

Balance in Care of Campus Fund, July 1, 1909..	113.99
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\$ 41,098.71

The A. Whitney Carr Free Scholarship Interest Fund, the F. O. Lowden Oratory Prize Interest Fund, the W. J. Bryan Prize Interest Fund, the Mark Ranney Memorial Interest Fund, and the Waite Lowry Gifford Memorial Interest Fund, are not shown in the statement, as these funds are held in trust by the University, the interest 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, 1909, and ended June 30, 1910.

*University Hospital.*

Balance to credit of hospital, July 1, 1909 .....	\$ 4,834.78
Hospital earnings .....	\$ 34,920.73
Nurses' earnings outside of hospital .....	2,110.88
Operating room fees.....	3,710.00

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40,741.61

Total receipts .....	\$ 45,576.39
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*University Homeopathic Hospital.*

Balance to credit of hospital, July 1, 1909 .....	\$ 35.59
Hospital earnings .....	\$ 7,001.14
Nurses' earnings outside of hospital .....	687.33
Operating room fees .....	1,045.00

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8,733.47

Total receipts .....	\$ 8,769.06
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Expenditures from funds for the erection, equipment, improvement, and repair of buildings at the University, during the year commenced July 1, 1909, and ended June 30, 1910.

*1-5 Mill Building Tax Fund.*

Expended for the erection of the Law Building (For detailed account of the expenditures on this building, see Secretary's printed annual report). .....

\$ 56,807.70

Expended for the erection of the Engineering Shops (For detailed account of the expenditures on this building, see Secretary's printed annual report). . . . .	15,797.75
Expended for the erection of the Physics building (For Detailed account of the expenditures on this building, see Secretary's printed annual report). . . . .	7,799.15
G. H. Ellsworth, one-half salary as Superintendent of Construction . . . . .	1,000.00
	<hr/>
Total expenditures . . . . .	\$ 81,404.60
Balance on hand, June 30, 1910. . . . .	3,375.75
	<hr/>
	\$ 84,780.35

*Repair and Contingent Fund.*

General repairs . . . . .	\$ 2,255.00
Plumbing repairs . . . . .	1,058.33
Electrical repairs . . . . .	389.77
University Hospital—repairs and painting. . . . .	53.00
University Homeopathic Hospital—repairs and painting . . . . .	123.52
Old Science Hall—repairs and painting. . . . .	357.36
Dental Building—repairs and painting. . . . .	433.29
Old Capitol Building—repairs and painting. . . . .	544.11
Chemical Laboratory Building—repairs and painting . . . . .	1,398.47
Armory—repairs and painting. . . . .	161.86
Medical Laboratory Bldg.—repairs and painting. . . . .	3.29
Unity Hall—repairs and painting. . . . .	820.34
Hall of Liberal Arts—repairs and painting. . . . .	298.00
Hall of Liberal Arts—blackboards, etc. . . . .	182.46
Chemical Laboratory—repairs . . . . .	198.21
Chemical Laboratory—ventilating system. . . . .	999.33
Iowa Avenue Building—repairs. . . . .	4.00
Heating Plant—repairs. . . . .	438.05
Hospital Boiler—repairs . . . . .	546.65
Boiler repairs . . . . .	38.34
Pharmacy Laboratory—repairs . . . . .	3.77
Laundry Building—repairs . . . . .	20.35
Nurses' homes—repairs . . . . .	103.63
Woman's gymnasium—repairs . . . . .	75.35
Care of Athletic Field. . . . .	184.43
Care of Campus : . . . . .	45.00
Campus driveway . . . . .	53.78
Registrar's office—repairs . . . . .	102.99
President's house—grading . . . . .	142.73
Engineering Building—walk . . . . .	29.78
Byington lot—filling . . . . .	54.67

Carpenter shop—moving of.....	29.00	
Heating Plant—stokers .....	1,737.49	
Hydro-Electric Plant—dynamo .....	8.30	
Gas engine .....	2,021.42	
		<hr/>
Total expenditures .....		\$ 14,916.07
Balance on hand June 30, 1910.....		3.65
		<hr/>
		\$ 14,919.72

*Equipment and Supplies Fund.*

College of Applied Science—equipment.....	\$ 1,319.22	
Physics and Mechanics—equipment.....	957.30	
Commercial Museum—equipment .....	399.12	
College of Dentistry—equipment.....	768.06	
Hygiene Laboratory—equipment .....	119.48	
Library cases—equipment .....	675.02	
Engineering Building Addition—equipment.....	864.98	
University Laundry—equipment .....	1,786.11	
Electrical Supplies .....	1,431.38	
Plumbing supplies .....	555.90	
Gas light fixtures.....	26.50	
Philosophy and Psychology—equipment.....	45.00	
Superintendent of Buildings and Grounds— equipment .....	77.90	
College of Medicine—equipment.....	396.17	
General equipment .....	73.98	
		<hr/>
Total expenditures .....		\$ 9,496.12
Balance on hand June 30, 1910.....		1,096.55
		<hr/>
		\$ 10,592.67

*Equipment Fund, New Medical Buildings.*

Department of Pathology and Bacteriology— equipment .....	33.54	
Department of Physiology—equipment.....	4.45	
Hygiene Laboratory .....	33.37	
		<hr/>
Total expenditures .....		\$ 71.36
Balance on hand June 30, 1910.....		310.82
		<hr/>
		\$ 382.18

*Equipment New Law Building, etc., Fund.*

Law Building Equipment (For itemized list of expenditures on this building see Secretary's printed annual report).....	\$ 9,228.05	
Office of the Dean, College of L. A.—equipment..	101.00	
Miscellaneous buildings—equipment .....	70.00	
		<hr/>
Total expenditures .....		\$ 9,399.05
Balance on hand June 30, 1910.....		100.95
		<hr/>
		\$ 9,500.00

*Engineering Shops, etc., Fund.*

Hydro-Elentric Plant—equipment.....	\$	63.20
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*Heating and Hydraulic Plants Equipment Fund.*

Hydraulic Plant—dynamo, etc. ....	\$	1,173.01
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Heating Plant—boiler, stokers, etc. (For itemized list of the expenditures from this fund see Secretary's printed annual report).....		6,426.83
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\$ 7,599.84

Expenditures from Income Fund for the year commenced July 1, 1909, and ended June 30, 1910. (For an itemized account of all disbursements summarized below see Secretary's printed annual report.)

*Cost of Instruction.*

College of Liberal Arts .....	\$118,351.00
College of Applied Science .....	28,875.00
College of Law .....	17,100.00
College of Medicine .....	31,385.00
College of Homeopathic Medicine .....	5,295.00
College of Dentistry .....	16,825.00
College of Pharmacy .....	4,300.00
Graduate College .....	4,482.50
Summer Session and Library School.....	6,590.00

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Total cost of instruction.....	\$233,203.50
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*Cost of Administration.*

Salaries .....	\$ 15,553.34
Supplies .....	1,627.40

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Total cost of administration.....	\$ 17,180.74
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*General Library.*

Salaries .....	\$ 5,513.00
Supplies, etc. ....	1,272.60

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Total expense of Library from Income Fund—\$	6,785.60
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(Book, periodicals, etc., are paid for from the special library appropriation.)

*Cost of Apparatus and Supplies of Departments.*

College of Liberal Arts .....	\$ 8,313.18
College of Law .....	77.58
College of Medicine .....	8,734.36
College of Homeopathic Medicine .....	120.41
College of Dentistry .....	5,740.25
College of Pharmacy .....	2,120.08
Graduate College .....	207.14
Summer Session and Library School.....	193.12

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Total cost of apparatus and supplies of departments .....	\$ 25,506.12
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*Alumni Bureau.*

Salaries .....	\$ 1,016.64	
Supplies, stenographic service, etc.....	1,335.45	
	<hr/>	
Total cost of Alumni Bureau.....		\$ 2,352.09
<i>University Extension Expenses</i> .....		335.05
<i>Law Book Account</i> —law books.....		457.11
<i>Fixed Charges, or General Expenditures</i> , such as fuel, light, janitor service, engineer, firemen, etc.		32,087.26
<i>Tuitions Refunded</i> .....		147.00
<i>Tuitions, School of Music.</i>		
Turned over to Charles R. Fisher, Director of the School .....		3,059.00
		<hr/>
Total expenditures from Income Fund.....		\$371,113.47
Balance on hand, June 30, 1910.....		880.03
		<hr/>
		\$371,993.50

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, 1909, and ended June 30, 1910:

*Library Fund.*

Expended for books, periodicals, and binding, as set out in the Secretary's printed annual report .....	\$ 13,594.35	
Balance on hand, June 30, 1910.....	1,445.78	
	<hr/>	
		\$ 15,040.13

*Special Land Fund.*

Expended for land as set out in the Secretary's printed annual report .....	\$ 19,694.60	
Balance on hand, June 30, 1910.....	1,310.50	
	<hr/>	
		\$ 21,005.10

*Donated Land Fund.*

Expended for labor and material on Athletic Field .....	\$ 1,529.77	
Balance on hand, June 30, 1910.....	374.47	
	<hr/>	
		\$ 1,904.24

*Care of Campus.*

Expended for labor, seeding, planting, grading, etc., on campus.....	113.99	
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*Paving and Sidewalk Fund.*

Expended for cement walks.....	946.59	
Balance on hand, June 30, 1910.....	2,088.66	
	<hr/>	
		\$ 3,035.25

Expenditures from hospital receipts for the year commenced July 1, 1909, and ended June 30, 1910:

*University Hospital.*

Salaries .....	\$ 6,572.52	
Help .....	3,830.57	
Provisions .....	11,373.43	
Household .....	14,751.12	
Medicine .....	5,574.58	
		<hr/>
Total expenditures .....		\$ 42,102.22
Balance in Income Fund to credit of University Hospital account, June 30, 1910.....		3,474.17
		<hr/>
		\$ 45,576.39

*University Homeopathic Hospital.*

Salaries .....	\$ 1,406.61	
Help .....	542.68	
Provisions .....	3,580.37	
Household .....	1,676.15	
Medicine .....	766.63	
		<hr/>
Total expenditures .....		\$ 7,972.44
Balance in Income Fund to credit of University Homeopathic Hospital account, June 30, 1910 .....		796.62
		<hr/>
		\$ 8,769.06

*Staff of Instruction.*

Number of professors .....	68
Number of assistant professors .....	31
Number of instructors and assistant instructors.....	57
Number of fellows .....	10
Number of scholars .....	20
Number of lecturers .....	18

*Number of Students Enrolled During Regular Academic Year.*

	MEN	WOMEN	TOTAL
College of Liberal Arts.....	557	549	1106
Graduate College .....	88	63	151
College of Applied Science.....	218	...	218
College of Law.....	242	3	245
College of Medicine.....	180	10	190
Training School for Nurses (College of Medicine) ...		46	46
College of Homeopathic Medicine.....	33	2	35
Training School for Nurses (College of Homeopathic Medicine).....		15	15
College of Dentistry.....	158	4	162

College of Pharmacy.....	53	2	55
School of Music (affiliated).....	14	46	60
	<u>1543</u>	<u>740</u>	<u>2283</u>
Duplicates .....	97	40	137
Total regular academic year, excluding dupli-			
cates .....	1446	700	2146
Summer Session, 1909 .....	157	208	363
	<u>1603</u>	<u>906</u>	<u>2509</u>
Duplicates .....	78	79	157
Total for the entire year, including Summer			
Session, without duplicates.....	1525	827	2352

DES MOINES, IOWA, JANUARY 13, 1911.

*To the House of Representatives of the Thirty-fourth General Assembly:*

GENTLEMEN—In accordance with the provisions of Chapter 104 of the Acts of the Thirtieth General Assembly, I transmit herewith condensed financial statement of the Iowa State College of Agriculture and Mechanic Arts.

Very respectfully,

D. A. EMEBY,

*Secretary of the State Board of Education.*

GENTLEMEN—I beg leave to submit herewith a report required by Chapter 104 of the Laws of the Thirtieth General Assembly. It shows:

First—The funds available for all College purposes during each fiscal year of the biennial period ending June 30, 1910.

Second—The amounts expended for building and improvements, repairs, administration, maintenance and equipment of departments, and for the general expenses of the institution.

Third—The balance to the credit of the different funds at the close of the biennial period.

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

#### I. AVAILABLE FUNDS, JULY 1, 1908.

##### *Balances:*

In the hands of the College Treasurer:

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

Experiment Funds:

Agricultural Experiment Station.\$	171.91
Engineering Experiment Station.	763.47
Good Roads experimentation ....	164.09
	<u>          </u>
	\$ 1,099.47

## Building and Equipment Funds:

Machine Shop .....	\$ 2.30	
Walks and grading.....	9.09	
Room rent account.....	819.00	
Tuition transferred to repair ac- count .....	963.28	
	<hr/>	\$ 1,793.67
Trust funds, railway damages.....		88.00
		<hr/>
		\$ 25,451.90

*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 Thirty-second General Assembly, unexpended balance of \$75,000 available .....	2,485.39	
	<hr/>	\$ 59,600.98
Total balances .....		\$ 85,052.88

Additional funds becoming available during the biennial period, 1908-1910:

## (A) ADDITIONAL FUNDS AVAILABLE, 1908-9.

*Educational Support Funds.*

From National Government.....	\$ 69,216.91	
From State appropriations.....	161,605.70	
From rental on donated land.....	6.20	
From student fees .....	53,433.55	
Special trust funds to be used according to terms of trust .....	1,372.49	
	<hr/>	\$285,634.85

*Agricultural Extension Fund.*

Annual appropriation by State.....	27,000.00
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*Experiment Funds.*

## Agricultural Experiment Station:

From National Government.....	\$ 26,000.00	
From State appropriation.....	25,000.00	
	<hr/>	\$ 51,000.00

## Horse Breeding Experimentation:

From State appropriation.....	5,000.00
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## Engineering Experiment Station:

Annual State appropriation .....	3,809.00
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## Good Roads Experimentation:

Annual State appropriation .....	5,000.00	
	<hr/>	64,809.00

*Building and Equipment Funds.*

Special Building tax.....	\$134,362.80	
Annual Repair and Contingent Fund.....	25,678.55	
Tuition from students outside the state, used by order of the Board for minor repairs and improvements .....	6,191.67	
Part of the special appropriations of the Thirty- second General Assembly made available after July 1, 1908 .....	48,000.00	
Part of the special appropriations of the Thirty- third General Assembly made available be- fore July 1, 1910.....	56,250.00	
Receipts from rental of rooms and sale of old building material .....	2,184.75	
		<u>\$272,667.77</u>
Total from all sources for 1908-9.....		\$650,111.62

## (B) ADDITIONAL FUNDS AVAILABLE, 1909-10.

*Educational Support Funds.*

From National Government.....	\$ 74,412.98	
From State appropriations.....	200,500.00	
From rental on donated land.....	4.20	
From interest on Treasurer's balances.....	1,468.19	
From tuition charged students from outside the State .....	6,098.34	
From student fees .....	52,146.31	
Special trust funds to be used according to terms of trust .....	1,900.00	
		<u>336,530.02</u>

*Agricultural Extension Fund.*

Annual appropriation by State.....	32,000.00
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*Experiment Funds.*

## Agricultural Experiment Station:

From National Government.....	\$ 28,000.00	
From State appropriation.....	40,000.00	
		<u>\$ 68,000.00</u>

## Horse Breeding Experimentation:

From State appropriation.....	5,000.00	
Engineering Experiment Station.....	5,000.00	
		<u>78,000.00</u>

*Building and Equipment Funds.*

Special Building tax.....	\$135,799.46	
Annual Repair and Contingent Fund.....	36,000.00	
Receipts from rental of rooms and sale of old building material .....	2,196.83	
		<u>173,996.29</u>
Total from all sources for 1909-10.....		\$620,526.31

1909-10.

Division of Agriculture:

Animal Husbandry .....	303
Agronomy .....	129
Dairy .....	85
Horticulture and Forestry.....	55
Science and Agriculture.....	1
Agricultural Engineering .....	16

589

Division of Veterinary Medicine:

Veterinary Medicine .....	115
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115

Division of Engineering:

Civil Engineering .....	261
Mechanical Engineering .....	159
Electrical Engineering .....	207
Mining Engineering .....	44
Ceramics .....	8

679

Division of Science:

General Science .....	113
Domestic Science .....	140

253

Miscellaneous:

Music .....	14
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14

Total .....	1550
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Winter Short Course.....	627
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Special music students.....	73
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Grand total .....	2350
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Respectfully submitted,

E. W. STANTON,  
Acting Secretary of College.

Senator Gilliland moved that the Senate do now adjourn.

Carried.

The Senate adjourned until 10 o'clock A. M., Tuesday, January 17.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES. MOINES, IOWA, JANUARY 17, 1911.

Senate met pursuant to adjournment at 10 o'clock A. M., President Clarke presiding.

Prayer was offered by Rev. R. E. Shaw of Nevada, Iowa.

## PETITIONS AND MEMORIALS.

Senator Chapman presented a petition of citizens of Cedar County requesting the enactment of a State Fire Marshal law.

Referred to Committee on Insurance.

## INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 20, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited High Schools of Iowa.

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

By Senator Hammill, Senate File No. 21, a bill for an act to amend Sections 2754, 2808, 1812-f, Supplement to the Code of 1907, and Sections 2760, 2780, 2811, Code 1897, and to repeal Section 2810, Code 1897, and Sections 2757, 2768, 2769, Supplement 1907, and to enact substitutes therefor, abolishing the office of School Treasurer and providing that the County Treasurer shall perform the duties of said officer.

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

By Senator Allen of Jefferson, Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

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

By Senator Smith of Shelby, Senate File No. 23, a bill for an act to repeal Section Two (2) of Chapter One Hundred and Two (102) of the Acts of the Thirty-third General Assembly, and to enact a substitute thereof, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets.

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

By Senator Smith of Shelby, Senate File No. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican War or the War of the Rebellion, or of the widow of such soldier or sailor.

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

By Senator Bennett, Senate File No. 25, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three (2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school corporations.

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

By Senator Ames, Senate File No. 26, a bill for an act to amend Section One (1) of Chapter One Hundred Thirty-eight (138) of the Acts of the Thirty-third General Assembly relative to the maintenance of partition fences by adjoining owners thereof.

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

By Senator Clarkson, Senate File No. 27, a bill for an act to define 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, including a municipal corporation and providing a remedy in behalf of the husband.

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

By Senator Clarkson, Senate File No. 28, a bill for an act to amend 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 Supplement of the Code 1907, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code of 1897, and repealing Chapter One (1), Acts of the Special Session of the Thirty-second (32d) General Assembly and enacting a substitute therefor relative to the nomination of candidates for the office of Senator in the Congress of the United States and of 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 Clarkson, Senate File No. 29, 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. 30, a bill for an act to amend Section One Thousand Three Hundred Nineteen (1319) of the Code, 1897, relative to the taxation of corporate property.

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

By Senator Quigley, Senate File No. 31, 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.

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

By Senator Allen of Jefferson, Senate File No. 32, a bill for an act to amend Section Twenty-four Hundred and 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.

By Senator Garrett, Senate File No. 33, a bill for an act providing for liens upon horses and other animals for the cost of shoeing the same, and upon vehicles and machinery for labor and materials furnished in repairing same.

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

By Senator Gilliland, Senate File No. 34, a bill for an act to require persons, companies and corporations engaged in the operation of railroads to stop passenger trains at certain stations, and providing procedure for enforcement, and penalties for violation, additional to Chapter Six (6), Title Ten (10) of the Code.

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

By Senator Gilliland, Senate File No. 35, a bill for an act to amend Chapter Four (4), Title Seven (7), of the Code, relating to the collection of a tax upon inheritance.

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

Senator Francis offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That a joint convention be held at a time and place to be arranged by the committee hereinafter provided for, for the purpose of holding a suitable memorial service for the late Senator Jonathan P. Dolliver.

That a committee of five, consisting of two from the Senate, to be appointed by the President of the Senate, and three from the House, to be appointed by the Speaker of the House, be appointed to arrange for and have charge of said memorial service.

Adopted.

HOUSE MESSAGE CONSIDERED.

HOUSE CONCURRENT RESOLUTIONS.

WHEREAS, The great majority of the people of the State of Iowa want the World's Panama Exposition held in New Orleans, for several reasons:

First. Because of New Orleans' convenience to them. The average time required for people of Iowa to reach the city of New Orleans is thirty-six hours, while the time for Iowa people to reach San Francisco is four days; the average distance from Iowa to New Orleans is 1,045 miles, while from Iowa to San Francisco it is 1,892 miles; the average railroad fare from Iowa to New Orleans is \$24.85, while the average fare to San Francisco from Iowa is \$52.85.

Second. Because an exposition in New Orleans will be of great value to the entire Mississippi Valley by directing attention to the necessity of developing our inland waterways so as to bring to shipside, at the

lowest possible rates, the products of this great valley. This will be of inestimable value to the Lakes-to-the-Gulf Deep Waterways movement. Instead of aiding the Mississippi Valley and its projects, an exposition in San Francisco will draw people and capital therefrom to the Coast.

Third. Because an exposition in New Orleans, the natural gateway for trade with Latin-America, will operate to greatly improve our commercial relations with the twenty republics to the south of us. Their total foreign trade for 1909 was \$2,127,301,000. Of this, our exports were only \$220,276,000, or about 10 per cent. The other 90 per cent went to England, Germany and other foreign countries. That trade belongs to us, and a very large percentage of it to the Mississippi Valley. An exposition in New Orleans, 2,000 miles closer to all of Latin-America than San Francisco, will do far more to secure that trade than will a Pacific Coast fair.

Fourth. Because 75 per cent of the people of this country can go to an exposition in New Orleans, spend four to seven days, and get back home in less time than would be required for the round trip to San Francisco, and at one-fourth the expense. In other words, because an exposition in New Orleans would be of and for the people, and one in San Francisco would be a "rich man's show." Therefore, be it

*Resolved*, by the House of Representatives, the Senate concurring, that we endorse the city of New Orleans as the logical point, and ask our United States Senators and Representatives in Congress to vote for the location of the World's Panama Exposition in the city of New Orleans, Louisiana.

Passed on file.

Senator Saunders was called to the Chair at 10:30 o'clock.

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

Carried.

Senator Gilliland nominated James A. Smith as President pro tem. of the Senate and moved his election.

Those voting for Senator James A. Smith were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuecklager, Sullivan, Taylor, Van Law, Webber, White—45.

Absent or not voting :

Jewell, McCulloch, Quigley, Smith of Mitchell, Wilson—5.

So Senator James A. Smith, having received a constitutional majority of the votes cast, was declared duly elected President pro tem. of the Senate.

The President appointed Senator Gilliland a committee of one to escort President pro tem.-elect James A. Smith to the bar of the Senate to receive the oath of office.

Senator Gilliland escorted the President pro tem.-elect, James A. Smith, to the bar of the Senate, and he was duly sworn.

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 36, 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.

The President resumed the Chair at 10:50 o'clock.

Senator Smith of Mitchell moved that the hour of 11:30 be fixed as the time for taking a ballot on the election of Senator in the Congress of the United States.

Carried.

Senator Gilliland moved that the Senate take a recess until 11:30 o'clock.

Carried.

The Senate took a recess.

The President called the Senate to order.

Senator Mattes offered the following Concurrent Resolution, and moved its adoption :

*Resolved by the Senate, the House Concurring:*

That a joint convention be held in the House on Wednesday, January 18, 1911, at 12 o'clock noon, for the purpose of electing a Senator in the Congress of the United States to fill the vacancy occasioned by the death of Senator Jonathan P. Dolliver.

Senator Sammis raised a point of order that the resolution only provided for a meeting tomorrow, while the law requires a joint

meeting each day until an election of Senator in the Congress of the United States is made.

Point of order was sustained.

The resolution was laid over under the rules.

The hour having arrived, the President announced that the Senate would proceed to vote for Senator in the Congress of the United States to fill the vacancy occasioned by the death of the Hon. Jonathan P. Dolliver.

Those voting for Lafayette Young, Sr., were:

Senators Adams, Allen of Jefferson, Bennett, Brown, Chapman, Cowles, Gilliland, Hoyt, McCulloch, Malmberg, Proudfoot, Saunders, Savage, Stuckslager—14.

Those voting for A. B. Funk were:

Senators Balkema, Francis, Hunter, Sammis, Smith of Mitchell, Spaulding, Sullivan—7.

Those voting for Byers were:

Jewell, McColl, Smith of Shelby, Van Law—4.

Those voting for W. S. Kenyon were:

Senators Allen of Pocahontas, Ames, Fitchpatrick, Hammill, Larrabee—5.

Those voting for Warren Garst were:

Senators Chase, Mattes—2.

Those voting for Carl F. Franke were:

Senator Gates—1.

Those voting for C. H. Wilson were:

Senator Neal—1.

Those voting for Claude R. Porter were:

Senators Balluff, Clarkson, Crow, DeWolf, Dunnegan, Garrett, Legel, McManus, Parshall, Quigley, Ream, Schrup, Taylor, Weber, White—15.

Absent or not voting:

Wilson—1.

President Clarke then declared that no one having received a majority of all the votes cast, there has been no election on the part of the Senate.

The following Committee Clerks appeared before the bar of the Senate and were duly sworn :

Genevieve Powers, Senator White.  
Lizzie Madison, Senator Clarkson.  
Moss Dorr, Senator Webber.  
Edna M. Watschke, Senator Legel.  
Genevieve C. Kelly, Senator Cowles.  
Hugh C. Gruwell, Senator Stuckslager.  
Gertrude Callison, Senator Malmberg.

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

Senator Hammill asked unanimous consent to have 300 additional copies of Senate File No. 9 printed.

Consent granted.

Senator Van Law moved that the Senate do now adjourn until 10 o'clock tomorrow.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 18, 1911.

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

Prayer was offered by Rev. Sylvester E. Ellis of Marshalltown, Iowa.

## PETITIONS AND MEMORIALS.

Senator Hammill presented a petition of citizens of Hancock County requesting the amending of the fish and game laws.

Referred to Committee on Fish and Game.

Senator Garrett presented a petition of citizens of Louisa County relating to the repeal of the law requiring the payment of a license fee by vendors of patent medicine.

Referred to Committee on Pharmacy.

Senator Van Law asked unanimous consent that 200 extra copies of Senate File No. 8 be printed.

Consent granted.

## INTRODUCTION OF BILLS.

By Senator Balluff, Senate File No. 37, a bill for an act to repeal Paragraph Four (4) of Section Eighteen Hundred Fifty (1850) of the Supplement of the Code of 1907, and to enact a substitute therefor, relating to the investment of funds of savings banks.

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

By Senator Balluff, Senate File No. 38, a bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the Code of 1897, relating to deposits in savings banks.

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

By Senator Balluff, Senate File No. 39, a bill for an act to amend Chapter Eighty-one (81) of the Acts of the Thirty-third General Assembly in relation to the classes of property exempt from the assessment of taxes.

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

By Senator Balluff, Senate File No. 40, a bill for an act to legalize a certain special election held in the Town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the Town Council of said Town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.

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

By Senator Schrup, Senate File No. 41, a bill for an act to amend Chapter 8 of Title XIII of the Code as it appears in Supplement to the Code of 1907, being additional thereto, and providing that females liable to be committed to the State Industrial School may be committed to accredited institutions.

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

By Senator Sammis, Senate File No. 42, 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.

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



Senator Sammis asked unanimous consent to have 400 extra copies of Senate File No. 42 printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Proudfoot, Senate File No. 43, a bill for an act repealing Section Forty-one (41) of the Code and providing the manner in which the Code and Supplement thereto, together with the Acts of the General Assembly, shall be amended.

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

By Senator Brown, Senate File No. 44, a bill for an act to repeal Section Two Thousand One Hundred and Fifty-nine (2159) of the Code, and to enact a substitute therefor, relating to telephones.

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

By Senator Bennett, Senate File No. 45, a bill for an act to amend Section Three (3), Chapter Two Hundred Twenty-three (223) 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 Smith of Shelby, Senate File No. 46, a bill for an act creating Section Four Thousand Nine Hundred and Eighteen-a (4918-a) to the Code prohibiting candidates for office from giving away, paying for or treating to any drinks, cigars or other refreshments, or paying or providing for the admission to shows, entertainments or other performances and providing a penalty therefor.

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

By Senator Hammill, Senate File No. 47, a bill for an act to enjoin and abate gaming, gambling, and gambling houses; to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purposes; and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, and provide for the collection thereof.

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

By Senator Chase, Senate File No. 48, a bill for an act to amend Sections Twenty-seven Hundred and Ninety-four-a (2794-a), Supplement to the Code, 1907, and Twenty-eight Hundred and Three (2803) and Twenty-eight Hundred and Eighteen (2818), Code, 1897, and repeal Sections Twenty-eight Hundred and Thirty-one (2831) and Twenty-eight Hundred and Thirty-two (2832), Supplement to the Code, 1907, and Section Twenty-eight Hundred Thirty-five (2835), Code, 1897, and enact substitutes therefor, relative to the election and organization and duties of the County Board of Education.

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

Senator Chase asked unanimous consent to have 300 extra copies of Senate File No. 48 printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 49, a bill for an act to amend Section One (1), Chapter Twenty-two (22) of the Acts of the Thirty-second General Assembly of the State of Iowa, relating to the compensation of County Recorders.

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

By Senator Webber, Senate File No. 50, a bill for an act to regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide a penalty for the violation thereof.

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

By Senator Cowles, Senate File No. 51, a bill for an act defining the duties of school boards and county boards of education when school buildings are destroyed or are condemned by a local board of health, additional to Title Thirteen (XIII), Chapter Fourteen (14), of the Code of 1897.

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

By Senator Brown, Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort.

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

By Senator Brown, Senate File No. 53, a bill for an act to amend Section Five Thousand Five Hundred Eighteen (5518) of the Code, 1897, of the State of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant.

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

By Senator Neal, Senate File No. 54, a bill for an act to amend Section Twenty-six Hundred Twenty-six (2626) of the Code, and Section Twenty-seven Hundred Thirty-eight (2738) 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.

Senator Mattes asked unanimous consent to recall the Resolution introduced on yesterday relative to the holding of a Joint Convention for the purpose of electing a United States Senator.

Consent granted.

Senator Hammill moved that the House Concurrent Resolution relating to the Panama Exposition be referred to the Committee on Railroads.

Carried.

The Resolution was so referred.

Senator Smith of Shelby offered the following motion, and moved its adoption:

I hereby move that B. I. Kinsey be detailed as Assistant Bill Clerk in the Senate during the session.

Adopted.

#### EXECUTIVE SESSION.

The President announced that he had in his possession communications which would require an executive session.

Senator Smith of Mitchell moved that the Senate go into executive session.

Carried.

Senate went into executive session.

The President presented the following communications, which were read:

EXECUTIVE DEPARTMENT.

*To the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN—I beg to advise you that since the adjournment of the last session of the General Assembly Hon. John Cownie has retired from the Board of Control, having resigned therefrom, the resignation taking effect April 5, 1910.

Under the provisions of Section 2727-a1 of the Supplement to the Code I have appointed to the vacancy thus created Dr. Murdoch Bannister of Wapello County.

As you are aware, the appointment expires thirty days after the convening of the present session of the General Assembly.

I have the honor to nominate, and, with your consent, to appoint, as his successor for the remainder of the term of six years, beginning April 5, 1910, Dr. Murdoch Bannister of Wapello County.

Respectfully submitted,

B. F. CARROLL,  
Governor.

Done this 17th day of January, A. D. 1911.

EXECUTIVE DEPARTMENT.

*To the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN—I beg to advise you that since the adjournment of the last session of the General Assembly Hon. John T. Hamilton has retired from the Board of Control, having resigned, the resignation to take effect October 1, 1909, and in accordance with the provisions of Section 2727-a1 of the Supplement to the Code I have appointed to the vacancy Hon. John F. Wade of Butler County.

As you are aware, this appointment expires thirty days after the convening of the present session of the General Assembly.

I have the honor to nominate, and, with your consent, to appoint as his successor to fill out the term regularly expiring on the 5th day of April, 1914, the Hon. John F. Wade of Butler County.

Respectfully submitted,

B. F. CARROLL,  
Governor.

Done this 17th day of January, A. D. 1911.

The communications were referred to a committee of five, as required by law.

The President also presented the following communications, which were read:

EXECUTIVE DEPARTMENT.

*To the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN—With your advice and consent I have the honor to appoint as custodian of public buildings and property, to succeed himself, for the

term of two years, beginning April 1, 1911, Major C. W. Boutin of Franklin County.

Respectfully submitted,

B. F. CARROLL,  
*Governor.*

Done this 17th day of January, A. D. 1911.

EXECUTIVE DEPARTMENT.

*To the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN—It becomes my sad duty to announce to you that since the adjournment of the last session of the General Assembly Hon. P. A. Smith, member of the Board of Parole, has passed away, his death having occurred on the 25th day of December, 1910. His term of office would have expired upon the first day of July, 1913.

In accordance with the provisions of Section 5718-a14 of the Supplement to the Code I have appointed to the vacancy thus created the Hon. D. C. Mott of Iowa County to fill out the remainder of the unexpired term, his appointment having become effective December 29, 1910.

As you are aware, this appointment is made subject to your approval, and is submitted to you for consideration by your honorable body.

Respectfully submitted,

B. F. CARROLL,  
*Governor.*

Done this 17th day of January, A. D. 1911.

EXECUTIVE DEPARTMENT.

*To the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN—It becomes my sad duty to announce to you that since the adjournment of the last session of the General Assembly Dr. John M. Emmert has passed away, his death having occurred on the 15th day of July, 1909.

Under the provisions of Section 5718-a14 of the Supplement to the Code I have appointed as his successor Dr. J. E. Howe of Adair County, the appointment having become effective on the 30th day of September, 1909. This appointment by law is made subject to the approval of your honorable body, and I herewith present the same for consideration by you. The term for which Dr. Howe has been appointed expires the first day of July, 1911.

I have the honor, with your advice and consent, to appoint Dr. J. E. Howe of Adair County for the full term of six years, beginning upon the first day of July, 1911.

Respectfully submitted,

B. F. CARROLL,  
*Governor.*

Done this 17th day of January, A. D. 1911.

Senator Saunders moved that the communications be referred to a committee of five, to be appointed by the President.

Carried.

The President appointed such committee.

Senator Saunders moved that the Senate arise from executive session and resume regular session.

Carried.

Senate resumed regular session at 11 o'clock.

Senator Sammis moved that the Sergeant-at-Arms be instructed to draw the shades of the windows and use only artificial light during the session of the Senate.

Motion prevailed.

Senator Brown offered the following Resolution, and moved its adoption:

*Resolved*, That Cyrus Weaver be appointed assistant to the File Clerk at a salary of seventy dollars per month.

Those in favor of the motion were:

Senators Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—45.

Those opposed to the motion were:

Senator Fitchpatrick—1.

Absent or not voting:

DeWolf, Ream, Smith of Mitchell, Stuckslager—4.

Cyrus Weaver having received a constitutional majority, was declared elected to the office of Assistant File Clerk.

Senator Wilson asked unanimous consent to introduce a bill.

Consent granted.

## INTRODUCTION OF BILLS.

By Senator Wilson, Senate File No. 55, a bill for an act authorizing the giving of pensions to retired public school teachers of all rural and urban public schools, and 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 public school teachers under certain conditions.

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

Senator Ames moved that a committee of three be appointed to draft suitable resolutions commemorative of the life, character and public service of the late Senator William P. Whipple.

Carried.

Senator Webber moved that a committee of three be appointed to draft suitable resolutions commemorative of the life, character and public services of the late Senator J. G. Hutchinson.

Carried.

Senator Sammis asked unanimous consent to introduce a bill.

Consent granted.

## INTRODUCTION OF BILLS.

By Senator Sammis, Senate File No. 56, a bill for an act to amend Section Two Thousand Four Hundred Six (2406) of the Code Supplement, 1907, relative to the taxing of an attorney's fee in actions brought thereunder.

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

By Senator Sammis, Senate File No. 57, a bill for an act to amend Section Two Thousand Three Hundred eighty-four (2384) of the Code relating to the payment of an attorney's fee in actions brought under said section.

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

By Senator Sammis, Senate File No. 58, a bill for an act to repeal Section Two Thousand Four Hundred and Twenty-nine (2429)

of the Code relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate nuisances.

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

By Senator White, Senate File No. 59, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, in reference to the census.

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

By Senator Chapman, Senate File No. 60, a bill for an act to repeal Section 3376 of the Code Supplement of 1897, relating to the election of a surviving spouse to take under the will of the deceased, and to enact a substitute therefor.

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

By Senator Van Law, Senate File No. 61, a bill for an act to repeal Division One (1) of Section Two Thousand Four Hundred Forty-eight (2448) of Supplement to the Code of 1907, relating to written statement of general consent that intoxicating liquors may be sold, and to enact a substitute therefor.

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

The President appointed as tellers on the part of the Senate in the Joint Convention: Senators Hoyt and Jewell.

#### INTRODUCTION OF BILLS.

By Senator Sullivan, Senate File No. 62, a bill for an act to confer additional powers on certain cities having a population of fifty thousand (50,000) and over, relating to the acquisition, construction, purchase, leasing, maintenance and operation by such cities of street railways, interurban railways and telephone systems; and providing the manner in which the same may be acquired and constructed, and the issuing of bonds or certificates, and the methods of payment therefor. Also, providing for the filing of reports by persons, firms or corporations owning, maintaining or operating any public service utility, or any works or plant maintained or operated



under a franchise within any such cities; and providing for incurring of indebtedness by such cities in excess of one and one-fourth ( $1\frac{1}{4}$ ) per centum of the actual value of the taxable property for the purpose of acquiring such street railways, interurban railways or telephone systems.

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

By Senator Sullivan, Senate File No. 63, a bill for an act repealing Section 725, and enacting a substitute therefor, relating to the regulation and control of gas, water, light, power, telephones and street railways, and empowering cities to regulate and fix the rent for water, gas, electric light or power, telephone service and street railway fares, and requiring annual reports from individuals or private corporations operating public service utilities.

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

Senator Chapman moved that the Senate take a recess until 11:55 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

#### 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.

Requesting that the State Historical Society of Iowa supply each member of the House and Senate with copies of a work on taxation entitled "History of Taxation 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:

## CONCURRENT RESOLUTION.

Relative to compiling by the Chief Clerk of the House and the Secretary of the Senate vest-pocket editions of the Standing Committees of the Thirty-fourth General Assembly.

C. R. BENELECT,  
*Chief Clerk.*

Senator Allen of Jefferson moved that the Senate proceed to the House Chamber for the purpose of Joint Convention.

Carried.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock, noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—157.

Absent or not voting:

Miller of Bremer—1.

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 17, 1911, 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 17, 1911, pertaining to the vote for United States Senator in Congress.

From the reading of the Journals it appeared that on Tuesday, January 17, 1911, the Senate and House of Representatives balloted separately for United States Senator in Congress, with the following result:

In the Senate:

Lafayette Young, Sr., received.....	14
A. B. Funk received.....	7
H. W. Byers received.....	4
W. S. Kenyon received.....	5
Warren Garst received.....	2
Carl F. Franke received.....	1
C. H. Wilson received.....	1
Claude R. Porter received.....	15
Absent or not voting—Wilson.....	1

In the House:

Lafayette Young, Sr., received.....	19
A. B. Funk received.....	14
H. W. Byers received.....	9
W. S. Kenyon received.....	17
Warren Garst received.....	5
Carl F. Franke received.....	1
Claude R. Porter received.....	35
Guy A. Feely received.....	5
Absent or not voting—Kull, Leach, Miller of Bremer.....	3

President Clarke announced that the reading of the Journals of the Senate and House of Representatives, balloting separately, showed that no person received a majority of either House for United States Senator.

Whitney of Woodbury moved that nominating speeches be dispensed with and that the Joint Convention now proceed to the elec-

tion of a United States Senator in Congress to succeed Hon. J. P. Dolliver.

Motion prevailed.

President Clarke appointed as tellers on the part of the Senate, Senators Hoyt and Jewell.

Speaker Stillman appointed as tellers on the part of the House, Representatives Johnson and Whitney.

Roll call was ordered.

Those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Speer, Stipe, Stuckslager, Zeller—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Brady, Brockway, Campbell of Webster, Collin, Felt, Fitchpatrick, Fry, Goodykoontz, Halgrims, Hammill, Huff, Hutchins, Jacobs, Larrabee of Webster, Larrabee of Fayette, Lund, Patterson, Ripley, Schee, Shankland—22.

Those voting for A. B. Funk were:

Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Francis, Harvey, Hunter, Johnson, Klay, Lounsberry, Newell, Pickford, Sammis, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Whitney—21.

Those voting for H. W. Byers were:

Brown of Wright, Bybee, George, Hogan, Hunt, Huntley, Jacobson, Jewell, McColl, Neal, Russell, Smith of Shelby, Van Camp, Van Law—14.

Those voting for Guy A. Feely were:

Beebe, Finlayson, Fourn, Fraley, Grout, Perkins, Stoddard—7.

Those voting for Warren Garst were:

Bruce, Chase, Enger, Kulp, Mattes, Mr. Speaker—6.

Those voting for Carl F. Franke were:

Cousins, Gates—2.

Absent or not voting:

Miller of Bremer—1.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of O'Connor of Chickasaw, the Joint Convention was dissolved.

Senate returned to the Senate Chamber from Joint Convention.

The following Committee Clerks appeared before the bar of the Senate and were duly sworn:

Guy A. Crow, Senator Crow.

Senator Chapman moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 19, 1911.

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

Prayer was offered by the Rev. William H. Kelley of Paton, Iowa.

On request of Senator Gilliland, leave of absence was granted Senator Van Law for the day.

## PETITIONS AND MEMORIALS.

Senator Sammis presented a petition of Board of Directors of the Farmers' National Bank of Kingsley, Iowa, relative to the taxation of moneys and credits.

Referred to Committee on Banks and Banking.

Senator Sullivan presented a petition of members of the bar of Polk County and a large number of taxpayers of said county, asking an additional Judge in the Ninth Judicial District.

Referred to Committee on Congressional and Judicial Districts.

Senator Chase presented a remonstrance of citizens of Wright County against the enactment of a bill creating the office of "County Engineer" and "State Highway Commission."

Referred to Committee on Highways.

## INTRODUCTION OF BILLS.

By Senator Dunnegan, Senate File No. 64, a bill for an act to define who may hold office in the State of Iowa.

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

By Senator Cowles, Senate File No. 65, a bill for an act to repeal Chapter 11 of the Laws of the Thirty-third General Assembly, in relation to holding district courts and assignment of judges therefor.

Read first and second time, and referred to Committee on Judicial Districts.

By Senator Cowles, Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

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

By Senator Allen of Jefferson, Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the Acts of the Thirty-third General Assembly, 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 Bennett, Senate File No. 68, a bill for an act to amend Subdivision Five (5), Section One Thousand Seven Hundred and Nine (1709), Supplement to the Code, 1907, relating to indemnity insurance for owners of automobiles and other motor vehicles.

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

By Senator Webber, Senate File No. 69, a bill for an act to repeal Section Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, in relation to employing assistance to discovering property not listed or assessed as required by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

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

#### HOUSE MESSAGES CONSIDERED.

#### 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 compile and have printed 1,000 copies of a vest-pocket edition of the Standing Committees of the Thirty-fourth General Assembly, of which 250 shall be bound in leather, 80 of which shall be for the use of the Senate and 170 for the use of the House, the balance of the edition to be apportioned in the same manner.

Passed on file.

Also:

CONCURRENT RESOLUTION.

*Resolved by the House, the Senate Concurring:*

That the State Historical Society of Iowa be requested to supply to each member of the House and Senate copies of a work on taxation entitled "History of Taxation in Iowa."

Passed on file.

The President announced that he had on his desk a communication from the Governor relative to pardons and paroles, and referred the same to the Committee on Penitentiary and Pardons.

REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate Fire No. 11, 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 that they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by striking therefrom Section 3, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Passed on file.

The President announced as the committee to draft suitable resolutions, commemorating the life, character and public services of the late Senator William P. Whipple: Senators Ames, Gilliland, Wilson.

The President announced as a committee to draft suitable resolutions, commemorating the life, character and public services of the late Senator J. G. Hutchinson: Senators Webber, Spaulding, Brown.

The President announced as the Committee on Board of Control and its Institutions: Senators Adams, Smith of Mitchell, Savage, Mattes, Allen of Jefferson, Chase, Jewell, DeWolf, Legel.

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

Senator Cowles moved that the Senate take a recess until 11:45 o'clock.

Carried.



Senate took a recess.

The President called the Senate to order at 11:45 o'clock.

#### REPORTS OF COMMITTEES.

Senator Chapman, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred Senate File No. 14, a bill for an act to amend Section 227 of the Code, relating to the division of the State into Judicial Districts, and increasing the number of District Judges in the Ninth District, beg leave to report that they have had the same under consideration and recommend the same do pass.

N. R. CHAPMAN,  
*Chairman.*

Passed on file.

Senator Fitchpatrick moved that a committee be appointed to draft suitable resolutions, commemorative of the life, character and public services of the late Senator Charles J. A. Ericson.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Webber, Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the Water Works Fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the Water Works Fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

WHEREAS, The City of Ottumwa, Iowa, during each of the years 1906, 1907 and 1908, levied a five-mill water tax as provided by law for the purpose of paying the amount due or to become due to the Public Water Company, which operated the water works in said City of Ottumwa, for water supply and hydrant rentals under contract with said City, and there was collected on said levies the sum of \$21,702.87, which amount was retained by said City as liquidated damages under the terms of the franchise of said Public Water Company for its failure to make certain specified extensions and improvements to its water works system; and,

WHEREAS, Said City of Ottumwa has purchased and now owns and operates the water works plant heretofore owned by said Public Water Company, and in the contract of purchase the validity of the forfeiture of said water and hydrant rentals has been recognized by said Public Water Company, and it has transferred, released and relinquished all claims to said money and all claims for water and hydrant rentals to said City of Ottumwa, and has sold, transferred and assigned all its

right and interest in and to said money and said hydrant and water rentals to said City of Ottumwa, and said sum of \$21,702.87 remains in the treasury of the City of Ottumwa; and,

WHEREAS, Before the purchase of said water works a five-mill levy was made by said City of Ottumwa, Iowa, in 1910, under the provisions of Subdivision 7 of Section 894 of the Supplement of 1907 to the Code for water tax, which has been duly certified; and,

WHEREAS, The City Council of the City of Ottumwa has passed a resolution transferring said sum of \$21,702.87 to the water works fund of said City, and providing that the said five-mill levy made in 1910 be made a water works levy, with the same force and effect as if the same had been originally made under the provisions of Subdivision 5 of Section 894 of the Supplement of 1907 to the Code, and that the money realized from said levy be placed in the water works fund of said City, and that the said sum of \$21,702.87 and the proceeds of said levy made in 1910 be paid out on the order of the water works trustees for the purpose and in the manner provided by law.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That the action of the City Council of Ottumwa, Iowa, in passing said resolution transferring to the water works fund the said sum of \$21,702.87 realized on its water tax levy for 1906, 1907 and 1908, which was retained by the said City and the right to which was relinquished and transferred by said Public Water Company to said City is hereby legalized and made binding and effective, and the same shall be and is legal, valid and binding, and of the same force and effect as if said five-mill levy in each of said years had been levied and collected under the provisions of Subdivision 5 of Section 894 of the Supplement of 1907 to the Code, and that said sum of money shall be used and paid out on the order of the water works trustee for the same purposes and in the same manner as if originally levied and collected under said Subdivision 5 of Section 894 of the Supplement of 1907 to the Code.

Sec. 2. That the acts of the City Council of Ottumwa, Iowa, in levying the five-mill water tax in 1910, and said resolution passed by said City Council making the same a water works levy and providing that the amount collected on said levy be placed in the water works fund of said City and used and paid out upon the order of the water works trustees for the same purposes and in the same manner as if said levy had been made under Subdivision 5 of Section 894 of the Supplement of 1907 to the Code, be and the same is hereby validated and legalized, and said levy is a valid and legal levy under the provisions of Subdivision 5 of Section 894 of the Supplement of 1907 to the Code with the same force and effect as if it had been originally made under said Subdivision 5 of said Section 894, and the money collected and to be collected from said levy shall be and is a part of the water works funds of said City of Ottumwa.

Sec. 3. This act, being deemed of immediate importance, shall take effect and be in full force from and after its publication in the Des Moines

Register and Leader and the Ottumwa Courier, and said publication shall be without expense to the State.

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

By Senator Chapman, Senate File No. 71, 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 or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cess-pools, gutters, tunnels, curbing and crosswalks; 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 Highways.

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

#### CONCURRENT RESOLUTION.

Relative to the appointment of a Joint Committee to arrange memorial service for the late Senator Jonathan P. Dolliver.

The Speaker appointed as such committee on the part of the House: Representatives Perkins of Delaware, Zeller of Madison, Campbell of Webster.

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:

#### CONCURRENT RESOLUTION.

Resolution relative to the appointment of a Joint Committee to which the First Biennial Report of the State Board of Education is to be referred and to visit State educational institutions.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Sammis asked unanimous consent to take up for consideration House Concurrent Resolution relative to the furnishing by the State Historical Society of Iowa of a work on taxation entitled "History of Taxation in Iowa" to the members of the Thirty-fourth General Assembly.

Senator Sammis moved that the Senate concur in the House Concurrent Resolution.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 72, a bill for an act to establish the office of commerce consul, and defining the powers and duties of the same.

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

Senator Schrup moved that a committee of three be appointed to draft suitable resolutions, commemorative of the life, character and public services of the late Senator P. W. Crawford.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Heseekiah Beecher, Commissioner, to Robert M. Henderson, Trustee, dated June 30, 1867, filed for record in the office of the Recorder of Pocahontas County, Iowa, on September 13, 1867, and recorded in Land Deed Record "C," beginning at page No. 3 thereof, together with the acts of the said Heseekiah Beecher as such Commissioner in making said conveyance.

WHEREAS, On the third day of June, A. D. 1867, a decree was entered in an action then pending in the District Court of Iowa in and for Pocahontas County, entitled Carlisle Deposit Bank vs. Joseph A. Stewart et al., which decree is recorded in book "A" of the records of said court, beginning at page 31 thereof; and,

WHEREAS, In said decree Heseekiah Beecher was appointed a commissioner for the purpose of carrying out said decree, and conveying the lands therein described to Robert M. Henderson to hold as trustee for the said Carlisle Deposit Bank; and,

WHEREAS, The said Heseekiah Beecher, as such commissioner, made his deed for the purpose of conveying the said lands to the said Robert M. Henderson as trustee aforesaid, which deed was dated June 30, 1867,

was filed for record in the office of the Recorder of Pocahontas County, Iowa, on the 13th day of September, 1867, and was recorded in book "C" of the Land Deed Records of said county, beginning at page No. 3; and,

WHEREAS, The said commissioner failed to have said conveyance approved by said court and its approval endorsed thereon and recorded therewith; and,

WHEREAS, Doubts have arisen as to the force, validity, and effect of the said conveyance.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That the said conveyance made by the said Heseekiah Beecher as such commissioner for the purpose of conveying the said lands therein described to the said Robert M. Henderson as such trustee, which conveyance was dated June 30, 1867, was filed for record in the office of the Recorder of Pocahontas County, Iowa, on September 13, 1867, and was recorded in book "C" of the Land Deed Records of said county, beginning at page No. 3; and all acts of the said Heseekiah Beecher, as such commissioner, relating to the making, delivery and recording of such conveyance, be and they are hereby legalized, cured, validated, and established, and the said conveyance shall be held to have conveyed the title to said real estate therein described to the said Robert M. Henderson as trustee with the same force and effect as if the said conveyance had been approved by the said District Court of Iowa in and for Pocahontas County, and its approval endorsed thereon and recorded therewith.

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

By Senator DeWolf, Senate File No. 74, a bill for an act to repeal Chapter 216 of the Acts of the Thirty-second General Assembly and to increase the efficiency and enlarge the work of the Department of Agriculture Extension of the State College of Agriculture and Mechanic Arts; to support the work now being carried on by said department and to enable it to enlarge its agricultural correspondence courses, and to increase the number of agricultural short courses, including summer agricultural short courses for teachers, to be held at the State Agricultural College, and making appropriation therefor.

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

Senator Bennett moved that a committee of three be appointed to draft suitable resolutions, commemorative of the life, character and public services of the late Senator Elbert W. Clark.

Carried.

A committee from the House appeared to notify the Senate that the House was ready to receive it in Joint Convention.

Senator Sammis moved that the Senate do now proceed to the House Chamber for Joint Convention.

Carried.

The President appointed as tellers on the part of the Senate: Senators McColl and Webber.

The Senate proceeded to the House under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—155.

Absent or not voting:

Miller of Bremer, Saunders, Van Law—3.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke announced that the roll would be called for the purpose of electing a United States Senator to Congress, and appointed as tellers on the part of the Senate, Senators McColl of Dallas and Webber of Wapello.

Speaker Stillman appointed as tellers on the part of the House, Representatives Collin of Worth and Lenocker of Pottawattamie.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Speer, Stipe, Stuckslager, Zeller—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Campbell of Webster, Collin, Felt, Fitchpatrick, Fry, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hutchins, Jacobs, Larrabee of Webster, Larrabee of Fayette, Lund, Patterson, Ripley, Schee, Shankland, Stoddard—25.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Francis, Harvey, Hunter, Johnson, Klay, Lounsberry, Newell, Pickford, Sammis, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Whitney—22.

Those voting for H. W. Byers were :

Brown of Wright, Bybee, Cousins, George, Hogan, Hunt, Huntley, Jacobson, Jewell, McColl, Neal, Russell, Smith of Shelby, Van Camp—14.

Those voting for Warren Garst were :

Bruce, Chase, Enger, Finlayson, Kulp, Mattes, Mr. Speaker—7.

Those voting for Carl F. Franke were :

Gates—1.

Absent or not voting :

Miller of Bremer, Saunders, Van Law—3.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Clarkson of Monroe, the Joint Convention was dissolved.

The Senate returned to the Senate Chamber and resumed its sitting.

Senator White 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 20, 1911.

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

Prayer was offered by Rev. W. Tieffenbach of Newton, Iowa.

On request of Senator Crow, leave of absence was granted Senator Schrup until next Monday morning.

## PETITIONS AND MEMORIALS.

Senator Smith of Shelby presented a petition of citizens of Shelby County favoring the enactment of a law creating the office of State Fire Marshall.

Referred to Committee on Insurance.

## INTRODUCTION OF BILLS.

By Senator Fitchpatrick, Senate File No. 75, 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.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. All instruments heretofore executed in writing by any corporation conveying, encumbering or affecting real estate, including releases and satisfaction of mortgages, judgments or other liens by entry of such release or satisfaction upon the page or pages where such lien appears recorded or entered, where the corporate seal of such corporation has not been affixed or attached thereto and that are otherwise legally and properly executed, are hereby declared legal, valid and binding, the same as though the corporate seal had been attached or affixed thereto.

Provided, this act shall not abate, or in any manner affect actions pending prior to the taking effect hereof.

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

By Senator Taylor, Senate File No. 76, a bill for an act to legalize the issuing of certain warrants on the School Fund by the Board of Directors of the independent district of Centerville, in Appanoose County, State of Iowa.

WHEREAS, On the 22d day of November, 1909, at a special election held by the Independent School District of Centerville, in Appanoose County, State of Iowa, after petition made and notice given therefor as required by law, there was duly submitted to the electors of said district the question of issuing bonds in the amount of twenty thousand (\$20,000.00) dollars by said district for the purpose of aiding in the cost of erecting a new high school building; and,

WHEREAS, At said election the electors of said district by a large majority vote authorized said improvements to be made and the issuing of the bonds proposed; and,

WHEREAS, Afterwards a competent architect was employed and estimates made from which it was thought the money to be realized from the bond issue so authorized, with the amount of school fund of said district then on hand, would be sufficient to pay the cost of said improvements; and,

WHEREAS, The said board of directors proceeded with the erection of a new school building, and after the beginning of the erection thereof it was discovered that other school buildings in said independent district needed certain improvements to make said buildings sanitary; and,

WHEREAS, Some \$13,000.00 was so expended, and as the work on the new building progressed it was found that after the funds realized as aforesaid were exhausted it would require an additional expenditure of over \$25,000.00 to complete and equip said building; and,

WHEREAS, The said board of directors, by resolution passed by unanimous vote thereof at regularly called meetings held October 26 and December 17, authorized in behalf of said district the issuing of warrants aggregating a little over \$25,000.00 on the school fund of said district, which warrants were issued and were numbered 1057, 1058, 1087, 1088, 1108, 1122, respectively; and,

WHEREAS, The proceeds of said warrants were necessary, and such proceeds were, in fact, used on the payment of the cost of construction and the equipment of said new school building; and,

WHEREAS, To complete and thoroughly equip the aforesaid structure for the purpose intended, as before stated, by payment of the fair and reasonable cost only for the work and materials necessary therefor, and said district will have the benefit of the full face value of said warrants; and,

WHEREAS, Questions as to the legality of said warrants have arisen as to whether the said school district was within its authorized and legal powers when said warrants were issued, and other doubts have arisen as to the regularity of the proceedings in relation thereto now, therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. *Warrants legalized.* That all the warrants on the school fund issued by the independent school district of Centerville, in Appanoose County, State of Iowa, through its board of directors, as above set forth, are hereby legalized and declared valid, and that the acts of said board in relation thereto are hereby declared to be valid and effectual as though all acts of said board had been in strict compliance with law.

Sec. 2. *Pending litigation.* Nothing in this act shall affect in any way pending litigation in relation to the subject matter hereof.

Sec. 3. *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 Iowegian, a newspaper published at Centerville, Iowa, which publications shall be without expense to the State.

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

By Senator Cowles, Senate File No. 77, a bill for an act to amend the law as it appears in Sections Twenty-six Thirty-four-d (2634-d), Twenty-seven Thirty-four-e (2734-e), Twenty-seven Thirty-four-g (2734-g) and Twenty-seven Thirty-eight (2738) of the Supplement to the Code of 1907, to repeal Section Twenty-six Thirty-four-h (2634-h) of the Supplement to the Code of 1907 and Twenty-seven Thirty-four-h (2734-h) of the Supplement to the Code of 1907 as amended by Chapter 181, Acts of the Thirty-third General Assembly, and to enact substitutes therefor; to repeal Sections Twenty-seven Thirty-four-i (2734-i) and Twenty-seven Thirty-four-k (2734-k) of the Supplement to the Code of 1907, relating to the issuance, validation, registration and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas, and for the lapse of such certificates.

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

By Senator Balkema, Senate File No. 78, a bill for an act to repeal Sections Twenty-seven Hundred Forty-three (2743), Twenty-seven Hundred Forty-five (2745), Twenty-seven Hundred Fifty-one (2751), Twenty-seven Hundred Fifty-three (2753), Twenty-seven Hundred Ninety (2790) and Twenty-seven Hundred Ninety-seven (2797) of the Code, 1897, and Sections Twenty-seven Hundred Forty-four (2744), Twenty-seven Hundred Fifty-two (2752),

Twenty-eight Hundred (2800) and Twenty-eight Hundred One (2801) of the Supplement to the Code, 1897, and enact substitutes therefor; and to amend Section Twenty-seven Hundred Eighty (2780), Code 1897, and Sections Twenty-seven Hundred Fifty-four (2754), Twenty-seven Hundred Ninety-four (2794) and Twenty-seven Hundred Ninety-four-a (2794-a), Supplement to the Code, 1907, relative to the unit of school organization.

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

#### 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. 24, a bill for an act to repeal Subdivision 7 of Section 1304 of the Supplement to the Code of Iowa, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican War or War of the Rebellion, or of the widow of such soldier or sailor, beg leave to report they have had the same under consideration, and respectfully refer this bill to the Ways and Means Committee, with the recommendation from this committee that the bill be reported for passage.

J. D. BROWN,  
*Chairman.*

Adopted.

So the bill was referred to the Committee on Ways and Means.

#### THIRD READING OF BILLS.

On motion of Senator Quigley, Senate File No. 11, 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 amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Quigley moved the adoption of the following amendment:

Amend the bill by striking therefrom Section 3.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—43.

The nays were:

Legel—1.

Absent or not voting:

Chase, Francis, Malmberg, Savage, Schrup, Webber—6.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President announced as a committee to draft suitable resolutions commemorative of the life, character and public services of the late Senator Charles J. A. Ericson: Senators Fitchpatrick, Smith of Mitchell, Wilson.

Also, as the committee to draft suitable resolutions commemorative of the life, character and public services of the late Senator P. W. Crawford: Senators Schrup, Brown, Proudfoot.

#### INTRODUCTION OF BILLS.

By Senator Smith of Shelby, Senate File No. 79, a bill for an act to repeal Sections (1467), (1477-b), (1478-c) of the Supplement to the Code and Sections (1475) of the Code, and to enact substitutes therefor, and to amend Sections (1467-d), (1475-a), (1475-b), (1476), (1476-a), (1477-c), (1477-d), (1477-e), (1478-a), (1478-b), (1479-a) of the Supplement to the Code, and Sections (1472), (1473), (1477), (1478), (1479), (1480) and (1481) of the Code, pertaining to the assessment and collection of a collateral inheritance tax.

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

By Senator Balluff, Senate File No. 80, a bill for an act to appropriate for the use of the Iowa Soldiers' Orphans' Home at Dav-  
enport, Iowa.

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

Senator Neal, from the Committee on Rules, submitted the following report and moved its adoption :

MR. PRESIDENT—Your Committee on Rules beg leave to submit the following report:

The Senate Rules of the Thirty-third General Assembly are recommended for adoption as the rules to govern the deliberations of the Senate during the Thirty-fourth General Assembly, with the exception of Section Nineteen, for which the following is a substitute:

“Upon the second reading of a bill or joint resolution, the president shall state that it is ready for commitment, and, unless the Senate otherwise orders, the president shall refer the bill to an appropriate standing committee. If ordered by the Senate to be considered by the committee of the whole, the Senate shall fix the day for its consideration. 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.”

Also the words “Two copies thereof” shall be substituted for the last three lines of Section Sixteen.

S. W. NEAL,  
*Chairman.*

Adopted.

Senator Neal moved the adoption of the amendments recommended by the committee.

Carried.

Senator Saunders moved that the following Rules of the Thirty-third General Assembly, as amended by the report of the Committee on Rules, be adopted by the Senate as the Rules of the Senate of the Thirty-fourth General Assembly.

#### 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.

7. 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 arising 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 two copies thereof.

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 that it is ready for commitment, and, unless the Senate otherwise orders, the President shall refer the bill to an appropriate standing committee. If ordered by the Senate to be considered by the committee of the whole, the Senate shall fix the day for its consideration. 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 a 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 become 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. Provided, 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 of 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 9 o'clock A. M. and 2 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 safekeeping 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 safekeeping. 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 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., thereof; shall see that the printed bills and daily Journals are, at the earliest practicable period, properly distributed and filed upon the desks of Senators; shall have charge of the files in the Senate bill room, and shall see that no copy of a 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 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 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 in-

efficiency 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 P. M., whether the Senate is in session or not.

Carried.

Senator Neal asked unanimous consent to call up for consideration the House Concurrent Resolution relative to the printing of one thousand vest pocket editions of the Standing Committees of the Thirty-fourth General Assembly.

Consent granted.

Senator Neal moved that the Senate concur in the House Concurrent Resolution.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Spaulding, Senate File No. 81, a bill for an act to repeal Section Fifty-one Hundred and Sixty-five (5165) of the Code and to enact a substitute therefor relating to the time in which indictments may be found for certain public offenses.

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

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

The President announced as a committee on the part of the Senate to arrange memorial services in honor of the late United States Senator, Jonathan P. Dolliver: Senators Larrabee and Francis.

MESSAGE 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 Joint Resolution No. 3, in which the concurrence of the Senate is asked:

JOINT RESOLUTION.

Relating to additional help.

C. R. BENEDICT.  
*Chief Clerk.*

THIRD READING OF BILLS.

On motion of Senator Chapman, Senate File No. 14, a bill for an act to amend Section 227 of the Code, relating to the division of the State into judicial districts, and increasing the number of district judges in the Ninth District, with report of committee, recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Sullivan offered the following amendment and moved its adoption:

Amend by striking out the word "unless" in the third line of the printed bill, and inserting in lieu thereof the words "and until," and by inserting the word "and" after the word "qualified" in the fourth line thereof.

Senator Allen of Jefferson moved that the bill be referred to the Committee on Judiciary.

Motion lost.

Senator Sammis moved that further consideration of the bill be deferred until Tuesday.

Carried.

Senator Sammis offered the following Concurrent Resolution, and moved its adoption:

*Resolved by the Senate, the House Concurring:*

That when adjournment is taken today it be until 10 o'clock Monday morning.

Adopted.

Senator Sullivan moved that the vote of the Senate deferring action on Senate File No. 14 be reconsidered.

Carried.

Senator Sullivan moved that Senate File No. 14 be referred to the Committee on Judiciary.

Carried.

So the bill was referred to the Committee on Judiciary.

Senator Gilliland moved that the Senate now go into executive session.

Carried.

The Senate went into executive session.

#### EXECUTIVE SESSION.

On motion, the Senate advised and consented to the appointment of Major C. W. Boutin as Custodian of Public Buildings and Property for the term of two years, beginning April 1, 1911, and advised and consented to the appointment of Dr. J. E. Howe as a member of the Board of Parole for the full term of six years, beginning the 1st day of July, 1911, and of D. C. Mott as a member of the Board of Parole to fill out the term of Hon. P. A. Smith, deceased; said term expiring on the 1st day of July, A. D. 1913.

On motion, the Senate arose from executive session.

Senate resumed regular session at 11:45 o'clock.

Senator Hammill moved that the Senate take a recess until 11:55 o'clock.

Carried.

The Senate took a recess.

The President called the Senate to order.

The President appointed as tellers on the part of the Senate: Senators Van Law and McManus.

A committee from the House appeared and notified the Senate that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—156.

Absent or not voting:

Miller of Bremer, Schrup—2.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator to Congress, and appointed as tellers on the part of the Senate, Senators Van Law of Marshall and McManus of Lee.



Speaker Stillman appointed as tellers on the part of the House, Representatives Enger of Winnesheik and Fraley of Polk.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Shane, Savage, Speer, Smith of Adams, Smith of Decatur, Stuckslager, Zeller—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Campbell of Webster, Collin, Felt, Fitchpatrick, Fry, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hutchins, Jacobs, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Ripley, Schee, Shankland, Skinner, Stoddard—27.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Fraley, Francis, Harvey, Hunter, Johnson, Klay, Lounsberry, Newell, Pickford, Sammis, Sherman, Smith of Mitchell, Spaulding, Sullivan, Whitney—22.

Those voting for H. W. Byers were:

Brown of Wright, Bybee, George, Hogan, Hunt, Huntley, Jacobson, Jewell, Neal, Russell, Smith of Shelby, Van Camp, Van Law—13.

Those voting for Warren Garst were:

Bruce, Chase, Ellis, Finlayson, Kulp, Mattes, Mr. Speaker—7.

Those voting for Carl F. Franke were:

Cousins, Gates—2.

Those voting for W. P. Hepburn were:

Stipe—1.

Absent or not voting:

Miller of Bremer, Schrup—2.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Webber of Wapello, the Joint Convention was dissolved.

Senate returned to the Chamber and resumed its sitting.

MESSAGE 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 Concurrent Resolution in which the concurrence of the House was asked:

CONCURRENT RESOLUTION.

Relative to adjournment from today to 10 o'clock Monday morning.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Chapman moved that the Senate do now adjourn until 10 o'clock Monday morning.

Senator Mattes moved an amendment that the Senate adjourn until 10 o'clock tomorrow morning.

Amendment adopted.

Motion, as amended, prevailed.

Senate adjourned until tomorrow morning at 10 o'clock.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 21, 1911.

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

Prayer was offered by Rev. E. E. Douglas of Indianola, Iowa.

On request of Senator Francis, leave of absence was granted Senator Smith of Shelby for the day.

On request of Senator Francis, leave of absence was granted Senator Fitchpatrick for the day.

On request of Senator Francis, leave of absence was granted Senator Stuckslager for the day.

On request of Senator Cowles, leave of absence was granted Senator Webber for the day.

On request of Senator Gates, leave of absence was granted Senator Chapman for the day.

On request of Senator Gilliland, leave of absence was granted Senator Van Law for the day.

On request of Senator Balkema, leave of absence was granted Senator Proudfoot for the day.

## PETITIONS AND MEMORIALS.

Senator Hunter presented a petition of members of Martha Washington Chapter of Daughters of the American Revolution of Sioux City, Iowa, relative to the desecration of the American flag.

Referred to Committee on Military.

## INTRODUCTION OF BILLS.

By Senator Taylor, Senate File No. 82, a bill for an act to amend the law as the same appears in Chapter One Hundred and Eighty-four (184) of the Acts of the Thirty-third General Assembly of

the State of Iowa, relative to the limit of indebtedness of independent school districts.

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

By Senator Balluff, Senate File No. 83, a bill for an act to repeal Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, relating to the salary of the Chief Executive of certain state institutions and the qualification of the Superintendent of the School for the Deaf and to enact a substitute therefor.

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

By Senator Brown, Senate File No. 84, a bill for an act to repeal Sections Two Thousand Five Hundred Sixty-four (2564), Two Thousand Five Hundred Seventy-four (2574), Two Thousand Five Hundred Seventy-five-a1 (2575-a1), Two Thousand Five Hundred Seventy-six (2576), Chapter Sixteen (16), Title Twelve (XII), relating to the State Board of Health, and Sections Two Thousand Five Hundred Seventy-six (2576), Two Thousand Five Hundred Seventy-eight (2578), Two Thousand Five Hundred Eighty (2580), Two Thousand Five Hundred Eighty-three (2583), Chapter Seventeen (17), Title Twelve (XII) relating to the practice of medicine and providing a substitute therefor.

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

By Senator Bennett, Senate File No. 85, a bill for an act to amend the law as it appears in Chapter One Hundred Forty-three (143), Acts of the Thirty-third General Assembly, relating to the sale of intoxicating liquors at retail.

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

#### HOUSE MESSAGE CONSIDERED.

House Joint Resolution No. 3, Joint Resolution relating to additional help, read first and second time, and referred to Committee on Retrenchment and Reform.

## REPORTS OF COMMITTEE.

Senator Gilliland, 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 amend Section Four Thousand 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 be amended by the adoption of the following substitute, and when so amended the bill do pass:

## SUBSTITUTE FOR SENATE FILE NO. 6.

For an Act to amend Section Four Thousand Six Hundred and Twenty-five (4625) of the Code, relating to the Statute of Frauds.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Six Hundred and Twenty-five (4625) of the Code is hereby amended by adding thereto the following as subdivision 6, to-wit:

6. Those in relation to the payment of commissions for the sale or exchange of, or for the procuring of purchasers for, real estate.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 12, a bill for an act to repeal Section 16 of Chapter 14 of the Acts of the Thirty-third General Assembly, and enact a substitute thereof, relating to the enticing away of children, and providing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows, and when so amended the bill do pass:

Amend the title so that the same shall read as follows: "A bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly, relating to the enticing away of children, and providing a penalty for the violation thereof."

Amend Section 1 by striking therefrom the first three lines, and inserting in lieu thereof the following:

"Section 1. The law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly, is hereby amended so that the same shall read as follows:"

SHIRLEY GILLILLAND,

*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 22, a bill for an act to amend Section Three Hundred and Seventy-seven (377) of the Code, relating to the powers of notaries public, beg leave to report they have had the same under consideration and recommend the same to be amended as follows, and when so amended the bill do pass:

Amend the bill by striking therefrom all of Section 1, and substituting therefor the following:

"Section 1. Section Three Hundred and Seventy-seven (377) of the Code is hereby amended by removing the period (.) at the end of said section, and then immediately after the last word in said section adding the following words, to-wit: "within the county of his appointment or in any adjoining county in which he has filed in the office of the Clerk of the District Court a certified copy of his certificate of appointment."

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 75, 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.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE.

Senator Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred a concurrent resolution, relative to the holding of the Panama Exposition, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the substitute herewith submitted, and when so amended the Senate concur:

SUBSTITUTE FOR HOUSE CONCURRENT RESOLUTION, RELATING TO THE PANAMA EXPOSITION.

WHEREAS, The City of San Francisco proposes to hold a great international exposition in 1915 to celebrate the opening of the Panama Canal, having raised therefor the sum of seventeen million five hundred thousands dollars, subscribed by the people of the State of California, who ask no financial aid from the Government of the United States, but only

that the Government will give to the exposition such recognition as will cause the governments of the world to take part and make it truly international in character; and,

WHEREAS, It is proposed during the next five years to advertise the exposition throughout the world in such a manner as to induce heavy travel from Europe and Eastern States to the Pacific Coast, thereby enabling the visitors to the exposition to become familiar with Iowa and her many advantages. Now, therefore, be it

*Resolved*, by the House, the Senate concurring, That the Legislature of Iowa calls upon its Senators and Representatives in Congress to vote for resolutions in Congress inviting the nations of the world to participate in the Panama Pacific International Exposition to be held in San Francisco in 1915.

C. G. SAUNDERS,  
*Chairman.*

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

Senator Saunders moved that the substitute Concurrent Resolution recommended by the Committee on Railroads be substituted for the House Concurrent Resolution.

Carried.

Senator Saunders moved that the Senate concur in Concurrent Resolution as amended.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly, entitled, "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," and relating to the same subject.

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

By Senator Francis, Senate File No. 87, a bill for an act to amend Section Five Hundred and Eleven (511) of the Code, relating to a dwelling for the Sheriff.

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

By Senator Francis, Senate File No. 88, a bill for an act to amend Section Twenty-nine Hundred and Ninety-three (2993) of the Code, relating to the time of enforcing landlord's liens.

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

#### THIRD READING OF BILLS.

On motion of Senator Allen of Jefferson, Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Jefferson moved the adoption of the following amendment:

Amend the bill by striking therefrom all of Section 1, and substituting therefor the following:

"Section 1. Section Three Hundred and Seventy-seven (377) of the Code is hereby amended by removing the period (.) at the end of said section, and then immediately after the last word in said section adding the following words, to-wit: 'within the county of his appointment or in any adjoining county in which he has filed in the office of the Clerk of the District Court a certified copy of his certificate of appointment.'"

Adopted.

Senator Allen of Jefferson 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Cowles, Crow, Dunnegan, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Spaulding, Sullivan, Taylor, White, Wilson—38.

Absent or not voting:

Chapman, Clarkson, DeWolf, Fitchpatrick, Garrett, Hoyt, McCulloch, Schrup, Smith of Shelby, Stueckslager, Van Law, Webber—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Mattes moved that the Senate take up for consideration the House Concurrent Resolution relating to the appointment of a



joint committee to visit the State educational institutions and to receive the First Biennial Report of the State Board of Education.

Carried.

HOUSE MESSAGE CONSIDERED.

House Concurrent Resolution, relating to the appointment of a joint committee to visit the State educational institutions and to receive the First Biennial Report of the State Board of Education:

*Resolved by the House of Representatives of the General Assembly of Iowa, the Senate Concurring:*

That there be appointed by the President of the Senate and the Speaker of the House three members of each body, respectively, to constitute a joint committee to which the First Biennial Report of the State Board of Education is hereby referred. Said committee is hereby authorized to visit and inspect the State University, the College of Agriculture and Mechanic Arts and the State Teachers' College, and to examine into the report of the State Board of Education and to report the findings and conclusions of the committee to the General Assembly.

*Resolved, further,* That the chairman of the Committee on Appropriations, respectively of the Senate and the House, shall be a member of such committee in addition to the six members above provided for.

Senator Mattes moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced as such committee on the part of the Senate: Senators McColl, Larrabee, Clarkson.

INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties.

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

By Senator Francis, Senate File No. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304) of the 1907 Supplement to the Code, relating to the exemption of property from taxation.

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

## THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 6, a bill for an act to amend Section Four Thousand Six Hundred and Twenty-five (4625) of the Code, relating to the statute of frauds, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Sammis moved that the substitute be substituted for the original bill.

Carried.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by adding thereto the following as Section 2:

Section 2. The provisions of this act shall not apply to contracts made prior to July 4, 1911.

Adopted.

Senator Sammis 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chase, Clarkson, Cowles, Crow, Gates, Gilliland, Hoyt, Jewell, Legel, McColl, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Spaulding, Sullivan, White—27.

The nays were:

Adams, Ames, Brown, Dunnegan, Francis, Garrett, Hammill, Mattes, Savage, Wilson—10.

Absent or not voting:

Chapman, DeWolf, Hunter, Larrabee, McCulloch, Proudfoot, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, Fitchpatrick—13.

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.

#### EXECUTIVE SESSION.

On motion, the Senate advised and consented to the appointment of Hon. J. F. Wade of Butler County to fill out the term on the Board of Control regularly, expiring on the 5th day of April, 1914.

On motion, the Senate advised and consented to the appointment of Dr. Murdock Bannister of Wapello County as a member of the Board of Control, to serve the term of six years on said board, beginning April 5, 1910.

On motion, the Senate resumed regular session.

Senate resumed regular session at 11:50 A. M.

Journal of yesterday was taken up, corrected and approved.

Senator Allen of Pocahontas filed the following motion:

I move that the vote by which Senate File No. 6 was passed, and by which it passed to its third reading, be reconsidered.

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

The President announced as tellers on the part of the Senate: Senators Sammis and Ames.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee,

Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Savage, Schee, Shane, Shankland, Sherman, Smith of Adams, Smith of Decatur, Smith of Mitchell, Spaulding, Stephenson, Stipe, Stoddard, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—138.

Absent or not voting:

Black, Brockway, Chapman, Dabney, DeWolf, Escher, Fitchpatrick, Hayes, McCulloch of Wayne, Penn, Proudfoot, Sater, Saunders, Schrup, Skinner, Smith of Shelby, Speer, Stuckslager, Van Law, Webber—20.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as tellers on the part of the Senate, Senators Sammis of Plymouth and Ames of Tama.

Speaker Stillman appointed as tellers on the part of the House, Representatives Lounsberry of Marshall and Murtagh of Emmet.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Boettger, Byerly, Clarkson, Crow, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Quigley, Ream, Ritter, Rowles, Stephenson,

Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—45.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, Malmberg, Moore, Perkins, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Zeller—26.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Campbell of Webster, Collin, Felt, Fry, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hutchins, Jacobs, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Ripley, Schee, Shankland, Stoddard—24.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Fraley, Francis, Harvey, Hunter, Johnson, Klay, Lounsberry, Newell, Pickford, Sammis, Sherman, Smith of Mitchell, Spaulding, Sullivan, Whitney—22.

Those voting for H. W. Byers were:

Brown of Wright, Bybee, George, Hogan, Hunt, Huntley, Jacobson, Jewell, Neal, Russell, Van Camp—11.

Those voting for Warrent Garst were:

Bruce, Chase, Enger, Finlayson, Kulp, Mattes, Stillman—7.

Those voting for Carl F. Franke were:

Cousins, Gates—2.

Those voting for H. M. Towner were:

Stipe—1.

Absent or not voting:

Black, Brockway, Chapman, Dabney, DeWolf, Escher, Fitchpatrick, Hayes, McCulloch of Wayne, Penn, Proudfoot, Sater, Saunders, Schrup, Skinner, Smith of Shelby, Speer, Stuckslager, Van Law, Webber—20.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Kull of Howard, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Bennett moved that the Senate do now adjourn until 10:00 o'clock Monday morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 23, 1911.

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

Prayer was offered by Rev. S. D. McFadden of Des Moines, Iowa.

On request of Senator Webber, leave of absence was granted Senator Cowles for the day.

On request of Senator Van Law, leave of absence was granted Senator Saunders for the day.

## PETITIONS AND MEMORIALS.

Senator Hunter presented a remonstrance of citizens of Woodbury County protesting against the passage of a wheel tax on automobiles or other vehicles.

Referred to Committee on Highways.

Senator Chase presented a remonstrance of citizens of Wright County protesting against the passage of a law creating the office of "County Engineer."

Referred to Committee on Highways.

Senator Chase presented a petition of citizens of Wright County urging a liberal appropriation for the benefit of agricultural short courses in Iowa.

Referred to Committee on Appropriations.

## INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 91, a bill for an act to amend Section One (1), Chapter One Hundred and Eighty-four (184), Laws of the Thirty-third General Assembly, relating to the limit of indebtedness of independent school districts.

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

By Senator Smith of Shelby, Senate File No. 92, a bill for an act to repeal Section Thirty-three Hundred and Seventy-six (3376) of the Supplement to the Code of Iowa, relating to the election of a surviving spouse to take under the will of the deceased, and to enact a substitute therefor.

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

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

Senator Stuecklagger moved that the Senate take a recess until 11:45 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

#### INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 93, a bill for an act to repeal Sections Thirteen Hundred Five (1305) and Thirteen Hundred Ten (1310) of the Code, and to enact substitutes therefor, relating to the assessment of taxes.

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

By Senator Crow, Senate File No. 94, a bill for an act providing that all common carriers operating trains within the State of Iowa, and conveying live stock, shall provide a car equipped with sleeping berths or bunks for the persons in charge of such live stock.

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

By Senator Hammill, Senate File No. 95, a bill for an act to amend Chapter Thirteen (13), Title Twelve (XII) of the Supplement to the Code, 1907, and providing for the appointment of dairy commissioner, deputy commissioner and state dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

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



By Senator White, Senate File No. 96, a bill for an act to create a State Board of Publicity and Development, and to provide for the support thereof.

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

By Senator Hunter, Senate File No. 97, a bill for an act to amend Section Seven Hundred Twenty (720) of the Code Supplement of 1907, providing for the amending of franchises granted to individuals or private corporations.

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

By Senator Van Law, Senate File No. 98, a bill for an act to amend Division Two of Section Twenty-four Hundred Forty-eight (2448) of Supplement to the Code of 1907, relating to the limits within which intoxicating liquors may be sold.

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

MESSAGE 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. 59.

A bill for an act to legalize a certain special election held in the town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf, pursuant to a favorable vote thereon by the electors of said town at said special election.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

House File No. 59, a bill for an act to legalize a certain special election held in the Town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the Town Council of said Town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.

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

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

The President announced as tellers on the part of the Senate: Senators Hammill and Hunter.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—147.

Absent or not voting:

Cowles, Escher, Leach, McCulloch of Wayne, Milton, Penn, Sammis, Sater, Saunders, Taylor of Union, Van Law—11.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as tellers on the part of the Senate, Senators Hammill of Hancock and Hunter of Woodbury.

Speaker Stillman appointed as tellers on the part of the House, Representatives Brown of Wright and Linnan of Pocahontas.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Murtagh, O'Connor, Odendahl, Olson, Parshall, Quigley, Ream, Ritter, Rowles, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—47.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, Malmberg, Moore, Perkins, Proudfoot, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Speer, Stipe, Stuckslager, Zeller—31.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Campbell of Webster, Collin, Felt, Fitchpatrick, Fry, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hutchins, Jacobs, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Ripley, Schee, Shankland, Stoddard—25.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell, Cunningham, Dawson, Dixon, Francis, Harvey, Hunter, Johnson, Klay, Lounsberry, Newell, Pickford, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Whitney—21.

Those voting for H. W. Byers were:

Brown of Wright, Bybee, George, Hogan, Hunt, Huntley, Jacobson, Jewell, Neal, Russell, Smith of Shelby, Van Camp—12.

Those voting for Warren Garst were:

Bruce, Chase, Enger, Finlayson, Kulp, Mattes, Stillman—7.

Those voting for Carl F. Franke were:

Cousins, Gates—2.

Absent or not voting:

Brockway, Cowles, Escher, Hayes, Leach, McCulloch of Wayne, Milton, Penn, Sammis, Sater, Saunders, Taylor of Union, Van Law—13.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Bauman of Van Buren, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 24, 1911.

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

Prayer was offered by Rev. Thomas Osborn of Fairfield, Iowa.

## PETITIONS AND MEMORIALS.

Senator Dunnegan presented a petition of citizens of Page County for the enactment of a law permitting township trustees to levy certain taxes.

Referred to Committee on Highways.

Senator Allen of Jefferson presented three petitions of citizens of Van Buren County relative to the enactment of a primary law.

Referred to Committee on Elections.

## INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 99, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Five (2505) and Twenty-five Hundred and Eight (2508) of the Supplement to the Code, 1907, in reference to the inspection of petroleum products.

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

By Senator Mattes, Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital and for the State Penitentiary.

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

By Senator Adams, Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b),

Twenty-six Hundred and Thirty-four-c (2634-c) and Twenty-six Hundred and Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.

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

By Senator Dunnegan, Senate File No. 102, a bill for an act to amend Section Two Hundred Sixty-one (261) of the Supplement to the Code of Iowa relative to changes of venue from superior courts.

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

By Senator Schrup, Senate File No. 103, a bill for an act to amend Section Thirteen Hundred Seventy (1370), relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes.

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

By Senator Jewell, Senate File No. 104, a bill for an act to amend Section Twenty Hundred and Fifty-four (2054), Chapter 5, Title X of the Code, relating to railroad crossings.

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

By Senator Jewell, Senate File No. 105, a bill for an act providing for the release of surety on bonds.

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

By Senator Hunter, Senate File No. 106, a bill for an act providing for the licensing of steam engineers.

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

By Senator Proudfoot, Senate File No. 107, a bill for an act to repeal Section Three Hundred Thirty-five (335) of the Code as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33d) General Assembly, relating to the selection of jury lists, and to enact a substitute therefor.

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

By Senator Allen of Jefferson, Senate File No. 108, a bill for an act fixing the standard of qualifications of all persons desiring to practice osteopathy and for the regulation thereof; to create a state board of osteopathic examiners, and to provide for the registration of those entitled to practice osteopathy, and providing penalties for violation of any of the provisions thereof.

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

REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort, 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:

A BILL

For an Act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the Crime of Malicious Threats to Extort.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code is hereby amended so as to read as follows:

"If any person, either verbally or by any written or printed communication, maliciously threaten to accuse another of a crime or offense, or to do any injury to the person or property of another, with intent to extort any money or pecuniary advantage whatever, or to compel the person so threatened to do any act against his will, he shall be imprisoned in the penitentiary not to exceed ten (10) years, or be fined not exceeding One Thousand Dollars (\$1,000.00).

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 Des Moines Capital, newspapers published in the City of Des Moines, Iowa.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate Joint Resolution No. 1, a Joint Resolution ratifying the Sixteenth Amendment to the Constitution of the United States, beg leave to report

they have had the same under consideration and recommend the same be referred to the Committee on Constitutional Amendments.

SHIRLEY GILLILLAND,  
*Chairman.*

Adopted.

So the Joint Resolution was referred to the Committee on Constitutional Amendments.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 19, a bill for an act to repeal Section 4854 of the Code, and enact a substitute therefor, relating to the uttering of forged instruments and providing a penalty 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, and when so amended the bill do pass:

A BILL

For an Act to amend Section Four Thousand Eight Hundred and Fifty-four (4854) of the Code relating to the Uttering of Forged Instruments and providing a penalty for the violation thereof.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Eight Hundred and Fifty-four (4854) of the Code is hereby amended so that the same shall read as follows:

"If any person utter and publish as true any record, process, certificate, deed, will, or any other instrument of writing, mentioned in the preceding sections, knowing the same to be false, altered, forged or counterfeited, with intent to defraud, he shall be imprisoned in the penitentiary for not more than fifteen (15) years, or imprisoned in the county jail not more than one (1) year, or fined not to exceed One Thousand Dollars (\$1,000.00)."

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the Dependent Soldiers' and Sailors' Tax, beg leave to report they have had the same under consideration and recommend the same 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.



Senator Smith of Mitchell, from the Committee on Retrenchment and Reform, submitted the following report:

MR. PRESIDENT—Your Committee on Retrenchment and Reform, to whom was referred House Joint Resolution No. 3, a Joint Resolution relating to employment of additional help, 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 Joint Resolution was indefinitely postponed.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, Senate File No. 12, a bill for an act to repeal Section 16 of Chapter 14 of the Acts of the Thirty-third General Assembly, and enact a substitute therefor, relating to the enticing away of children, and providing a penalty for the violation thereof, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Sullivan moved the adoption of the following amendments:

Amend the title so that the same shall read as follows: "A bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly, relating to the enticing away of children, and providing a penalty for the violation thereof."

Amend Section 1 by striking therefrom the first three lines, and inserting in lieu thereof the following:

"Section 1. The law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly, is hereby amended so that the same shall read as follows:"

Adopted.

Senator Sullivan 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Ham-

mill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—46.

Absent or not voting:

Garrett, Hoyt, McCulloch, Stuckslager—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 Brown, Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Brown moved that the substitute be substituted for the original bill.

Carried.

Senator Brown 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—45.

The nays were:

DeWolf—1.

Absent or not voting:

Hoyt, McCulloch, Ream, Stuckslager—4.

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 Proudfoot moved that the Senate take a recess until 11:45 o'clock.

Carried.

The Senate took a recess.

The President called the Senate to order.

Senator Chapman moved that when the Judiciary Committee has properly considered Senate File No. 108 it be re-referred to the Committee on Public Health.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 109, a bill for an act relating to the burden of proof as to contributory negligence.

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

By Senator Webber, Senate File No. 110, a bill for an act to amend Section Nine Hundred and Ten (910) of the Code, relating to the sale or exchange of bonds and refunding of the same.

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

By Senator Webber, Senate File No. 111, a bill for an act to amend Section Four Hundred and Four (404) of the Code, relating to the sale or exchange of bonds and refunding of the same.

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

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

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shané, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—157.

Absent or not voting :

Leach—1.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bybee, Campbell of Webster, Collin, Felt, Fitchpatrick, Fulton, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Schee, Shankland, Stoddard, Van Camp—34.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Francis, Gates, Harvey, Hunter, Huntley, Jewell, Johnson, Klay, Lounsberry, Neal, Newell, Russell, Sammis, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Van Law, Whitney—27.

Those voting for Warren Garst were:

Bruce, Chase, Cousins, Enger, Finlayson, Kulp, Mattes, Stillman—8.

Absent or not voting:

Leach—1.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of O'Connor of Chickasaw the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Hazel A. Pierce appeared before the bar of the Senate and was duly sworn as Clerk to Senator J. L. Wilson.

Senator Jewell moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 25, 1911.

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

Prayer was offered by Rev. Victor West of Adel, Iowa.

## INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 112, a bill for an act to provide for the support of the institution for feeble-minded children at Glenwood and repealing the law as it appears in Section 2700, Chapter 7, Title XIII, Supplement to the Code, 1907.

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

By Senator Proudfoot, Senate File No. 113, a bill for an act to amend Paragraph Four (4) of Section Forty-five Hundred and Ninety-eight (4598) of the Code, relating to the fees of constables.

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

By Senator Gates, Senate File No. 114, a bill for an act to amend Section 1, Chapter 184 of the Acts of the Thirty-third General Assembly.

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

By Senator Balkema, Senate File No. 115, a bill for an act for the protection of public health and for the prevention of fraud by regulating the sale of eggs for food purposes; providing penalties for the violation thereof, and providing for the enforcement thereof.

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

By Senator Balkema, Senate File No. 116, a bill for an act to revise the road laws, to create a plan of township and county road, bridge and culvert work, and weed and brush destruction, to provide for tax levies and funds for carrying on such work, to provide for the manner of expending said funds, to fix the rights, powers, duties, compensation and responsibilities of officers over and pertaining to said work, to create the office of county highway engineer and to provide for his appointment, compensation and duties, to authorize changes in highways and the procedure thereof, to abolish the office of county surveyor, and to impose the duties of such office on the county highway engineer, to promote and encourage the use of wide-tired vehicles on the public roads, to provide for a school of highway instruction, to provide for the purchase or condemnation of lands for the purpose of improving and changing the course of highways and securing proper drainage and materials therefor, and to repeal all of Chapter Two (2) of Title VIII (8) of the Code, except Section One Thousand Five Hundred Sixty-nine (1569) thereof, and to repeal all of Chapter Two (2) of Title VIII (8) of the Supplement to the Code, 1907, and to repeal Section Two (2) of Chapter Ninety-three (93) of the Acts of the Thirty-third (33d) General Assembly, and to repeal all of Chapters Ninety-six (96), Ninety-seven (97), Ninety-eight (98), Ninety-nine (99), One Hundred (100) and One Hundred One (101) of the Acts of the Thirty-third (33d) General Assembly and to repeal Paragraph Four (4) of Section One Thousand Three Hundred Three (1303) of the Supplement to the Code, 1907, and to repeal Section One Thousand Five Hundred Twenty-seven-a (1527-a) of the Supplement to the Code, 1907, and to repeal Section Two Thousand Twenty-four-i (2024-i) of the Supplement to the Code, 1907, and to amend Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, relating to the election of county officers.

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

By Senator Smith of Shelby, Senate File No. 117, a bill for an act creating Section Four Hundred and Seven-a (407-a) of the Supplement to the Code authorizing the Board of Supervisors of a county to transfer any surplus bond fund, raised under Section Four Hundred and Three (403) of the Supplement to the Code, after payment of all bonds, to the bridge fund of said county.



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

By Senator Stuckslager, Senate File No. 118, a bill for an act to repeal Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, relating to the election of county officers and enacting in lieu thereof the following:

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

By Senator Hoyt, Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

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

By Senator Hoyt, Senate File No. 120, a bill for an act to amend the law as it appears in Section Thirteen Hundred Twenty-two (1322) of the Supplement to the Code, 1907, relating to the assessment of shares of stock in national, state and savings banks, and loan and trust companies.

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

By Senator Jewell, Senate File No. 121, a bill for an act relating to the proof of title to real estate as affected by certain defects arising from conveyances and other instruments and otherwise prior to January 1, 1895.

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

Senator Balkema asked unanimous consent to have 300 extra copies of Senate File No. 116 printed.

Consent granted.

Senator White offered the following Resolution, and moved its adoption:

WHEREAS, The Honorable M. J. Kelley, one of the old-time pioneers of Iowa County, Iowa, for over forty (40) years, and an active and honored member of the Iowa Senate in the Twenty-second, Twenty-third, Twenty-fourth and Twenty-fifth General Assemblies from the Iowa and Johnson county district, passed away at his home in Denver, Colorado, on the 10th day of January, 1911; therefore be it

*Resolved*, That a committee of three (3) be appointed by the President of the Senate to prepare and submit resolutions to commemorate his life, character and services to the State.

Adopted.

Senator Webber offered the following Concurrent Resolution, and moved its adoption:

CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That the report of the Committee on Extra Help, made January 11, 1911, be referred to the Committee on Retrenchment and Reform for an investigation and report to the Senate and the House, and that such report show the number of persons employed in like positions and the salaries paid for the same work in previous General Assemblies, as shown by Senate Journal of 1906, at page 57; by Senate Journal of 1907, at page 114; Senate Journal of 1909, at page 132.

Laid over.

Senator Allen of Jefferson offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That the Custodian of the Capitol Building be authorized to tender the use of the Hall of Representatives at the hour of 8 o'clock p. m., Monday, January 30, 1911, for the rendition of a program prepared by the ladies of "Old Glory Circle" (patriotic) in honor of the anniversary of the birthday of President William McKinley.

Senator Allen of Jefferson asked unanimous consent that the Resolution be considered at this time.

Consent granted.

Senator Allen of Jefferson moved the adoption of the Resolution.

Adopted.

Senator Brown asked unanimous consent to have 200 extra copies of Senate File No. 84 printed.

Consent granted.

Senator Adams asked unanimous consent to have 200 extra copies of Senate File No. 101 printed.

Consent granted.

## INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 122, a bill for an act creating the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office.

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

## REPORTS OF COMMITTEES.

Senator Gilliland, 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 legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the City in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said City Council in making said water tax levy a water works levy, 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 Judiciary, to whom was referred Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Heseekiah Beecher, commissioner, to Robert M. Henderson, trustee, dated June 30, 1867, filed for record in the office of the Recorder of Pocahontas County, Iowa, on September 13, 1867, and recorded in Land Deed Record "C," beginning at page No. 3 thereof, together with the acts of said Heseekiah Beecher as such commissioner in making said conveyance, 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 Judiciary, to whom was referred Senate File No. 10, a bill for an act providing limitations for the commencement of actions relative to real property, addition to Chapter Two (2), Title Eighteen (XVIII), 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. 10.

## A BILL

For an Act repealing the law as it appears in Section Thirty-four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relative to the recovery of interest in real estate where the spouse failed to join in conveyance.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Thirty-four Hundred and Forty-seven-b (3447-b) of the Supplement to the Code, 1907, is hereby repealed and the following is enacted in lieu thereof:

In all cases where the holder of the legal or equitable title to real estate situated within this state, prior to the first day of January, 1890, conveyed said real estate or any interest therein by deed, mortgage, or other conveyance, which has been recorded, and the spouse failed to join therein, such spouse or the heirs at law, devisees, grantees, or assigns of such spouse, shall be barred from recovery unless suit is brought therefor within one year after the taking effect of this act. But in case the right to such distributive share has not accrued by the death of the spouse making such conveyance, the one not joining is hereby authorized to file in the recorder's office of the county where the land is situated a notice, with affidavit, setting forth affiant's claim, together with the facts upon which such claim rests, and the residence of such claimant; and if such notice is not filed within two years from the taking effect of this act, such claim shall be forever barred. Any action contemplated in this section may include lands situated in different counties, by giving notice thereof as provided by Section Thirty-five Hundred and Forty-four (3544) of the Code, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 53, a bill for an act to amend Section Five Thousand Five Hundred Eighteen (5518) of the Code, 1897, of the State of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant, 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 Five Thousand Five Hundred and Eighteen (5518) of the Code, relating to Forfeiture of Bail.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Five Thousand Five Hundred and Eighteen (5518) of the Code is hereby amended by striking out all that part preceding the semicolon in the third line and inserting in lieu thereof the following:

"The action on the undertaking must be in the court in which the defendant was or would have been required to appear by the undertaking, and if suit is brought, any recovery thereon shall be paid to the county in which the defendant was indicted, less the costs of suit;" and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 33, a bill for an act providing for liens upon horses and other animals for the cost of shoeing the same, and upon vehicles and machinery for labor and material furnished in repairing same, 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 Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 34, a bill for an act to require persons, companies and corporations engaged in the operation of railroads to stop passenger trains at certain stations, and providing procedure for enforcement, and penalties for violation, additional to Chapter Six (6), Title Ten (10), of the Code, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike from the third line of Section One of the Original Bill the words "reception or" and insert after the word "passengers" in the same line the words "and on flag for the reception of passengers," and also by inserting the word "Institution" in the fourth line of the original bill the words "whose enrollment equals or exceeds One Thousand (1,000) inhabitants," and when so amended that the bill do pass.

C. G. SAUNDERS,  
*Chairman.*

Ordered passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, Senate File No. 19, a bill for an act to repeal Section 4854 of the Code, and enact a substitute therefor, relating to the uttering of forged instruments and providing a penalty therefor, with report of committee recommending

the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Sullivan moved that the substitute be substituted for the original bill.

Carried.

Senator Sullivan 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:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunne-gan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—47.

The nays were:

Legel—1.

Absent or not voting:

Allen of Jefferson, McCulloch—2.

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 Webber, Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the Water Works Fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the Water Works Fund, and to legalize the action of said City Council in making said water tax levy a water works levy, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Webber 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White—45.

The nays were:

None.

Absent or not voting:

Cowles, Proudfoot, Saunders, Stuckslager, Wilson—5.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator Ames offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

WHEREAS, Volume One of the Vinton Eagle was wrongfully presented to and is in possession of the State Historical Department, causing a great loss and inconvenience to the said newspaper, the Vinton Eagle, by the breaking of its files, of which it has a complete set of fifty-five volumes (except Volume One); therefore, be it

*Resolved*, by the Senate, the House concurring, That the trustees of the State Historical Department be authorized to return to the Vinton Eagle said Volume One of said publication, the Vinton Eagle.

Adopted.

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

THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 53, a bill for an act to amend Section Five Thousand Five Hundred Eighteen (5518) of the Code, 1897, of the State of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Brown moved that the substitute be substituted for the original bill.

Carried.

Senator Brown 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—44.

The nays were:

Jewell—1.

Absent or not voting:

Balluff, McColl, Sammis, Schrup, Smith of Mitchell—5.

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 Fitchpatrick, Senate File No. 75, 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.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—47.

The nays were:

None.

Absent or not voting:

Balluff, Saunders, Smith of Mitchell—3.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

Senator McCulloch moved that the Senate take a recess until 11:50 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

Senator Clarkson requested unanimous consent that Senate File No. 30, which was referred to the Committee on Corporations, be withdrawn and re-referred to the Committee on Ways and Means.

Consent granted.

Senator Sammis, from the Committee on Corporations, returned to the Senate, Senate File No. 30, and same was referred to the Committee on Ways and Means.

Senator Sammis asked unanimous consent to have 200 extra copies of Senate File No. 42 printed.

Consent granted.

Senator DeWolf asked unanimous consent to have 300 extra copies of Senate File No. 72 printed.

Consent granted.

Senator Webber asked unanimous consent to have 200 extra copies of Senate File No. 50 printed.

Consent granted.

The President announced as a committee to prepare suitable resolutions commemorative of the life, character and public services of the late Senator M. J. Kelly: Senators White, Clarkson, McManus.

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

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Piekford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stoddard, Stuck-

slager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller, Mr. Speaker—155.

Absent or not voting:

Escher, Linnan, Moore—3.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Spear, Stipe, Stuckslager, Zeller—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bybee, Campbell, Collin, Felt, Fitchpatrick, Fry, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Larrabee of Webster, Larrabee of Fay-

ette, Lund, McColl, Patterson, Ripley, Schee, Shankland, Skinner, Stoddard, Van Camp, Stillman—35.

Those voting for A. B. Funk were :

Allen of Jefferson, Balkema, Bascom, Bruce, Campbell of Ida, Cousins, Cunningham, Dawson, Dixon, Enger, Finlayson, Fourt, Francis, Gates, Harvey, Hunter, Huntley, Jewell, Johnson, Klay, Kulp, Lounsberry, Mattes, Neal, Newell, Pickford, Russell, Sammis, Sherman, Smith of Mitchell, Spaulding, Sullivan, Van Law, Whitney—34.

Those voting for Warren Garst were :

Chase—1.

Absent or not voting :

Escher, Linnan, Moore—3.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Hoyt of Buchanan, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Jewell moved that the Senate do now adjourn until 10:00 o'clock A. M. tomorrow morning.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 26, 1911.

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

Prayer was offered by Rev. Thomas S. Cole of Odebolt, Iowa.

## PETITIONS AND MEMORIALS.

Senator Sullivan presented a petition of citizens of Des Moines, Iowa, favoring the holding of a special primary for the selection of a United States Senator.

Referred to Committee on Elections.

## INTRODUCTION OF BILLS.

By Senator Cowles, Senate File No. 123, a bill for an act appropriating the sum of twelve hundred dollars to be paid to Charles Haskell in settlement of damages sustained by him for quarantine of his cattle, established under the direction of the State Veterinarian.

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

By Senator Cowles, Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64), Acts of the Thirty-third (33d) General Assembly, relating to the government of certain cities.

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

By Senator Clarkson, Senate File No. 125, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment.

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

By Senator Mattes, Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and con-

tingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, institutions for feeble-minded children, sanatorium for the treatment of tuberculosis, industrial schools, state hospitals, penitentiary and reformatory, and for the purchase of land.

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

By Senator Smith of Shelby, Senate File No. 127, a bill for an act to amend Section Two (2) of Chapter One Hundred and Two (102) of the Acts of the Thirty-third General Assembly, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, by striking out certain words in said section.

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

#### 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.

Relating to the improvement of Capitol grounds.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate Substitute Amendment to House Concurrent Resolution, relative to the place for holding the Panama Exposition.

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 lighting the State Historical Building on Sundays during the session of the Legislature.

C. R. BENEDICT,  
*Chief Clerk*

Also:

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

HOUSE FILE NO. 10.

A bill for an act to amend the law as it appears in Section Two Hundred Ninety-six (296) of the Supplement to the Code of 1907, relating to the fees collected and paid to the county by the Clerk of the District Court.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Webber asked unanimous consent to call up the Resolution offered by him on yesterday relative to referring the report of the Committee on Extra Help to the Committee on Retrenchment and Reform.

Consent granted.

Senator Sullivan moved to amend by striking out all after the word, "reform," as it appears in the second line of the Journal.

Adopted.

The Concurrent Resolution as amended was adopted.

HOUSE MESSAGE CONSIDERED.

House File No. 10, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-six (296) of the Supplement to the Code of 1907, relating to the fees collected and paid to the county by the Clerk of the District Court.

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

Also:

HOUSE CONCURRENT RESOLUTION.

*Be It Resolved by the House, the Senate Concurring:*

That the Executive Council be requested to arrange for the lighting of the State Historical Building on Sundays during the session of the Legislature.

Passed on file.

Senate substitute for House Concurrent Resolution, relative to asking the Senators and Representatives in Congress to vote for resolutions inviting the nations of the world to participate in the Panama-Pacific International Exposition.

Passed on file.

Also:

HOUSE CONCURRENT RESOLUTION.

*Be It Resolved by the House, the Senate Concurring:*

That a committee of five be appointed by the respective presiding officers, three from the House and two from the Senate, to make a thorough examination of the condition of the Soldiers' and Sailors' Monument, the ground surrounding the same, the steps and walks leading into the Capitol from the south, west and north, and all of the buildings and property adjacent to the Capitol owned by the State, and make a full and complete report with respect to such repairs and improvements as in the judgment of the committee should be made to any or all of such property.

Passed on file.

REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 27, 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, including a municipal 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 by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 27.

A BILL

For an Act defining the elements of damage that may be proved and awarded where the death of the wife or widow with dependent children has been caused by the wrongful act or negligence of any person, firm or corporation, including a municipal corporation, and providing a remedy by the administrator in behalf of her estate, and exempting same from debts.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. In any case where by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation, injury occurs to the person of a married woman or a widow having a dependent child or children, causing death, an action shall survive and may be brought by an administrator for the benefit of the estate of such decedent, and the elements of damage recoverable may be the loss of companionship, society and services as a housewife to the husband or dependent child or children, or both, as the case may be, including loss of services during disability before death, in addition to such other elements of damages as are now recoverable by law; but in no event shall the amount recovered exceed the sum of Five Thousand Dollars (\$5,000.00), which shall not be liable for the debts of such



decendent or the husband, child or children, and any real estate purchased therewith used or to be used as a home shall likewise be exempt as above provided; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Balkema, Senate File No. 128, a bill for an act providing for a registration fee on mortgages of real property and for their exemption from taxation after being recorded; regulating the effect of non-payment of registration fees and prohibiting the enforcement of mortgages upon which registration fees have not been paid as herein provided, and repealing all acts and parts of acts in conflict herewith.

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

#### REPORTS OF COMMITTEES.

Senator Gillilland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the acts of the Thirty-third (33rd) General Assembly, entitled: "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," and relating to the same subject, 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 the words "or may hereafter be commenced," appearing in the seventh line thereof; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 76, a bill for an act to legalize the issuing of certain warrants on the School Fund by the Board of Directors of the Independent District of Centerville, in Appanoose County, State of Iowa, 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 Judiciary, to whom was referred Senate File No. 88, a bill for an act to amend Section Twenty-nine Hundred and Ninety-three (2993) of the Code, relating to the time of enforcing landlords' liens, 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 Judiciary, to whom was referred Senate File No. 87, a bill for an act to amend Section Five Hundred and Eleven (511) of the Code, relating to a dwelling for the Sheriff, 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 Brown, from the Committee on Military, submitted the following report:

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate File No. 45, a bill for an act to amend Section Three, Chapter Two Hundred Twenty-three (223) of the Thirty-second General Assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines, 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 respectfully refer this bill to the Appropriation Committee with the recommendation that it pass:

SUBSTITUTE FOR SENATE FILE NO. 45.

A BILL

For an Act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided for by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, and by Chapter Two Hundred Forty-eight (248), Acts of the Thirty-third General Assembly, and making an additional appropriation therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That the sum of one thousand (1,000.00) dollars, or so much thereof as may be necessary, is hereby appropriated from any moneys,

not otherwise appropriated, in the treasury of the State, for the employment of the extra help and other necessary expense to complete the compilation of the roster and record of Iowa soldiers, sailors and marines provided by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, and the same shall be drawn and expended as provided for in Section Three (3) of said chapter.

Sec. 2. Forty copies of the first and second volumes and five copies of each of the other volumes of said publication will be apportioned to each member of the Thirty-fourth General Assembly, two copies of each volume to each State officer, one copy of each volume to each member of the roster board, and the remainder which are not required for distribution as provided for by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, or Chapter Two Hundred Forty-eight (248), Acts of the Thirty-third General Assembly, shall be distributed by the Adjutant General to soldiers who served in an Iowa organization or to the families of such soldiers.

Sec. 3. This act, being deemed of immediate importance, shall be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa.

J. D. BROWN,  
*Chairman.*

Adopted.

Substitute read first and second time.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the acts of the Thirty-third General Assembly, 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 be amended as follows:

By striking out the words "be and the same," appearing in the second line of said section; and when so amended the bill do pass.

J. D. BROWN,  
*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. Thirty-five, a bill for an act to amend Chapter Four (4), Title Seven (7), of the Code, relating to the collection of a tax upon inheritance, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section One (1) by striking out the words "full legal" in line sixteen (16) of the original bill and inserting the word "statutory" in lieu thereof; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Ames, Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907; and also Sections One (1), Two (2), Three (3) and Four (4) of Chapter One Hundred Thirty-five (135) of the Laws of the Thirty-third General Assembly.

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

By Senator Hoyt, Senate File No. 130, 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 Hoyt, Senate File No. 131, a bill for an act to amend Section 4604 of the Code relating to the examination of witnesses in regard to transactions and communications of a person deceased, insane or a lunatic.

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

By Senator Legel, Senate File No. 132, a bill for an act to amend Section Two Thousand Eighty-nine (2089) of the Code Supplement, 1907, relative to liability of the board of directors of railway companies receiving taxes voted in their aid under the provisions of Chapter Five (5), Title Ten (10) of said Code Supplement.

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

By Senator Legel, Senate File No. 133, a bill for an act to amend Section Two Thousand and Ninety (2090) of the Code Supplement, 1907, relative to the forfeiture of taxes voted in aid of railroads under the provisions of Title Ten (10), Chapter Five (5) of said Code Supplement.

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

By Senator Legel, Senate File No. 134, a bill for an act to repeal Section Two Thousand and Eighty-eight (2088) of the Code Supplement, 1907, relative to issuing tax certificates by county treasurers on the payment of any taxes voted under the provisions of Chapter Five (5), Title Ten (10), of said Code Supplement.

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

By Senator Legel, Senate File No. 135, a bill for an act to amend Section One Thousand Six Hundred and Eleven (1611) of the Code relative to the issuance of bonds by railway or street railway companies in aid of their location, construction and equipment.

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

By Senator Legel, Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a of the Code Supplement, 1907, designating the statutes which are made up under Chapter Five (5), Title Ten (10) of the said Code Supplement, relative to trolley or electric railways.

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

By Senator Savage, Senate File No. 137, 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.

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

Senator Webber filed the following motion :

I move that the vote on Concurrent Resolution by Senator Webber, whereby all of said resolution following the word "reform" was stricken out, be reconsidered.

Senator Gilliland raised the point of order, that Senator Webber on the adoption of this amendment voted with the minority.

Point of order sustained and the motion to reconsider was ruled out of order.

Senator Bennett moved that the Senate take a recess until 11:50 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

Senator Dunnegan filed the following motion :

I move the vote on concurrent resolution by Senator Webber, whereby the words following the word "Reform" were stricken out, be reconsidered.

Senator Gilliland filed the following motion :

I move to reconsider the vote by which the Webber concurrent resolution was amended.

Senator Saunders moved that the motion of Senator Dunnegan be laid upon the table.

Motion prevailed.

Senator Adams asked unanimous consent to have 200 extra copies of Senate File No. 101 printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 138, a bill for an act to amend the law as it appears in Section Three (3) of Chapter One Hundred Fifty-four (154) of the Laws of the Thirty-third (33d) General Assembly, relating to the age of those to which the County Auditor is authorized to issue a hunter's license.

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

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

The President appointed as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

The Senate proceeded to the House under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger,

Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—157.

Absent or not voting :

Kull—1.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz,

Krebill, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—34.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bybee, Campbell, Collin, Felt, Fitchpatrick, Fry, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Ripley, Schee, Shankland, Stoddard, Van Camp, Stillman—34.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Bruce, Campbell of Ida, Cousins, Cunningham, Dawson, Dixon, Enger, Finlayson, Fourt, Francis, Gates, Harvey, Hunter, Huntley, Jewell, Johnson, Klay, Kulp, Lounsberry, Mattes, Neal, Newell, Pickford, Russell, Sammis, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Van Law, Whitney—35.

Those voting for Warren Garst were:

Chase—1.

Absent or not voting:

Kull—1.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar, the Joint Convention was dissolved.



The Senate returned to the Chamber and resumed its sitting.

Senator Hoyt filed the following motion:

I move to reconsider the vote by which Senate Concurrent Resolution, relative to authorizing the Custodian to tender the use of the Hall of the House of Representatives to Old Glory Circle, was adopted.

Senator Taylor moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 27, 1911.

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

Prayer was offered by Rev. Charles Noble of Grinnell, Iowa.

On request of Senator Hammill, leave of absence was granted Senator Crow for the day.

On request of Senator Sammis, leave of absence was granted him until next Tuesday.

## PETITIONS AND MEMORIALS.

Senator Dunnegan presented a petition of citizens of Fremont County, requesting the enactment of a special primary law for the nomination of Senator in the Congress of the United States.

Referred to Committee on Elections.

Senator Van Law asked unanimous consent to have 300 extra copies of Senate File No. 4 printed.

Consent granted.

Senator Sullivan asked unanimous consent to have 300 extra copies of Senate File No. 63 printed.

Consent granted.

Senator Chapman offered the following Concurrent Resolution, and asked unanimous consent for immediate consideration:

## CONCURRENT RESOLUTION.

*Be It Resolved by the Senate, the House Concurring:*

That when we adjourn today (Friday) we adjourn to meet Tuesday at 10 o'clock.

Laid over.

Senator Neal offered the following Concurrent Resolution, which was read:

CONCURRENT RESOLUTION.

Memorializing the Senators and Representatives from Iowa in the Congress of the United States in relation to employes in the railway mail service.

WHEREAS, The railway mail service of the United States is one of the most important and necessary activities of the postoffice department, and that efficient postal service adequate to meet the needs of all people and communities is largely dependent thereon; and,

WHEREAS, The duties of railway postal clerks are hazardous and of an exacting nature, and severe mental and physical strain result from continued faithful performance thereof, which tend to injure the health and shorten life; and,

WHEREAS, The business and social interests of the country require that the postal service be raised to and maintained at the highest standard of efficiency; therefore, be it

*Resolved by the Senate, the House Concurring:*

Section 1. That our Senators and Representatives in the Congress are respectfully requested to take early, earnest and persistent action and to use their efforts to the end that proper provision be made for:

- (a) A sufficient number of men in the railway mail service to properly distribute the mail at all times;
- (b) Sufficient car space in which to handle all mail under all conditions;
- (c) Adequate compensation for railway postal clerks;
- (d) Allowance for the necessary expenses of railway postal clerks while away from their homes in the performance of their duty.

Sec. 2. That duly authenticated copies of this resolution be sent by the Secretary of State to each of our Senators and Representatives in the Congress and to the President of the United States and to the Postmaster General and the Second Assistant Postmaster General.

Referred to Committee on Railroads.

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. 113.

A bill for an act authorizing the issue of bridge bonds by cities of the first 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. 75.

A bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor 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. 61.

A bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code, relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion 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. 6.

A bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the recovery of interest in real estate when spouse failed to join in conveyance.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 legalize the acts of the directors of a school township of Pleasant, in the county of Monroe and state of Iowa, in contracting for the erection of an addition to the school house in the village of Lockman, in subdistrict No. 11 of said township, and levying a tax therefor.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House has appointed as members, on the part of the House, of the Joint Committee to visit State Educational Institutions: Representatives Johnson of Mitchell, Jacobs of Calhoun, Ritter of Des Moines.

C. R. BENEDICT,  
*Chief Clerk.*

INTRODUCTION OF BILLS.

By Senator Proudfoot, from Committee on Penitentiaries and Pardons, Senate File No. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Code, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the Board of Parole.

Read first and second time, and placed on calendar.

HOUSE MESSAGES CONSIDERED.

House File No. 113, a bill for an act authorizing the issue of bridge bonds of cities of the first class.

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

House File No. 75, a bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts.

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

House File No. 61, a bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof.

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

The Speaker of the House has appointed as members, on the part of the House, of the Joint Committee, to visit State Educational Institutions: Representatives Johnson of Mitchell, Jacobs of Calhoun, Ritter of Des Moines.

Passed on file.

House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to

the Code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance and to enact a substitute therefor.

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

House File No. 73, a bill for an act to legalize the acts of the directors of School Township of Pleasant, in the County of Monroe and State of Iowa, in contracting for the erection of an addition to school house in the Village of Lockman in Subdistrict No. 11 of said township, and levying a tax therefor.

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

#### REPORT OF COMMITTEE.

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

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate File No. 3, a bill for an act to repeal Section Five Thousand Twenty-eight-a (5028-a) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the State of Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By inserting after the word "same" in the fourth line from the last line of Section 1 of the bill the following words: "Is being kept for illegal purposes and," and also to strike from the bill in the last line but three after the word "section" all that follows; and when so amended the bill do pass.

J. D. BROWN,  
*Chairman.*

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Balkema, Senate File No. 140, a bill for an act to amend Section Four Hundred Seventy-nine (479) of the Supplement to the Code, 1907, relating to the compensation of County Auditor.

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

## THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly, entitled "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," and relating to the same subject, 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 striking therefrom the words, "or may hereafter be commenced," appearing in the seventh line thereof.

Adopted.

Senator Saunders asked unanimous consent to amend by striking out the word "daily" in publication clause.

Consent granted.

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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Weber, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Pochontas, Bennett, Cowles, Crow, DeWolf, Hoyt, Jewell, Mattes, Sammis, White—10.

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 requests the return of Senate Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth (34th) General Assembly, fixing their compensations and defining their duties.

C. R. BENEDICT,  
*Chief Clerk.*

## REPORT OF COMMITTEE.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 23, a bill for an act to repeal Section Two (2) of Chapter One Hundred Two (102) of the Acts of the Thirty-third General Assembly, and to enact a substitute therefor, relating to the crossing of traction engines over bridges, culverts, and crossing on public highways and streets, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Stuckslager, Senate File No. 141, a bill for an act to amend Sections One Thousand Four Hundred and Seventy (1470) and One Thousand Four Hundred and Seventy-one (1471) of the Code of 1897, relating to collateral inheritance tax on remainders and life and term estates.

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

## THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 27, 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, including a municipal corporation, and providing a remedy in behalf of the husband, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Substitute was read for the information of the Senate.



Senator Clarkson moved that the bill be made a special order for consideration at 10:30 o'clock next Thursday morning.

Motion prevailed.

On motion of Senator Taylor, Senate File No. 76, a bill for an act to legalize the issuing of certain warrants on the School Fund by the Board of Directors of the Independent District of Centerville, in Appanoose 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 Taylor moved that the Rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Neal, Proudfoot, Quigley, Ream, Savage, Schrúp, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Cowles, Crow, Larrabee, McColl, Mattes, Parshall, Sammis, Saunders, Spaulding, Stuckslager, Van Law—11.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

#### HOUSE MESSAGE CONSIDERED.

The House requests the return of Senate Joint Resolution No. 2, a Joint Resolution relative to the employment of additional help.

Senator Malmberg, from the Committee on Enrolled Bills, returned to the Senate, Senate Joint Resolution No. 2.

Senator Smith of Mitchell moved that the Rules be suspended, that the vote by which the Senate concurred in House amendments be reconsidered.

Carried.

Senator Smith of Mitchell moved that the request of the House for the return of Senate Joint Resolution No. 2 be granted.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 142, a bill for an act to amend the law as it appears in Section Twenty-one Hundred and Fifty-seven-g (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.

By Senator Allen of Pocahontas, Senate File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the Department of Agriculture and the salary of the secretary and his assistants.

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

By Senator Francis, Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof.

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

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

Senator Webber moved that the Senate take a recess until 11:45 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

The President announced as teller on the part of the Senate in the Joint Convention, Senator Savage, and as assistant teller, Senator Hoyt.

## 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 Concurrent Resolution, in which the concurrence of the House was asked:

## CONCURRENT RESOLUTION.

Relative to the return of the one volume of the Vinton Eagle.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

House File No. 71, a bill for an act to repeal Section Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

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

Also:

Senate Concurrent Resolution relative to returning Volume I of the Vinton Eagle.

Passed on file.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Crist, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, White of Benton, White of Iowa, Whitney, Wilson, Zeller—151.

Absent:

Balluff, Chapman, Cowles, Crow, Dunlap, Krebill, Webber—7.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Clarkson, Dabney, DeWolf, Downey, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hayes, Hazen, Koontz, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—48.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bybee, Campbell of Webster, Collin, Cousins, Felt, Fitchpatrick, Fry, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Schee, Shankland, Stoddard, Van Camp, Stillman—37.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Bruce, Campbell of Ida, Cunningham, Dawson, Dixon, Enger, Finlayson, Francis, Gates, Harvey, Hunter, Huntley, Jewell, Johnson, Klay, Lounsberry, Mattes, Neal, Newell, Russell, Sammis, Sherman, Skinner, Smith of Mitchell, Spaulding, Sullivan, Van Law, Whitney—31.

Those voting for Warren Garst were:

Chase—1.

Absent or not voting:

Balluff, Chapman, Cowles, Crow, Dunlap, Krebill, Griggs, Webber—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Kull of Howard, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson moved that the Senate adjourn until 10 o'clock tomorrow morning.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 28, 1911.

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

Prayer was offered by Rev. A. A. Walburn of Winterset, Iowa.

On request of Senator Adams, leave of absence was granted Senator Stuckslager for the day.

On request of Senator Larrabee, leave of absence was granted Senator Van Law for the day.

On request of Senator Balkema, leave of absence was granted Senator Webber for the day.

On request of Senator Taylor, leave of absence was granted Senator Proudfoot for the day.

On request of Senator Gilliland, leave of absence was granted Senator Cowles for the day.

On request of Senator Wilson, leave of absence was granted Senator Balluff for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Chapman for the day.

On request of Senator Ream, leave of absence was granted Senator Schrup for the day.

On request of Senator Mattes, leave of absence was granted Senator Spaulding for the day.

On request of Senator Clarkson, leave of absence was granted him until Monday morning.

On request of Senator Sullivan, leave of absence was granted him until Tuesday morning.

## PETITIONS AND MEMORIALS.

Senator Clarkson presented a petition of citizens of Marion County relative to permanent construction of culverts, against the

establishment of a state highway commission and relative to use of money derived from hunters' licenses.

Referred to Committee on Highways.

Senator Clarkson presented a remonstrance of Board of Supervisors of Monroe County protesting against the tax ferret law.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Dunnegan, Senate File No. 145, 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.

Senator Saunders asked unanimous consent to call up House Concurrent Resolution relative to lighting the Historical Building.

Consent granted.

Senator Saunders moved that the Senate concur in the House Resolution.

Carried.

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 105, a bill for an act providing for the release of surety on bonds, 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 Judiciary, to whom was referred Senate File No. 17, a bill for an act amending Section 2010 of the Code relating to the deposit and acceptance of money in case of an award under condemnation proceeding 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 Judiciary, to whom was referred House File No. 73, a bill for an act to legalize the acts of the directors of school township of Pleasant, in the county of Monroe and State of Iowa in contracting for the erection of an addition to schoolhouse in the village of Lockman in Sub-district No. 11 of said township, and levying a tax 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 Judiciary, to whom was referred Senate File No. 40, a bill for an act to legalize a certain special election held in the town of Bettendorf, Scott County, Iowa, on October 15th, 1909, and to legalize certain franchises granted and adopted by the town council of said Town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election, 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 Judiciary, to whom was referred House File No. 59, a bill for an act to legalize a certain special election held in the town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf, pursuant to a favorable vote thereon by the electors of said town at said special election, 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 Judiciary, to whom was referred Senate File No. 59, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, in reference to the census, 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. 59. .

## A BILL

For an Act to amend the Law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, in Reference to the Census.

*Be It Enacted by the General Assembly of the State of Iowa.*

Section 1. The law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, is hereby amended by adding thereto the following:

“Whenever a general census is taken by the national government, it shall be the duty of the secretary of state to procure from the supervisor of such census, or other proper official, a copy of such part of said census as gives the population of the State of Iowa by counties, and the population of the cities and towns of Iowa, and file the same in his office. The secretary of state shall thereupon cause one publication to be made in two daily newspapers of the state having general circulation therein, of such census report, giving the population of the State of Iowa by counties, and also giving the population of the State of Iowa by cities and towns and from and after the date of such publication, said federal census shall be in full force and effect throughout the state, and the same shall be the last official census and shall govern in all matters relating to the population of the State of Iowa, until the taking and publication of the state census as by law provided.

Sec. 2. The secretary shall, on request and payment of a fee of two dollars (\$2.00), furnish a certified copy of the whole or any part of such census report. He shall also publish said census report in full in each copy of the official register hereafter published until the census is taken under authority of the state, and he shall certify that such published census report is a true copy of the report furnished him by the federal officer from whom he obtains the same, and publish such certificate in connection with said census report, and such certified copy and such published report of said census with published certificate shall be evidence of all matters therein contained.

Sec. 3. All acts and parts of acts in so far as they are 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 Capital, newspapers published in the city of Des Moines; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 75, a bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts, 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. 75.

A BILL

For and Act to amend the Law, as it appears in Section Four Hundred Sixteen (416) of the Code, relating to County Supervisor Districts.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Hundred Sixteen (416) of the Code is hereby amended by striking the word "June" from the second line thereof and inserting the word "January" in lieu thereof; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

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 repeal Section Thirty-three Hundred and Seventy-six (3376) of the Supplement to the Code of Iowa, relating to the election of a surviving spouse to take under the will of the deceased, 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 Judiciary, to whom was referred Senate File No. 60, a bill for an act to repeal Section 3376 of the Code Supplement of 1897, relating to the election of a surviving spouse to take under the will of the deceased, 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. 60.

A BILL

For an Act to repeal the Law as it appears in Section Thirty-three Hundred Seventy-six (3376) of the Code Supplement of 1907, relating to

the Election of a Surviving Spouse to take under the Will of the Deceased, and to enact a Substitute therefor.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The law as it appears in Section Thirty-three Hundred Seventy-six (3376) of the Code Supplement of 1907, is hereby repealed and the following enacted in lieu thereof.

Sec. 2. The survivor's share can not be affected by any will of the spouse except as hereinafter provided.

Sec. 3. Within ten (10) days after the probate of the will, the clerk of the court shall issue a notice directed to the spouse, which notice shall have attached thereto a certified copy of the will and of the certificate of its probate, notifying the spouse that she or he is required to elect whether consent thereto will be given, which consent when given shall be in open court or by a writing filed therein, which shall be entered on the proper records thereof, but a failure to so enter such consent shall in no wise affect the validity thereof, but the same may at any time, on application of any one interested in the estate, on order of the court, be entered of record. And it shall be the duty of the court, whenever it shall have knowledge that any election has not been properly entered, to make an order requiring the immediate entry thereof. If, at the expiration of six months from the service of the notice, no election has been made, it shall be conclusively presumed that such survivor consents to the provisions of the will and elects to take thereunder.

Sec. 4. If the surviving spouse is a resident of the state, such notice shall be immediately delivered to the sheriff or other proper officer of the county of the residence of such spouse for service, and the same shall be served in the manner required in case of an original notice, except that the original notice shall be delivered to the spouse, and the officer or person making the service shall make his return on the copy, and return of service shall be immediately filed in the office of the clerk, and a record of the issuing of such notice and the return of service shall be promptly made by the clerk, such record to show the date of service; but a failure to make such entry shall in no manner invalidate the notice or the service thereof. If such spouse is a non-resident of the state, personal service may be made as in the case of an original notice without the state, or the clerk may mail the notice to such spouse by registered letter duly addressed, retaining in his office a copy thereof, and the receipt of such spouse of such registered letter shall be deemed a sufficient service of said notice. If the whereabouts of the surviving spouse is not known and personal service cannot be made, then the court or judge thereof shall prescribe a notice in form to be approved by the court or judge thereof to be served by publication in some newspaper of the state, to be selected by the court, for the term of four (4) successive weeks, and notice shall be deemed to have been served as to the date of the last publication, and proof of said publication shall be filed in the office of the clerk, and entry of such

filing and date of service made by the clerk in the records in said court, but a failure to make such entry shall not invalidate such notice or the service thereof.

Sec. 5. The surviving spouse is hereby prohibited from conveying, leasing or encumbering any of the property belonging to the decedent at the time of his or her death, until he or she shall have elected under the provisions of this statute whether to accept of the provisions of the will in lieu of statutory rights in the estate. But this provision shall not prohibit the surviving spouse, or executor, executrix, or administrator or administratrix of the estate of the decedent, from performing any of the acts with reference thereto in his or her official capacity authorized by the statute. Nothing in this statute contained shall prohibit the surviving spouse and heirs of a deceased, or beneficiaries under his will, from settling the estate of the deceased and dividing the property among themselves, without administration, where there are no creditors of the estate or where by such settlement and division the claims against the estate, including taxes and collateral inheritance tax, if any, are settled and paid, nor shall anything herein contained be construed as requiring administration where the estate of a decedent consists only of exempt property.

Sec. 6. The costs of the proceedings in this act contemplated shall be entered and taxed as a part of the costs of the administration of the estate and paid by the executor or administrator as in case of other costs.

Sec. 7. An acceptance of service of a notice to elect whether to take under the will shall have the same force and effect as though service were made as hereinbefore contemplated, and the filing by the spouse of an election, though no such notice has been served or service accepted, shall have the same force and effect as though service of such notice had been made.

Sec. 8. The foregoing provisions as to notice shall not apply to or govern the rights of a surviving spouse who is mentally incapable of making an election. In such case, on petition being filed alleging such disability, the court shall set the matter down for hearing at such time and place as it may deem best, and direct what notice thereof shall be given; and at such hearing the court may enter an order electing for such spouse, which shall be the election of the person under such disability. Such petition may be filed by the guardian of such spouse, if he or she have a guardian, or by a next friend, or if no one files such application, it shall be the duty of the court, on its attention being called to the mental incapacity of such spouse, to appoint an attorney of the court who is entirely disinterested in the estate to make and file the proper application, and such attorney shall appear and act for such spouse in the proceedings, and the court shall allow him proper and suitable compensation to be paid him by the administrator or executor of the estate; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 108, a bill for an act fixing the standard of qualifications of all persons desiring to practice osteopathy and for the regulation thereof; to create a state board of osteopathic examiners, and to provide for the registration of those entitled to practice osteopathy, and providing penalties for violation of any of the provisions thereof, beg leave to report they have had the same under consideration and recommend the same be returned to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

The bill was thereupon referred to the Committee on Public Health in compliance with a previous order of the Senate.

Senator White asks unanimous consent to have 300 extra copies of Senate File No. 96 printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Ames, Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds:

WHEREAS, The electors of the Independent School District of Traer, in the County of Tama and State of Iowa, at a special election held on the tenth (10th) day of May, nineteen hundred nine (1909), pursuant to petition, order and notice as provided by Chapter One Hundred Fourteen (114) of the Laws of the Thirty-third General Assembly of Iowa, did by an almost unanimous vote authorize the board of directors of said school district to issue bonds of the district for the purpose of securing additional grounds and building and furnishing a schoolhouse for said district; and,

WHEREAS, The said board of directors did thereafter issue the said bonds and did procure additional grounds and build and furnish a suitable and proper schoolhouse for said district, and did pay the entire cost price thereof by warrants upon the school building fund of said district; and,

WHEREAS, After the sale of the said bonds so authorized and issued and application of the entire proceeds thereof to the payment of the said warrants, several thousand dollars of said warrants remain unpaid and

with no funds available for the payment of same, namely, warrants numbered three thousand thirty-six (3036), three thousand thirty-seven (3037), three thousand thirty-eight (3038), three thousand thirty-nine (3039), three thousand forty (3040), three thousand seventy-six (3076) and three thousand seventy-seven (3077), and no objection to the issuance of the said warrants has ever been made; and,

WHEREAS, The total indebtedness of the said school district, including the said warrants, does not exceed the constitutional limitation nor the limitation fixed by the said statute which was in force at the time the said purchase, building and furnishing were authorized; and,

WHEREAS, The said payments did not exceed the reasonable value of the property, material and labor necessary for the said building and furnishing of the said schoolhouse, and said school district has received the full value of said warrants and has taken possession of and continuously used the said building without objection by anyone; and,

WHEREAS, Doubts have arisen regarding the legality of the said acts and proceedings of the said board of directors and of the said warrants, and the said school district should be permitted to secure the advantage of lower interest rates by issuing bonds for the payment of the said warrants; therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The acts and proceedings of the said board of directors for the Independent School District of Traer, in the County of Tama and State of Iowa, as above set forth, and the said warrants issued on the school building fund of said district, numbered three thousand thirty-six (3036), three thousand thirty-seven (3037), three thousand thirty-eight (3038), three thousand thirty-nine (3039), three thousand forty (3040), three thousand seventy-six (3076) and three thousand seventy-seven (3077), are hereby legalized and declared valid and as effectual as though all of the same and the issuance of said warrants had been in strict compliance with law.

Sec. 2. The said board of directors are hereby authorized to pay the said warrants so legalized by the issuance of school building bonds of the said school district in an amount sufficient therefor and as nearly as may be in the form provided by Sections Three (3), Four (4) and Five (5) of Chapter One Hundred Fifty-two (152) of the Laws of the Thirty-second General Assembly, which said bonds, when issued, are hereby declared as legal and valid as though issued for the purpose of borrowing money to erect and furnish a schoolhouse for said district.

Sec. 3. Nothing in this act shall affect in any way any pending litigation in relation to the subject matter hereof.

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, a newspaper published in Des Moines, Iowa, and the Traer Star-Clipper, a newspaper published at Traer, Iowa, which publications shall be without expense to the State.

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

REPORT OF COMMITTEE.

Senator Francis, from the Committee on Elections, offered the following report and moved its adoption :

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and Eighty-seven-A-Ten (1087-a-10), Ten Hundred Hundred and 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, as amended by Chapter Sixty-nine (69) of the acts of the Thirty-third General Assembly, relating to the nomination of senators and representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for senator, beg leave to report that they have had the same under consideration, and recommend that the same be amended as follows:

Amend the title by adding thereto the words:

“And repealing Chapter One (1) of the acts of the special session of the Thirty-second General Assembly, relating to the nomination of candidates for senator in the Congress of the United States, and enacting a substitute therefor.”

Further amend the bill by adding thereto as Section Five the following:

“Chapter One (1) of the acts of the special session of the Thirty-second General Assembly is hereby repealed, and the following enacted as a substitute therefor:

“In case of death, withdrawal, or inability to act, for any cause, of a party's candidate for senator in the Congress of the United States, as expressed in the regular June primary, such vacancy shall be filled by the state convention of said party, held in accordance with the provisions of Section Ten Hundred Eighty-seven-a-Twenty-seven (1087-a-27) of the Supplement to the Code, 1907, provided that if such vacancy occurs after the holding of said convention, and thirty (30) days prior to the holding of the regular November election, said delegates to said convention shall be reconvened within ten days after such vacancy has occurred, by the chairman of said party's State Central Committee, and a party candidate shall be named in said convention to fill such vacancy. If such vacancy occur too late to be filled in the manner above provided prior to the regular November election, the vote and pledges here provided for shall not be binding upon the members of the General Assembly;” and that when so amended the bill do pass.

Adopted.



Senator Savage asked unanimous consent to take up for consideration House Concurrent Resolution relative to the appointment of a committee to make a thorough examination of the condition of the Soldiers' and Sailors' Monument and grounds surrounding the same, and the steps and walks leading into the Capitol.

Consent granted.

Senator Savage moved that the Senate concur in the House Concurrent Resolution.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 34, a bill for an act to require persons, companies and corporations engaged in the operation of railroads to stop passenger trains at certain stations, and providing procedure for enforcement, and penalties for violation, additional to Chapter Six (6), Title Ten (10) of the Code, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland offered the following substitute for the committee amendments and moved that the amendment be substituted for the amendments of the committee.

I move to strike out the first sentence of Section 1 and substitute the following therefor:

Section 1. Every person, company or corporation engaged in the operation of a railroad shall stop all passenger trains for discharge and reception of passengers at each city or town on its line where a state institution is located whose enrollment equals one thousand; provided, however, this act shall not apply to limited, through trains, made up chiefly of sleeping cars, which pass through such city or town between the hours of eleven p. m. and five a. m., unless the same are flagged.

Carried.

Senator Gilliland moved the adoption of the amendment.

Adopted.

The bill was read for information.

Senator Gilliland moved that the Rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkemia, Bennett, Brown, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—38.

The nays were:

Parshall—1.

Absent or not voting:

Allen of Pocahontas, Balluff, Chapman, Cowles, DeWolf, Hoyt, McCulloch, Schrup, Stueckslager, Van Law, Webber—11.

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. 24, a bill for an act to repeal Subdivision Seven (7) of Section 1304 of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican war or the War of the Rebellion, or the widow of such soldier or sailor, 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. 24.

#### A BILL

For an Act to amend Sub-division Seven (7) of Section Thirteen Hundred Four (1304) of the Supplement to the Code, 1907, relating to the Assessment of Taxes and Reductions therefrom.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Sub-division Seven (7)' of Section Thirteen Hundred Four (1304) of the Supplement to the Code, 1907 is hereby amended by striking out the word "eight" in the ninth line thereof, and inserting the word "twelve" therefor; and when so amended the bill do pass.

JAS. A. SMITH,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

## THIRD READING OF BILLS.

On motion of Senator Gilliland, House File No. 59, a bill for an act to legalize a certain special election held in the Town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the Town Council of said Town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special 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 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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Chapman, Chase, Cowles, DeWolf, Hoyt, McCulloch, Sammis, Schrup, Stuckslager, Van Law, Weber—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 Gilliland, House File No. 75, a bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved the adoption of the substitute.

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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Chapman, Cowles, DeWolf, McCulloch, Sammis, Schrup, Stuckslager, Van Law, Webber—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, House File No. 73, a bill for an act to legalize the acts of the directors of School Township of Pleasant, in the County of Monroe and State of Iowa, in contracting for the erection of an addition to school house in the Village of Lockman in Subdistrict No. 11 of said township, and levying a tax 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick,

Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Chapman, Cowles, DeWolf, McCulloch, Mattes, Proudfoot, Schrup, Stuckslager, Van Law, Webber—12.

So the bill, having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

#### PETITIONS AND MEMORIALS.

Senator White presented the following petition of citizens of Iowa County, which was ordered printed in the Journal:

#### PETITION.

We, the undersigned sapping and drainage engineers, certify by this means that we have been largely engaged, off and on for the last twenty-eight (28) years in digging ditches, both open and for drain tile; also digging wells and piping some of them out to tanks as "flowing wells." We have examined the formation and texture of the soil from above Belle Plain down to the Mississippi river and find that for that distance it is both possible and practicable to build a navigable canal the entire distance stated, and cheaply, too; it being mostly a mere matter of digging and lock construction. We are thoroughly posted in canal construction and operation; having spent our entire earlier lives along (or near) the Ohio canal until we came to Iowa in 1833. This canal should be built along the base of the bluffs at the edge of the valley so as to avoid sand and leakage always incident nearby to a stream.

EZRA W. FELTON,

J. B. FELTON,

*Sapping and Drainage Engineers.*

*To the Honorable, the Senate of the State Legislature of Iowa:*

HONORABLE SIRS—We, the persons, a copy of whose names are attached hereto, petition by this means and pray your honorable assembly to take action for and in favor of and put into operation the building of a navigable canal up the Iowa River Valley in the State of Iowa; from a point on the Mississippi River at or near the city of Muscatine, Iowa, thence up said Iowa River Valley to or near the city of Clarion, thence west, bearing north, to connect with the Missouri river near the northwest corner of Iowa, or further up the Missouri river, as may be found best.

Our idea is to have it continued up on a level stretch to where it would be found possible to utilize the water of either the Missouri river or some other stream of sufficient volume to supply sufficient water for all purposes needed.

We need this canal in order to supply us with material out of which to build permanent roads and at freight rates not prohibitive. This canal must be a free and open roadstead, so we could trade with any part of the world. Please look over the map and you can readily see that this canal would become an outlet and inlet, making available resources of vastly immense proportions.

In times of severe drought, like the past season, the surplus overflow of the water would be of immense value to the people for irrigation purposes, equaling, and in times far surpassing, the cost of construction. When not so needed this surplus water could be turned into energy, electrical or by direct power plants at the different levels, to be used for many industrial uses. By its many and varied uses this project will enable us to get the most out of the smallest labor and expense. Therefore, we earnestly petition the most favorable consideration of your honorable body of, and for, this project.

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

Senator Dunnegan moved that the Senate take a recess until 11:50 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

#### REPORT OF COMMITTEE.

Senator Hoyt, 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. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly, beg leave to report they have had the same under consideration and recommend that the same do pass.

Respectfully submitted,

E. H. HOYT,  
*Chairman.*

Adopted.

Senator Sammis moved that Senate File No. 7 be made a special order for next Wednesday morning at 10:30 o'clock.

Carried.

The President announced as a committee on the part of the Senate to investigate the condition of the Soldiers' and Sailors' Monument and the walks and steps leading into the Capitol, Senators Spaulding and Dunnegan.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunnegan, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Neal, Newell, Odendahl, Olson, Parshall, Patterson, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Russell, Sammis, Saunders, Savage, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Stillman, Stipe, Stoddard, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Whitney, Wilson, Zeller—133.

Absent:

Balluff, Brockway, Chapman, Cowles, DeWolf, Dunlap, Edmunds, Griggs, Koontz, Krebill, McCulloch, Moore, Murtagh, O'Connor, Penn, Proudfoot, Rowles, Sater, Schrup, Spaulding, Speer, Stephenson, Stuckslager, Van Law, Webber—25.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hayes, Hazen, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Odendahl, Olson, Parshall, Quigley, Ream, Ritter, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—40.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, Malmberg, Perkins, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Stipe, Zeller—26.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brown of Wright, Bybee, Campbell of Webster, Collin, Cousins, Felt, Fitchpatrick, Fry, George, Goodykontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Schee, Shankland, Stillman, Stoddard—35.



Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascóm, Bruce, Campbell of Ida, Cunningham, Dawson, Dixon, Enger, Finlayson, Francis, Gates, Harvey, Hunter, Huntley, Jewell, Johnson, Klay, Lounsberry, Mattes, Neal, Newell, Russell, Sammis, Sherman, Skinner, Smith of Mitchell, Sullivan, Van Camp, Whitney—30.

Those voting for Warrent Garst were:

Chase—1.

Absent or not voting:

Balluff, Brockway, Chapman, Cowles, DeWolf, Dunlap, Edmunds, Griggs, Koontz, Krebill, McCulloch of Wayne, Moore, Murtagh, O'Connor, Penn, Proudfoot, Rowles, Sater, Saunders, Schrup, Spaulding, Speer, Stephenson, Stuckslager, Van Law, Webber—26.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Hoyt of Buchanan, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Balkema moved that the Senate do now adjourn until 10 o'clock Monday morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES IOWA, JANUARY 30, 1911.

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

Prayer was offered by Rev. J. W. Graves of Des Moines, Iowa.

On request of Senator Ames, leave of absence was granted Senator Chase for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Clarkson for the day.

On request of Senator Schrup, leave of absence was granted Senator McManus until next Wednesday.

On request of Senator Gilliland, leave of absence was granted Senator Quigley for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Balluff for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Mattes for the day.

On request of Senator Allen of Pocahontas, leave of absence was granted Senator Chapman for the day.

## INTRODUCTION OF BILLS.

By Senator McColl, Senate File No. 147, a bill for an act repealing Chapter One Hundred Thirty-one (131), Acts of the Thirty-second General Assembly, and enacting a substitute therefor, relating to exposing and offering for sale of paint, turpentine or linseed oil, and providing a penalty for the mislabeling thereof.

Read first and second time, and referred to Committee on Commerce and Retail Trade.

By Senator Savage, Senate File No. 148, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of com-

pounds, mixtures and substitutes for oil of turpentine; defining the duties of the State Food and Dairy Commissioner in relation thereto; and fixing penalties for the violation thereof.

Read first and second time, and referred to Committee on Commerce and Retail Trade.

By Senator Savage, Senate File No. 149, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

Read first and second time, and referred to Committee on Commerce and Retail Trade.

By Senator Hoyt, Senate File No. 150, a bill for an act appropriating eighty-seven dollars and fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice.

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

#### REPORTS OF COMMITTEES.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 68, a bill for an act to amend Subdivision Five, Section One Thousand Seven Hundred Nine (1709), Supplement to the Code, 1907, relating to indemnity insurance for owners of automobiles and other motor vehicles, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out of the printed bill the words in lines 7, 8 and 9, reading as follows:

"But nothing herein contained shall be construed to authorize any company to insure against loss or damage to the person or property of the insured, or any member of the insured's family, or employes of the insured;" and when so amended the bill do pass.

C. H. VAN LAW.

Ordered passed on file.

#### THIRD READING OF BILLS.

On motion of Senator McManus, Senate File No. 3, a bill for an act to repeal Section Five Thousand Twenty-eight-a (5028-a) of

the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the State of Iowa, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator McManus moved the adoption of the following amendments:

Amended by inserting after the word "same" in the fourth line from the last line of Section One of the bill the following words: "to be kept for illegal purposes and," and also to strike from the bill in the last line but three after the word "section," all that follows.

Amendments adopted.

The bill was read for information.

Senator McManus moved that the Rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Bennett, Crow, Dunningan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Ream, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, DeWolf, McCulloch, Mattes, Proudfoot, Quigley, Sammis, Saunders, Spaulding, Schrup, Sullivan, Wilson—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 amended and passed the following Joint Resolution No. 2, in which the concurrence of the House was asked:

## JOINT RESOLUTION NO. 2.

Relating to the selection of additional employes of the Thirty-fourth 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 bill, in which the concurrence of the Senate is asked:

## HOUSE FILE NO. 26.

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 contract.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

House File No. 26, a bill for an act to amend Section Four Thousand Two Hundred and Ninety-nine (4299) of the Code, relating to the declaration of forfeiture of contract 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 contract.

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

Senate Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth General Assembly fixing their compensation and defining their duties.

Passed on file.

## PETITIONS AND MEMORIALS.

Senator Van Law presented a petition of citizens of Marshall County relative to the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented a petition of students of the State University of Iowa favoring the enactment of the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Bennett, Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee or commissioner.

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

Senator Taylor offered the following Resolution and moved its adoption:

WHEREAS, The Honorable Henry C. Traverse, one of the pioneers of Iowa and a resident of Davis County for some fifty years, an active and honored member of the House of Representatives of the Eleventh General Assembly, and a member of the Iowa Senate of the Twelfth, Thirteenth and Eighteenth General Assemblies, and Judge of the Second Judicial District of Iowa twenty years, departed this life on the twenty-fourth day of September, 1909.

*Resolved*, That a committee of three be appointed by the President of the Senate to prepare and submit resolutions commemorating his life, character and public service.

Adopted.

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

Senator Hoyt moved that the Senate take a recess until 11:50 o'clock.

Senate took a recess.

The President called the Senate to order.

Senator Bennett asked unanimous consent to call up Senate Joint Resolution No. 2.

Consent granted.

Senator Hammill moved that the Resolution be referred to the Committee on Retrenchment and Reform.

Carried.

So the Resolution was referred to the Committee on Retrenchment and Reform.

Senator Allen of Pocahontas offered the following Resolution and moved its adoption:

*Be It Resolved by the Senate, the House Concurring:*

That the Secretary of the Executive Council be and is hereby authorized to purchase for the use of the members and officers of the Thirty-fourth General Assembly Sengbusch inkstands, No. 131 C. G., with base.

Senator Gilliland moved that the Resolution be referred to the Committee on Retrenchment and Reform.

Carried.

So the Resolution was referred to the Committee on Retrenchment and Reform.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunnegan, Ellis, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Grout, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogân, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Kull, Kulp, Larrabee of Webster,

Larrabee of Fayette, Legel, Lenoeker, Linnan, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Miller of Bremer, Miller of Dubuque, Moore, Neal, Newell, O'Connor, Odendahl, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Ream, Ripley, Ritter, Robbins, Russell, Savage, Schee, Schrup, Shane, Shankland, Sherman, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—130.

Absent :

Balluff, Chapman, Chase, Clarkson, DeWolf, Dunlap, Edmunds, Enger, Escher, Griggs, Halgrims, Hayes, Huntley, Krebill, Leach, Lounsberry, McManus, Mattes, Milton, Murtagh, Olson, Quigley, Rowles, Sammis, Sater, Saunders, Skinner, Sullivan—28.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Crow, Dabney, Downey, Dunningan, Ellis, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hazen, Koontz, Kull, Legel, Lenoeker, Linnan, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, O'Connor, Odendahl, Parshall, Penn, Ream, Ritter, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—38.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Cowles, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg,



Moore, Perkins, Proudfoot, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousins, Felt, Fitchpatrick, Fry, George, Goodykoontz, Grout, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Stillman, Stoddard, Van Camp—38.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Finlayson, Francis, Gates, Harvey, Hunter, Jewell, Johnson, Klay, Neal, Newell, Sherman, Smith of Mitchell, Spaulding, Whitney—21.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Taylor moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, JANUARY 31, 1911.

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

Prayer was offered by Rev. Thomas Carson of Sheffield, Iowa.

## PETITIONS AND MEMORIALS.

Senator Gates presented a petition of citizens of Butler County asking legislative action against the white slave traffic.

Referred to Committee on Public Health.

Senator Webber presented a petition of citizens of Ottumwa favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator White presented a remonstrance of citizens of Iowa County protesting against the passage of a law placing a special tax on automobiles.

Referred to Committee on Ways and Means.

## INTRODUCTION OF BILLS.

By Senator Dunnegan, Senate File No. 152, a bill for an act to establish and maintain a second state normal college for the education and preparation of common and high school teachers, and also for the education of commercial and business course students, and providing for the transfer of certain property to said school, and making appropriation therefor.

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

## 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. 9.

A bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Code, Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

## HOUSE FILE NO. 47.

A bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2), of the Supplement to the Code, 1907, in reference to the census.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Sixty-three (163) of the acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs, 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. 42.

A bill for an act to amend Section Seven Hundred Twenty (720) of the Code Supplement of 1907, providing for the amending of franchises granted to individuals or private corporations.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

## HOUSE JOINT RESOLUTION NO. 2.

Making application to the Congress of the United States to call a convention for proposing amendment to the Constitution of the United States.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

## HOUSE FILE NO. 80,

A bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker of the House appoints as a committee, on the part of the House, to make examination of the condition of the Soldiers' and Sailors' Monument and grounds surrounding the Capitol and report with respect to repairs and improvements, Representatives Jacobson of Audubon, Schee of O'Brien and McCullough of Dubuque.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Ames moved that the Committee on Retrenchment and Reform be instructed to investigate the matter of the loss of the printed copies of Senate File No. 129, and to ascertain whether or not there was sufficient help to handle bills.

Senator Gilliland moved as a substitute the appointment of a committee of three to which this matter be referred, of which committee Senator Ames should be chosen chairman.

Carried.

The President appointed as such committee: Senators Ames, Allen of Jefferson and White.

Senator Webber asked unanimous consent to have 300 extra copies of Senate File No. 69 printed.

Objection was made to the request.

Senator Van Law moved that the request of Senator Webber be granted.

On the motion a roll call was demanded.

Those favoring the motion were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

Hammill, Quigley—2.

Absent or not voting:

Balkema, Chapman, Clarkson, Francis, McManus, Mattes, Saunders, Schrup, Sullivan—9.

So the motion was adopted.

#### HOUSE MESSAGES CONSIDERED.

The Speaker of the House appoints as a committee, on the part of the House, to make examination of the condition of the Soldiers' and Sailors' Monument and grounds surrounding the Capitol and report with respect to repairs and improvements: Representatives Jacobson of Audubon, Schee of O'Brien, McCullough of Dubuque.

Passed on file.

House File No. 80, a bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa.

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

House Joint Resolution No. 2, Joint Resolution making application to the Congress of the United States to call a convention for proposing amendment to the Constitution of the United States.

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

House File No. 42, a bill for an act to amend Section Seven Hundred Twenty (720) of the Code Supplement of 1907, providing for the amending of franchises granted to individuals or private corporations.

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

House File No. 96, a bill for an act to repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the 1907 Supplement to the Code as amended by Chapter One Hundred Sixty-three (163) of the Acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs and to enact a substitute therefor.

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

House File No. 47, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2) of the Supplement to the Code, 1907, in reference to the census.

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

House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

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

#### INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 153, a bill for an act to amend the law as it appears in Section Twenty-four Hundred and Fifty (2450), Supplement to the Code, 1907, relating to the canvass and sufficiency of petitions of general consent to keep and sell intoxicating liquors under the mullet law, the number of petitions which may be filed or canvassed within three (3) years, the length of time all petitions shall be in force and effect, and providing the time when the same shall cease to be operative.

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

#### 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. 117, a bill for an act creating Section Four Hundred Seven-a (407-a) of the Supplement to the Code, authorizing the board of supervisors of a county to transfer any surplus bond fund raised under Section Four Hundred Three (403) of the Supplement to the Code,

after payment of all bonds, to the bridge fund of said county, 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 amend the law as it appears in Section Four Hundred Seven (407) of the Supplement to the Code, 1907, authorizing the board of supervisors of a county to transfer any surplus in the bond fund raised under Section Four Hundred Three (403) of the Supplement to the Code, 1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section Four Hundred Seven (407) of the Supplement to the Code, 1907, is hereby amended by adding to said section the following: "If after the payment of all bonds and interests provided for in Section Four Hundred Three (403) of the Supplement to the Code, 1907, there remains any money in said bond fund, the board of supervisors may by resolution transfer said funds to the particular fund or funds on account of which the indebtedness arose for which the said bonds were issued."

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. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Passed on file.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 102, a bill for an act to amend Section Two Hundred Sixty-one (261) of the Supplement to the Code of Iowa, relative to changes of venue from superior courts, 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 Judiciary, to whom was referred Senate File No. 146, a bill for an act legalizing certain acts and proceed-

ings of the board of directors of the independent school district of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Ordered passed on file.

THIRD READING OF BILLS.

On motion of Senator White, Senate File No. 59, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, in reference to the census, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator White moved that the substitute proposed by the committee be substituted for the original bill.

Carried.

The bill was read for information.

Senator White moved that the Rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balluff, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Savage, Spaulding, Taylor, Webber, White, Wilson—26.

The nays were:

Francis—1.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Gillilland, Hoyt, Hunter, McCulloch, McManus, Proudfoot, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Saunders, Van Law—23.

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 Pocahontas, Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Heseekiah Beecher, Commissioner, to Robert M. Henderson, Trustee, dated June 30, 1867, filed for record in the office of the Recorder of Pocahontas County, Iowa, on September 13, 1867, and recorded in Land Deed Record "C," beginning at page No. 3 thereof, together with the acts of the said Heseekiah Beecher as such Commissioner in making said conveyance, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Allen offered the following amendment and moved its adoption:

I move that Senate File No. 73 be amended as follows:

That the letter "s" in the word Heseekiah be changed to z in every place where said word appears in the title of said bill or in the bill.

Adopted.

The bill, as amended, was read for information.

Senator Allen moved that the Rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Ames, Balluff, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Smith of Mitchell, Spaulding, Taylor, Van Law, Webber, Wilson—29.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Gilliland, Hoyt, McCulloch, McManus, Proudfoot, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, White—21.

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 as a committee to prepare suitable Resolutions commemorative of the life, character and public services of the late Senator Henry C. Traverse: Senators Taylor, Smith of Shelby and Jewell.

Senator Jewell offered the following Resolution and moved its adoption:

That a committee be appointed by the Chair to draft and present appropriate resolutions on the life, character and public services of the late Hon. A. K. Bailey, a member of this body in the Twenty-third and the Twenty-fourth General Assemblies.

Adopted.

The President announced as a committee to prepare Resolutions commemorative of the life, character and public services of the late Senator A. K. Bailey: Senators Jewell, Adams and Larabee.

Senator Hammill moved that the Senate take a recess until 11:50.

Carried.

Senate took a recess.

The President called the Senate to order.

Senator Gilliland filed the following motion:

I move to reconsider the vote by which 300 extra copies of the tax ferret bill (House File No. 71) were authorized to be printed.

#### MESSAGE 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 inviting Miss Pankhurst to address the Joint Convention Wednesday.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

*Be It Resolved by the House, the Senate Concurring:*

That inasmuch as Miss Sylvia Pankhurst of England will be in the city of Des Moines tomorrow, February 1st, that she be invited to address the Joint Convention just after the Senatorial ballot is taken.

Senator Francis moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pick-

ford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Russell, Sammis, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

Absent:

Chapman, Clarkson, Dunlap, Griggs, McManus, Murtagh, Rowles, Sater—8.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Crow, Dabney, De Wolf, Downey, Dunnegan, Ellis, Enger, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough, Miller of Bremer, Miller of Dubuque, Milton, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—47.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—36.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Van Law, Whitney—66.

Those voting for Warren Garst were:

Chase—1.

President Clarke Announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Hammill of Hancock, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Hoyt 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, FEBRUARY 1, 1911.

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

Prayer was offered by Rev. Nathan H. Gist of Humeston, Iowa.

## PETITIONS AND MEMORIALS.

Senator Crow presented a petition of citizens of Crawford County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Jefferson presented a petition of citizens of Jefferson County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Chapman presented a petition of citizens of Cedar County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Ames presented a remonstrance of citizens of Tama County protesting against the establishment of a State Highway Commission.

Referred to Committee on Highways.

Senator Stuckslager presented a petition of Cedar Rapids Commercial Club favoring the Bulk Sales bill.

Referred to Committee on Judiciary.

Senator Malmberg presented a remonstrance of citizens of Jasper County protesting against various uses of the money derived from hunter's licenses.

Referred to Committee on Fish and Game.

## INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 154, a bill for an act to make uniform the law of bills of lading.

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

By Senator Ames, Senate File No. 155, a bill for an act to amend the law as it appears in Section Two Hundred Fifty-four-a-three (254-a3), Supplement to the Code, 1907, relating to the charges for services for shorthand reporters.

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

By Senator Spaulding, Senate File No. 156, a bill for an act to create a permanent tax commission, to define its powers and duties, to transfer to said commission the power and duties of the executive council relating to taxation, to make an appropriation therefor, and to repeal all acts inconsistent herewith.

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

By Senator Balkema, Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the State Food and Dairy Commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith.

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

By Senator Saunders, Senate File No. 158, a bill for an act to amend Sections Thirteen Hundred Thirty-four (1334), Thirteen Hundred Thirty-four-a (1334-a) and Thirteen Hundred Thirty-four-b (1334-b) of the Supplement to the Code and to repeal Sections Thirteen Hundred Thirty-seven (1337) and Thirteen Hundred Thirty-eight (1338) of the Code, and to enact substitutes therefor and relating to the assessment and taxation of railways

and to requirements of railroad companies and duties of executive council in connection therewith.

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

By Senator Cowles, Senate File No. 159, a bill for an act authorizing cities and towns, including cities under special charter, to make publication of official notices, ordinances and other official publications in newspapers printed in a foreign language.

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

By Senator Balluff, Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) of the Code and to enact a substitute therefor.

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

By Senator Balluff, Senate File No. 161, a bill for an act to amend Sections Seven Hundred Fifty-seven (757), Seven Hundred Fifty-eight (758) and Eight Hundred Eighty-eight (888) of the Code, and Sections Seven Hundred Fifty-eight-a (758-a), Seven Hundred Fifty-eight-b (758-b) and Seven Hundred Fifty-eight-c (758-c) of the Supplement to the Code, 1907, relating to the care, construction and repair of bridges, and providing for a bridge fund, and for a tax levy by cities and towns for bridge fund purposes.

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

By Senator Balluff, Senate File No. 162, a bill for an act authorizing street improvements in certain incorporated towns having a population in excess of eight hundred (800) and providing for the levy of special assessments therefor (additional to Title Five (V), Chapter Seven (7) of the Code as amended).

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

By Senator Webber, Senate File No. 163, a bill for an act requiring railroad corporations doing business in the State of Iowa to have two regular pay days in each month.

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



Senator Adams offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Concurrent Resolution Memorializing the Iowa Delegation in Congress to Use Their Efforts to Prevent the Ratification of the Reciprocity Treaty Made by This Government and the Canadian Government, and Now Pending Before the Congress of the United States.

WHEREAS, There is now pending before the Congress of the United States a reciprocal trade agreement between this country and the Dominion of Canada; and,

WHEREAS, This said agreement places on the free list the most important products of the farms of Iowa and the other states of the upper Mississippi valley; and,

WHEREAS, This government has now expended, and is expending, vast sums in reclamation of western lands for agricultural purposes; and,

WHEREAS, The admission to this country of the food products of Canada free from duty will tend to decrease the value of our farm products and bring the high priced land of this country in competition with the low priced land of Canada, thereby reducing the price of farm land; and,

WHEREAS, In this reciprocal trade agreement no provision has been made whereby the commodities which the Iowa farmer buys are to be in any way cheapened; therefore, be it

*Resolved by the Senate, the House Concurring:*

That we hereby memorialize our Senators and Representatives in Congress to use their efforts to prevent the ratification of this said trade agreement.

Laid over.

REPORT OF COMMITTEE.

Senator Smith of Mitchell, from the Committee on Retrenchment and Reform, submitted the following report:

MR. PRESIDENT—Your Committee on Retrenchment and Reform, to whom was referred Senate Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth General Assembly, fixing their compensation and defining their duties, beg leave to report they have had the same under consideration and report as follows:

This Joint Resolution passed the Senate January 11th and the House January 12th. Employes named therein have been performing their duties since that time. This Joint Resolution was recalled by the House for the purpose of making some necessary amendments on account of clerical error in omitting the word "dollars." Your committee does not consider that

anything is before it except the amendments adopted by the House, and we would report that we recommend that the Senate concur therewith.

JAS. A. SMITH.

*Chairman.*

SHIRLEY GILLILLAND,

JOSEPH MATTES.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 2, Joint Resolution relating to additional employes, defining their duties and fixing their compensation.

Senator Smith of Mitchell moved that the Senate concur in the following House Amendments:

Amend by inserting the word "dollars" after the word "seventy" in the last line of Section 3.

Amend by inserting the word "dollars" after the word "seventy" in the last line of Section 4.

Amend by striking out the word "sixty" in line two of Section Five and inserting in lieu thereof the word "seventy."

Amend by striking out the word "sixty" in line four of Section Ten and inserting in lieu thereof the word "seventy."

Amend by adding the name of C. Moore in Section One.

On the question, "Shall the Senate concur?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, White—40.

The nays were:

None.

Absent or not voting:

Chase, Fitchpatrick, Hammill, Hoyt, McManus, Malmberg, Sammis, Sullivan, Webber, Wilson—10.

So the House Amendments, having received a constitutional majority, were declared concurred in by the Senate.

REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, and for the State Penitentiary, 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. 100.

A BILL

For an Act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That for the purpose of increasing the support, contingent and repair funds of the several institutions specified there is hereby appropriated out of any funds in the state treasury not otherwise appropriated the sum of twenty-six thousand five hundred (\$26,500.00) dollars, to be divided among said institutions as follows:

For the College for the Blind.....	\$1,500.00
For the Industrial School for Girls.....	5,000.00
For the Independence State Hospital.....	4,000.00
For the State Penitentiary .....	8,000.00
For the Cherokee State Hospital.....	8,000.00

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 Des Moines, Iowa; and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Substitute read first and second time.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 123, a bill for an act appropriating the sum of twelve hundred dollars to be paid to Charles Haskell in settlement of damages sustained by him for quarantine of his cattle established under the direction of the State Veterinarian, beg leave to report they have had the same under consideration and recommend the same be re-referred to the Committee on Claims.

JOSEPH MATTES,  
*Chairman.*

Adopted.

So the bill was re-referred to the Committee on Claims.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 130, a bill for an act making appropriations 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.

JOSEPH MATES,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 59, a bill for an act to legalize a certain special election held in the town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.

Also:

House File No. 73, a bill for an act to legalize the acts of the directors of school township of Pleasant, in the County of Monroe and State of Iowa, in contracting for the erection of an addition to schoolhouse in the village of Lockman, in Subdistrict No. 11 of said township, and levying a tax therefor.

Also:

House File No. 75, a bill for an act to amend the law as it appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts.

ED P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

#### REPORTS OF COMMITTEES.

Senator Stuckslager, 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. 113, a bill for an act authorizing the issue of bridge

bonds by cities of the first class, 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 Cities and Towns, to whom was referred Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64), Acts of the Thirty-third General Assembly, relating to the government of certain cities, beg leave to report they have had the same under consideration and recommend the same do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Saunders moved that Special Order No. 1 be now taken up.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly, with report of committee recommending passage, was taken up and considered.

Senator Proudfoot offered the following amendment:

I move to amend by striking from line 3 of the printed bill the words, "twelve hundred," and inserting the words, "one thousand."

Adopted.

Senator Smith of Shelby offered the following amendment:

I move to amend Senate File No. 7 by adding thereto the following:

Provided, however, that such change and increase in salary shall not apply to the present members of the Legislature during their present term of office.

Senator Mattes offered the following substitute:

I move as a substitute for the amendment pending that Senate File No. 7 be amended by adding to Section One the following:

“Provided, however, that this act shall not be of any force or effect until July 4, 1914.”

Senator Sammis moved the previous question.

On the motion, “Shall the main question be now put?” the previous question was ordered.

On the question, “Shall the substitute offered by Senator Mattes be substituted for the amendment offered by Senator Smith of Shelby?” a roll call was demanded.

Those favoring the adoption of the substitute were:

Senators Allen of Pocahontas, Allen of Jefferson, Chase, Clark-son, Larrabee, McColl, Mattes, Neal, Smith of Mitchell, Spaulding, Van Law—11.

The nays were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, Malmberg, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Webber, White, Wilson—36.

Absent or not voting:

McManus, Saunders, Taylor.

So the substitute was declared lost.

Those favoring the adoption of the amendment offered by Senator Smith of Shelby were:

Allen of Jefferson, Chase, Fitchpatrick, Larrabee, McColl, Mattes, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law—14.

The nays were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Jewell, Legel, McCulloch, Malmberg, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Sullivan, Webber, White, Wilson—33.

Absent or not voting:

Allen of Pocahontas, Hunter, McManus—3.

So the amendment was declared lost.

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 :

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Legel, McCulloch, Malmberg, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Taylor, Webber, White, Wilson—37.

The nays were :

Adams, Chase, Fitchpatrick, Hammill, Larrabee, McColl, Mattes, Neal, Parshall, Smith of Shelby, Spaulding, Van Law—12.

Absent or not voting :

McManus—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 Balluff, Senate File No. 164, a bill for an act to amend Section 227 of the Code, relating to the division of the State into judicial districts, and increasing the number of district judges in the Seventh District.

Read first and second time, and referred to Committee on Congressional and Judicial Districts.

By Senator Hammill, Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code, relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

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

By Senator Allen of Jefferson, Senate File No. 166, a bill for an act to amend Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to the selection of official newspapers.

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

By Senator Webber, Senate File No. 167, a bill for an act amending Section Seven Hundred and Ninety-two (792) of the Code of 1897, relative to the assessment of the costs of paving streets and alleys.

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

#### PETITIONS AND MEMORIALS.

Senator Sullivan presented a petition of citizens of Polk urging the enactment of the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Sullivan presented a remonstrance of Des Moines Typographical Union No. 18 protesting against the passage of Senate File No. 9 abolishing the offices of State Printer and State Binder.

Referred to Committee on Printing.

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

The President announced that he had signed, in the presence of the Senate, House Files Nos. 59, 73 and 75.

Senator White moved that the Senate take a recess until 11:55 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—153.

Absent:

Escher, McManus, Miller of Bremer, Murtagh, Sater.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough, Miller of Dubuque, Milton, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—49.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—37.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Van Law, Whitney—66.

Those voting for Warren Garst were:

Chase—1.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

In accordance with Concurrent Resolution, duly adopted, Lady Pankhurst then addressed the Joint Convention.

Journal of the Joint Convention was then read and approved.

Senator Allen of Jefferson moved that the thanks of the Joint Convention be extended to Lady Pankhurst.

Motion prevailed.

On motion of Moore of Linn, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Van Law moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

The Senate adjourned

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 2, 1911.

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

Prayer was offered by Rev. E. A. Lang of West Branch, Iowa.

On request of Senator Clarkson, leave of absence was granted Senator Chapman until tomorrow morning.

## PETITIONS AND MEMORIALS.

Senator Hammill presented a remonstrance of citizens of Franklin County protesting against the medical legislation now pending.

Referred to Committee on Public Health.

Senator McCulloch presented a petition of citizens of Wayne County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented a petition of citizens of Warren County favoring a pension for teachers.

Referred to Committee on Schools.

Senator Van Law presented a petition of citizens of Marshall County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented a petition of the National Association of Letter Carriers favoring the passage of a bill relative to street car service and letter carriers.

Referred to Committee on Railroads.

Senator Taylor presented a petition of John L. Bashore Post No. 122, Grand Army of the Republic, favoring the moving of the Soldiers' and Sailors' Monument.

Referred to Committee on Military.

Senator Francis presented a petition of citizens of Clay County favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented a petition of citizens of Humboldt and Pocahontas Counties favoring the repeal of the Tax Ferret law.

Referred to Committee on Ways and Means.

Senator Larrabee presented a petition of citizens of Webster County favoring the repeal of the Tax Ferret law.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Bennett, Senate File No. 168, a bill for an act to amend the law as it appears in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses.

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

By Senator Brown, Senate File No. 169, 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 Garrett, Senate File No. 170, a bill for an act to amend Section Fifteen Hundred and Seventy-two (1572) of the Code, relating to bridges.

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

By Senator Garrett, Senate File No. 171, a bill for an act to amend Section Fifteen Hundred and Fifty-six (1556) of the Code.

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

By Senator McManus, Senate File No. 172, 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-a31) of the Supplement to the Code, 1907, relating to food standards.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the Senate amendments in which the concurrence of the House was asked:

HOUSE FILE NO. 75.

A bill for an act to amend the law as it appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts.

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. 1.

Ratifying the amendment to the Constitution of the United States proposed by Congress as the sixteenth amendment thereto, relative to laying and collecting a tax on income.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

SENATE FILE NO. 76.

A bill for an act to legalize the issuing of certain warrants on the school fund by the Board of Directors of the Independent District of Centerville, in Appanoose County, 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. 158.

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 Akron, 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. 99.

A bill for an act requiring physicians and osteopaths to report all cases of tuberculosis to the Secretary of the State Board of Health, and fixing 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 House was asked:

SENATE FILE NO. 70.

A bill for an act legalizing the action of the City Council of Ottumwa, Iowa in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the City in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

HOUSE FILE NO. 67.

A bill for an act to prohibit the exhibition of deformed, idiotic and abnormal persons, and providing penalties for the violation thereof.

C. R. BENEDICT,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 173, 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 insecticides and fungicides by persons other than registered pharmacists.

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

By Senator Jewell, Senate File No. 174, a bill for an act establishing the state colony for epileptics and making an appropriation

for the purchase of land and the erection of buildings for said colony.

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

By Senator Francis, Senate File No. 175, a bill for an act to provide for regulating the amount and cost of printing and binding to be done for the State of Iowa when the same is to be paid for from special appropriations.

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

Senator Hammill offered the following Concurrent Resolution:

*Resolved by the Senate, the House Concurring:*

That when we adjourn on Friday, February 3d, it will be until Tuesday, February 7th, at 10 a. m.

Laid over.

Senator Ames offered the following Resolution:

*Be it Resolved,* That in line three (3) of Section Twelve (12) of the Joint Rules the word "three" be stricken out and the word "four" substituted in its place.

Referred to the Committee on Rules.

#### HOUSE MESSAGES CONSIDERED.

House File No. 75, a bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to county supervisor districts.

Passed on file.

House Joint Resolution No. 1, ratifying the amendment to the Constitution of the United States proposed by Congress as the Sixteenth Amendment thereto, relative to laying and collecting a tax on income.

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

Senate File No. 76, a bill for an act to legalize the issuing of certain warrants on the School Fund by the Board of Directors of the independent district of Centerville, in Appanoose County, State of Iowa.

Passed on file.



House File No. 158, 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 Akron, Iowa.

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

House File No. 99, a bill for an act requiring physicians and osteopaths to report all cases of tuberculosis to the Secretary of the State Board of Health, and fixing a penalty for the violation thereof.

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

House File No. 67, a bill for an act to prohibit the exhibition of deformed, idiotic and abnormal persons.

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

Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the Water Works Fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the Water Works Fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

Passed on file.

#### 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. 134, a bill for an act to repeal Section Two Thousand and Eighty-eight (2088) of the Code Supplement, 1907, relative to issuing tax certificates by county treasurers on the payment of any taxes voted under the provisions of Chapter Five (5), Title Ten (10) of the said Code Supplement, beg leave to report they have had the same under consideration and recommend the same be re-referred to the Committee on Railroads.

JAS. A. SMITH,  
*Chairman.*

Adopted.

So the bill was re-referred to the Committee on Railroads.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' 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 SENATE FILE NO. 66.

A BILL

For an Act to amend Section Four Hundred and Thirty (430) of the Code, relative to the Dependent Soldiers' and Sailors' Tax.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Four Hundred and Thirty (430) of the Code be and is hereby amended by adding to said section the following: "or for the erection of a monument in any cemetery in the county, a portion of which has been set apart for the burial of Union soldiers, sailors and marines, in which there have been not less than fifty interments, said fund to be expended for the purpose aforesaid by the joint action and control of the Board of Supervisors and the Relief Commission provided for by Section Four Hundred and Thirty-one (431) of the Code"; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House File No. 71, a bill for an act making it unlawful for cities, towns or counties to contract with persons for the discovery of property not listed or assessed for taxation as required by law, and repeal the law as it appears in Sections (1407-a), (1407-b), (1407-c), (1407-d), (1407-e), Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 121, a bill for an act relating to the proof of title to real estate as affected by certain defects arising from conveyances and other instruments and otherwise prior to January 1, 1895, beg leave to

report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 61, a bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code, relative to taking private property for works of internal improvement, and to prohibit the condemnation of cemeteries or any portion thereof, 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 Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 127, a bill for an act to amend Section Two (2) of Chapter One Hundred and Two (102) of the Acts of the Thirty-third General Assembly, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, by striking out certain words in said section, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

NICHOLAS BALKEMA,  
*Chairman.*

Senator McColl moved that the report of the committee be adopted.

Senator Smith of Shelby moved as a substitute that the bill be placed upon the Calendar.

Further consideration of the bill was postponed.

#### THIRD READING OF BILLS.

The time having arrived for Special Order No. 1, the Senate took up for consideration, Senate File No. 27, 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, including a municipal corporation, and providing a remedy in behalf of the husband, with report of committee recommending passage, was taken up and considered.

Senator Hunter asked unanimous consent that Senate File No. 27 be re-referred to the Committee on Judiciary.

Senator Clarkson objected.

Senator Hunter moved that Senate File No. 27 be re-referred to the Committee on Judiciary.

Senator Clarkson demanded a roll call on the motion.

Those favoring the motion were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Cowles, Dunne-gan, Gates, Gilliland, Hoyt, Hunter, Larrabée, Legel, McColl, Malmberg, Parshall, Proudfoot, Quigley, Sammis, Saunders, Sav-age, Schrup, Smith of Shelby, Spaulding, Stuckslager, Webber—27.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Crow, Fitchpatrick, Francis, Garrett, Hammill, Jewell, McCulloch, Mc-Manus, Neal, Ream, Smith of Mitchell, Sullivan, Van Law, White, Wilson—19.

Absent or not voting:

Chapman, DeWolf, Mattes, Taylor—4.

So the bill was re-referred to the Committee on Judiciary.

Senator Ames asked unanimous consent to have 400 extra copies of Senate File No. 129 printed.

Consent granted.

Senator Saunders asked unanimous consent to have 500 extra copies of Senate File No. 158 printed.

Consent granted.

Senator Clarkson asked unanimous consent to have 200 extra copies of Senate File No. 125 printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Stuckslager, Senate File No. 176, a bill for an act to amend Section (1) of Chapter Sixty-one (61) of the Laws of the Thirty-third General Assembly as an addition to Title Five (V) of the Code and relating to pensions for disabled and retired firemen.

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

By Senator Stuckslager, Senate File No. 177, a bill for an act amending Section Six Hundred Forty-three (643) of the Code of 1897, relating to the qualifications of municipal officers.

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

By Senator Stuckslager, Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used therein.

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

By Senator Stuckslager, Senate File No. 179, a bill for an act to repeal Section Six Hundred and Ninety-four-a (694-a), Supplement to the Code, 1907, and to enact a substitute therefor, relative to the appropriation by cities and towns, including special charter cities and cities under commission plan.

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

#### REPORTS OF COMMITTEES.

Senator Allen of Jefferson, 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. 85, a bill for an act to amend the law as it appears in Chapter One Hundred Forty-three (143) Acts of the Thirty-third General Assembly, relating to the sale of intoxicating liquors at retail, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

“That Section Two, the Publication Clause, be stricken out”; and when so amended the bill do pass.

W. S. ALLEN,  
*Chairman.*

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-

fourth General Assembly, fixing their compensation and defining their duties.

ED P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Senate Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth General Assembly, fixing their compensation and defining their duties.

ED P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

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

The President announced that he had signed, in the presence of the Senate, House Joint Resolution No. 2.

The Secretary announced that he had assigned seats in the reporter's gallery as follows:

Seat No. 51—Charles Dorrell, representing the Register and Leader of Des Moines.

Seat No. 52—Bert Mills, representing the Des Moines Capital.

Seat No. 53—Ora Williams, representing the Omaha Bee, Marshalltown Times-Republican, Cedar Rapids Gazette, Council Bluffs Nonpariel, Telegraph-Herald, Mason City Times and Sioux City Tribune.

Seat No. 54—Fred Davis, representing the Sioux City Journal.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—157.

Absent:

Chapman—1.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke announced the Joint Convention duly organized, for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough, Miller of Dubuque, Miller of Bremer, McManus, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—54.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—36.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Van Law, Whitney—66.

Those voting for Warren Garst were:

Chase—1.

President Clarke announced that no one had received a majority of votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.



Journal of the Joint Convention was then read and approved.

On motion of Kull of Howard, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson moved that the Senate adjourn until 10:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 3, 1911.

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

Prayer was offered by Rev. H. E. Van Horn of Des Moines, Iowa.

## PETITIONS AND MEMORIALS.

Senator Van Law presented a petition of students and faculty members of the State University favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented a petition of citizens of Marshall County favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Spaulding presented a petition of citizens of Grinnell favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented a petition of citizens of Warren County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented a petition of citizens of Leon favoring the inspection of gasoline.

Referred to Committee on Pharmacy.

Senator Webber presented a petition of citizens of Eddyville favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Spaulding presented a petition of citizens of Grinnell favoring appropriation for short-course extension.

Referred to Committee on Agriculture.

Senator White presented a remonstrance of citizens of Iowa County protesting against a special automobile tax.

Referred to Committee on Ways and Means.

Senator Gates presented a petition of W. C. T. U. of Dumont requesting legislation restricting the white slave traffic.

Referred to Committee on Judiciary.

Senator Gates presented a petition of citizens of Bremer County urging the enactment of the bill known as the "Five-Mile Limit."

Referred to Committee on Suppression of Intemperance.

Senator Smith of Shelby presented a petition of citizens of Shelby County favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Garrett presented a petition of D. J. D. Fulliam of Muscatine favoring the present tax ferret law.

Referred to Committee on Ways and Means.

Senator Adams presented a petition of citizens of Fayette County favoring a board of osteopathy.

Referred to Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Proudfoot, Senate File No. 180, a bill for an act to repeal Paragraph Thirteen (13) under Section Forty-eight (48) of the Code and enact a substitute therefor, relating to persons and bodies corporate.

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

By Senator Webber, Senate File No. 181; a bill for an act authorizing boards of water works trustees to make and enforce the necessary by-laws and regulations for the operation and protection of such water works.

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

By Senator Spaulding, Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the Council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of one thousand seven hundred fifty dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

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

By Senator DeWolf, Senate File No. 183, 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 Malmberg, Senate File No. 184, a bill for an act to repeal Section Twenty-one Hundred and Fourteen ( 2114) of the Code, and to enact a substitute therefor, relating to reports by the Board of Railroad Commissioners to the Governor of the State.

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

By Senator Malmberg, Senate File No. 185, a bill for an act to amend Chapter Eleven (11), Laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

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

By Senator Malmberg, Senate File No. 186, a bill for an act to amend Section Three Thousand One Hundred Seventy-three (3173) of the Code, relating to the trial of divorce actions.

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

By Senator Taylor, Senate File No. 187, a bill for an act to repeal Section One Thousand Seventy-two (1072) of the Supplement of the Code, 1907, relating to the election of county officers and enacting in lieu thereof the following.

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

By Senator Saunders and Senator Sullivan, Senate File No. 188, a bill for an act to provide for the appointment of a commission to select and draw grand and petit jurors, including talesmen, in all counties having a population of over twenty-five thousand (25,000), and prescribing the duties thereof.

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

By Senator Sullivan, Senate File No. 189, a bill for an act to prohibit and regulate hospitals, institutions and places created for or maintained, and used as hospitals, sanitariums or places for the reception, care and treatment of persons afflicted with or suffering from cancer. (Additional to Chapter Sixteen (16) of Title Twelve (XII) of the Code, relating to the State Board of Health.)

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

By Senator Sullivan, Senate File No. 190, a bill for an act to amend Section One Thousand Seven Hundred and Twenty-one of the Code, relating to capital required of foreign insurance companies.

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

Senator Sullivan asked unanimous consent to have 300 extra copies of Senate File No. 188 printed.

Consent granted.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 Joint Resolution No. 2, relating to the selection of additional employes of the Thirty-fourth General Assembly, fixing their compensation and defining their duties.

ED P. MALMBERG,

*Chairman.*

Adopted.

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof, 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 Judiciary, to whom was referred House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance, 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 Judiciary, to whom was referred Senate File No. 155, a bill for an act to amend the law as it appears in Section Two Hundred Fifty-four-a-three (254-a3), Supplement to the Code, 1907, relating to the charges for services for shorthand reporters, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by inserting before the word "be" in the second line the words "Supplement to the Code, 1907"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*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 legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Akron, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

#### HOUSE FILE NO. 97.

A bill for an act to amend Section Twenty-five Hundred Eighty-nine-h (2589-b) of the Supplement to the Code, 1907, relating to the practice of pharmacy.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

On motion, the Senate resumed consideration of Senate File No. 127, a bill for an act to amend Section Two (2) of Chapter One Hundred and Two (102) of the Acts of the Thirty-third General Assembly, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, by striking out certain words in said section, with report of committee recommending indefinite postponement.

Senator Balkema moved the previous question.

On the motion, "Shall the main question be now put?" the previous question was ordered.

On the question "Shall the substitute motion by Senator Smith of Shelby be substituted for the motion of Senator McColl?" a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Bennett, Brown, Chase, Cowles, De Wolf, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hunter, Legel, McCulloch, Neal, Quigley, Savage, Smith of Shelby, Stuckslager, Sullivan, Webber—22.

The nays were:

Allen of Pocahontas, Ames, Balkema, Balluff, Crow, Fitchpatrick, Gates, Jewell, McManus, Malmberg, Parshall, Proudfoot, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Van Law, White, Wilson—20.

Absent or not voting:

Chapman, Clarkson, Hoyt, Larrabee, McColl, Mattes, Saunders, Taylor—8.

Carried.

Senator Smith of Shelby moved that the bill be placed upon the Callendar.

Carried.

## THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and Eighty-seven-a-ten (1087-a10), Ten Hundred and Eighty-seven-a-twenty-two (1087-a22) and Ten Hundred and Eighty-seven-a-twenty-seven (1087-a27) of the 1907 Supplement to the Code as amended by Chapter Sixty-nine (69) of the Acts of the

Thirty-third General Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator, 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:

Amend the title by adding thereto the words:

"And repealing Chapter One (1) of the acts of the special session of the Thirty-second General Assembly, relating to the nomination of candidates for Senator in the Congress of the United States, and enacting a substitute therefor."

Further amend the bill by adding thereto as Section Five the following:

"Chapter One (1) of the acts of the special session of the Thirty-second General Assembly is hereby repealed, and the following enacted as a substitute therefor:

"In case of death, withdrawal, or inability to act, for any cause, of a party's candidate for Senator in the Congress of the United States, as expressed in the regular June primary, such vacancy shall be filled by the state convention of said party, held in accordance with the provisions of Section Ten Hundred Eighty-seven-a-twenty-seven (1087-a27) of the Supplement to the Code, 1907, provided that if such vacancy occurs after the holding of said convention, and thirty (30) days prior to the holding of the regular November election, said delegates to said convention shall be reconvened within ten days after such vacancy has occurred, by the chairman of said party's State Central Committee, and a party candidate shall be named in said convention to fill such vacancy. If such vacancy occur too late to be filled in the manner above provided prior to the regular November election, the vote and pledges here provided for shall not be binding upon the members of the General Assembly."

Adopted.

The bill, as amended, was read for information.

Further consideration of the bill was postponed.

#### 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. 14.

A bill for an act to repeal Section Fifteen Hundred Sixty-nine (1569) of the Code and to enact a substitute therefor, relating to the passing of vehicles on public highways.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Hammill asked unanimous consent to take up for consideration the Concurrent Resolution relative to adjournment offered by him yesterday.

Consent granted.

Senator Hammill moved the adoption of the Concurrent Resolution.

Adopted.

Senator Proudfoot offered the following Concurrent Resolution and moved its adoption:

## CONCURRENT RESOLUTION.

Concurrent Resolution Inviting the General Conference of the Methodist Episcopal Church to Hold Its Quadrennial Session for 1912 in the City of Des Moines, Iowa.

WHEREAS, The General Conference of the Methodist Episcopal Church will convene in quadrennial session on the first Wednesday in May, 1912, and will last throughout the month; and,

WHEREAS, Besides the State of Iowa, the sister states of Indiana, Minnesota and Ohio are making great efforts to have said Conference sit in some one of the cities of said states; and,

WHEREAS, Said Conference will be made up of both lay and ministerial delegates from the whole civilized world, but more largely from every state of the Union, to the number of at least 1,000; and,

WHEREAS, Great publicity of the State of Iowa and its resources and institutions will ensue should this gathering be held in this state; and,

WHEREAS, The commercial interests of Des Moines have invited said General Conference to convene in the City of Des Moines, and a delegation will on Tuesday night, February 7, 1911, go to Chicago to meet the general committee of said church, which will on February 9, 1911, fix the place where said Conference will sit; and,

WHEREAS, The convening and sitting of this great Conference within the bounds of our state will tend to advertise the state and its resources throughout the United States, especially. Therefore,

*Be It Resolved by the Senate, the House Concurring:*

That we hereby extend to the General Conference of the Methodist Episcopal Church a hearty and urgent invitation to hold its quadrennial session for the year 1912 in the City of Des Moines and State of Iowa, and

join the commercial interests of Des Moines and the state and all other organizations interested in welcoming said conference within the borders of this great state.

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 191, a bill for an act to amend the law as it appears in Paragraph 12 of Section One Thousand Seven Hundred and Fifty-eight-b (1758-b) of the Supplement to the Code, 1907, in relation to the standard form of fire insurance policy so as to provide for additional agreements in favor of mortgagees and other persons.

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

By Senator Francis, Senate File No. 192, a bill for an act creating a public utilities commission, prescribing its powers and duties, providing for the regulation and control of public utilities, and transferring the powers and duties of the Board of Railroad Commissioners, as prescribed by law, to said commission, and making an appropriation therefor, extending the authority of cities and towns, and cities acting under special charter, and cities acting under the commission plan, to the regulation and fixing of rates and charges of public utilities located therein, and placing the control, regulation and fixing of charges of other utilities with said commission, providing for appeal from the orders and ordinances of said municipalities to the commission, and for instituting complaint against utilities under the jurisdiction of the commission, and for appeal from the orders and decrees of said commission to the Supreme Court of the State.

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

By Senator Webber, Senate File No. 193, a bill for an act making it necessary to publish notice before selling or exchanging bonds of any county, city (including cities acting under special charter and those acting under Title V, Chapter 14-c of the Code Supplement of 1907 and acts amendatory thereto), town or school.

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

By Senator Sullivan, Senate File No. 194, a bill for an act granting additional powers to cities of the first class and cities acting

under the commission plan with reference to the adoption and enforcement of rules and regulations governing the construction, reconstruction, repair and maintenance of buildings; providing for building inspection, fees for same and authorizing the fixing of fines and penalties for violation of such rules and regulations.

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

By Senator Sullivan, Senate File No. 195:

A BILL

For an Act to legalize acknowledgments of instruments in writing heretofore taken by notaries public. (Additional to Section Twenty-nine Hundred and Forty-two (2942) of the Code.)

*Re It Enacted by the General Assembly of the State of Iowa:*

Section 1. *Acknowledgments heretofore taken legalized.* That the acknowledgments of all deeds, mortgages, or other instruments in writing heretofore taken or certified, and which instruments have been recorded in the recorder's office of any county of this state, including the acknowledgments of instruments made by any private or other corporation, or to which such corporation was a party, or under which such corporation was a beneficiary, and which have been acknowledged before or certified by any notary public who was at the time of such acknowledgment or certifying a stockholder or officer in such corporation, be and the same are hereby declared to be legal and valid official acts of such notaries public, and to entitle such instruments to be recorded, anything in the laws of the State of Iowa in regard to acknowledgments to the contrary notwithstanding.

Sec. 2. *Pending litigation.* This act shall not affect the rights of parties in any action or suit now pending in any court of this state.

Sec. 3. *In effect.* 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 at Des Moines, Iowa.

Read first and second time, and referred to Committee on Judiciary:

By Senator Sullivan, Senate File No. 196, a bill for an act to repeal Section Twenty-eight Hundred and Thirteen (2813), Supplement to the Code, 1907, and to enact a substitute therefor, relative to a tax to pay bonds and interest and to create a sinking fund.

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

By Senator Sullivan, Senate File No. 197, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation.

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

Senator Spaulding asked unanimous consent to have 400 extra copies of Senate File No. 156 printed.

Consent granted.

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

Senator Francis asked unanimous consent to have 500 extra copies of Senate File No. 192 printed.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Proudfoot, Senate File No. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Code, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the Board of Parole, was taken up and considered.

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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chase, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber—35.

The nays were:

Brown, Larrabee, McCulloch, White, Wilson—5.

Absent or not voting:

Adams, Allen of Pocahontas, Chapman, Clarkson, Cowles, Hammill, Hoyt, Sammis, Stuckslager, Mattes—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 Shelby, Senate File No. 117, a bill for an act creating Section Four Hundred and Seven-a (407-a) of the Supplement to the Code authorizing the Board of Supervisors of a county to transfer any surplus bond fund raised under Section Four Hundred and Three (403) of the Supplement to the Code, after payment of all bonds, to the bridge fund of said county, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith of Shelby moved that the substitute be substituted for the original bill.

Carried.

Senator Smith of Shelby moved that the Rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammil, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber, Wilson—40.

The nays were:

None.

Absent or not voting:

Brown, Chapman, Cowles, McCulloch, Quigley, Saunders, Stuckslager, Taylor, White—10.

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. 14, a bill for an act to repeal Section One Thousand Five Hundred and Sixty-nine (1569) of the Code, 1907, and to enact a substitute therefor relating to passing of vehicles, including automobiles, on the public highway.

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

House File No. 97, a bill for an act to amend Section Twenty-five Hundred Eighty-nine-b (2589-b) of the Supplement to the Code of 1907, relating to the practice of pharmacy.

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

Senator Hunter asked unanimous consent to have 400 extra copies of Senate File No. 89 printed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore,

Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—156.

Absent:

Chapman, Dunnegan.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough, Miller of Dubuque, Miller of Bremer, McManus, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Ames, Beans, Bennett, Bowman, Brown of Decatur, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fry, Fulton Gilliland, Halgrims, Harding, Harvey, Hickenlooper, Hogan, Hoyt, Jacobs, Jacobson, McCleery, McCulloch, Malmberg, Moore, Patterson, Perkins, Proudfoot, Ripley, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—43.

Those voting for A. B. Funk were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Finlayson, Fitchpatrick, Francis, Gates, George, Goodykoontz, Grout, Huff, Hunt, Hunter, Huntley, Hutchins, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Pickford, Russell, Sammis, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Van Law, Whitney—55.

Those voting for W. S. Kenyon were :

Brockway, Felt, Hammill, Schee—4.

Those voting for Warren Garst were :

Chase—1.

Absent or not voting :

Chapman, Dunnegan—2.

President Clarke announced that no one had received a majority of votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Larrabee of Fayette, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

#### 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 Concurrent Resolution in which the concurrence of the House was asked :

#### SENATE CONCURRENT RESOLUTION.

Inviting the General Conference of the Methodist Episcopal Church to hold its quadrennial session for 1912 in the city of Des Moines.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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



## SENATE CONCURRENT RESOLUTION.

Relative to adjournment from February 3d until Tuesday, February 7th, at 10 a. m.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate Concurrent Resolution relative to adjournment from February 3 until Tuesday, February 7, at 10:00 A. M.

Passed on file.

Senate Concurrent Resolution relative to inviting the General Conference of the Methodist Episcopal Church to hold its Quadrennial Session for 1912 in the City of Des Moines.

Passed on file.

Senator Clarkson moved that the Senate do now adjourn.

Carried.

The Senate adjourned until next Tuesday at 10:00 o'clock A. M.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 7, 1911.

Senate met pursuant to adjournment at 10:00 o'clock A. M.,  
President Clarke presiding.

Prayer was offered by Rev. James M. Williams of Council  
Bluffs, Iowa.

On request of Senator Hammill, leave of absence was granted  
Senator Gilliland for the day.

On request of Senator Van Law, leave of absence was granted  
Senator Saunders for the day.

## PETITIONS AND MEMORIALS.

Senator Stuckslager presented a petition of teachers of Marion,  
Iowa, favoring pensions for teachers.

Referred to Committee on Schools.

Senator Van Law presented a petition of citizens of Marshall  
County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Shelby presented a petition of citizens of Cass  
County favoring the planking of culverts for traction engines.

Referred to Committee on Highways.

Senator Legel presented a petition of citizens of Floyd County  
favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Bennett presented a petition of citizens of Taylor  
County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Webber presented a petition of citizens of Wapello  
County favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator Proudfoot presented a petition of citizens of Warren County favoring a special primary for the election of United States Senator.

Referred to Committee on Elections.

Senator Ames presented a remonstrance of citizens of Tama County against the establishment of a State Highway Commission.

Referred to Committee on Highways.

Senator Malmberg presented a petition of citizens of Tracy, Iowa, favoring a special primary for the election of United States Senator.

Referred to Committee on Elections.

Senator Schrup presented a memorial of county supervisors favoring the publication of official notices in foreign languages.

Referred to Committee on Judiciary.

Senator Hunter presented a petition of citizens of Woodbury and Monona counties favoring the resubmission of the prohibitory amendment.

Referred to Committee on Constitutional Amendments.

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health.

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

By Senator Ream, Senate File No. 199, a bill for an act to provide for 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 Judiciary.

By Senator Sullivan, Senate File No. 200, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had.

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

By Senator Wilson, Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78), Acts of the Thirty-third (33d) General Assembly, relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

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

THIRD READING OF BILLS.

On motion, the Senate resumed consideration of Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and Eighty-seven-a-Ten (1087-a10), Ten Hundred and Eighty-seven-a-Twenty-two (1087-a22) and Ten Hundred and Eighty-seven-a-Twenty-seven (1087-a27) of the 1907 Supplement to the Code as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third General Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator.

Senator Adams offered the following amendment:

I move to amend Senate File No. 1 by substituting the following therefor:

SUBSTITUTE FOR SENATE FILE NO. 1.

A BILL

For an Act providing for a special primray to select a candidate to fill a vacancy in the office of Representative or Senator in the Congress of the United States.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. In case a vacancy occurs in the office of Representative or Senator in the Congress of the United States, or for any reason a Senator in Congress of the United States is to be selected by the General Assembly, then and in that event the Governor shall call a special primary election to give the voters of the district or the state, as the case may be, an opportunity to express their choice for a candidate for such office.

Sec. 2. The Governor shall call such primary election by proclamation at the earliest practicable time, giving thirty (30) days' notice thereof.

Sec. 3. All provisions of the law heretofore made in reference to primary elections, and not inconsistent herewith, shall apply to this act.

Sec. 4. The provisions of this act shall apply to the selection of the candidate for Senator in the Congress of the United States, to be selected by the Thirty-fourth General Assembly.

Sec. 5. This act, being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Substitute read first and second time.

Senator Smith of Mitchell raised the point of order that the substitute offered was not germane.

The President ruled as follows:

The Senate, having under consideration Senate File No. 1, a bill for an act amending certain provisions of the law relating, among other things, "to the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator," and repealing certain provisions "relating to the nomination of candidates for Senator in the Congress of the United States and enacting a substitute therefor," the Senator from Fayette proposed and moved the adoption as a substitute to said Senate File No. 1, a bill for an act "providing for a special primary to select a candidate to fill a vacancy in the office of Representative or Senator in the Congress of the United States."

The Senator from Mitchell raised the point of order that the proposed substitute amendment was not germane to the bill under consideration, but inconsistent with it.

The Chair finds no rule of the Senate, as is usual among legislative assemblies, that "no motion or proposition on a subject different from that under consideration shall be admitted under color of amendment."

The proposed substitute amendment would seem to relate, to some extent at least, to the same subject matter as that contained in Senate File No. 1; but passing that question, Cushing on the "Law and Practice of Legislative Assemblies," which our rules provide must guide us, says: "The inconsistency of a proposed amendment with the proposition to be amended, either in idea or in words, is no objection to it in a parliamentary sense, or as a matter of order except in virtue of a special rule to that effect, and it is ordinarily no objection to a proposed amendment that it is inconsistent with the measure to be amended. This is very commonly, though not universally, the case in the American legislative assemblies." We do not have the "special rule" referred to. Again, it is said in Cushing's Manual, Section 133: "The Assembly may engraft upon a motion, by way of amendment, matter which is not only incongruous with but entirely opposed to the motion as originally introduced." In Hinds' Precedents of the House of Representatives, Vol. V, page 422, it is said: "Under the common parliamentary law amendments need not be germane. In the absence of an express rule, an amendment would not be liable to a point of order upon the ground that it was inconsistent with or not germane to the subject under consideration, for, according to the common parliamentary law of this country, a legislative assembly might by an amendment, in the ordinary form or in the form of a sub-

stitute, change the entire character of any bill or other proposition pending. It might displace the original subject under consideration and in its stead adopt one wholly foreign to it, both in form and substance." This, of course, is in the absence of such a rule as I have referred to. Therefore, the Chair feels that the point of order raised by the Senator from Mitchell must be overruled.

Senator Hammill moved that the further consideration of the bill be postponed until tomorrow morning at 9:30.

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. 1.

A bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-ten (1087-a10), Ten Hundred Eighty-seven-a-twenty-two (1087-a22), and Ten Hundred Eighty-seven-a-twenty-seven (1087-a27), of the Supplement to the Code, 1907, as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third (33d) General Assembly, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code, and repealing Chapter One (1) of the special session of the Thirty-second (32d) General Assembly, and enacting a substitute therefor, all relating to the nomination of candidates for the office of Senator in the Congress of the United States and of the canvass of the vote for Senator in the Congress of the United States and providing for nominations for such office in case of vacancy.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenoeker, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, Whitney, Wilson, Zeller, —146.

Absent:

Brockway, Campbell of Ida, Crist, DeWolf, Dunlap, Gilliland, Harvey, Leach, Linnan, Miller of Bremer, Saunders, White of Iowa—12.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Sherman of Poweshiek.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Lenoeker, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, Wilson—48.

Those voting for Lafayette Young, Sr., were:

Adams, Ames, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Daniels, Dewey, Edmunds, Fourt, Fraley, Fry, Fulton, Halgrims, Harding, Hickenlooper, Hogan, Hoyt, Jacobs, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Ripley, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—38.

Those voting for A. B. Funk were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Finlayson, Fitchpatrick, Francis, Gates, George, Goodykoontz, Grout, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Patterson, Pickford, Russell, Sammis, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Whitney—55.

Those voting for W. S. Kenyon were:

Felt, Hammill, Schee—3.

Those voting for Warren Garst were:

Chase—1.

Absent or not voting:

Brockway, Campbell of Ida, Crist, DeWolf, Dunlap, Gilliland, Harvey, Leach, Linnan, Miller of Bremer, Saunders, Van Law, White of Iowa—13.



President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Clarkson of Monroe, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 8, 1911.

Senate met in regular session at 9:00 o'clock A. M., President Clarke presiding.

Prayer was offered by Rev. P. S. Erwin of Chariton, Iowa.

On request of Senator Bennett, leave of absence was granted Senator Jewell for the day.

## PETITIONS AND MEMORIALS.

Senator Stuckslager presented a petition of citizens of Linn County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Chapman presented a petition of citizens of Jones County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Gilliland presented a petition of citizens of Montgomery County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Cowles presented a petition of teachers of Burlington, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator Van Law presented a petition of citizens of Marshall County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Crow presented a petition of students of the State University favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented a petition of the Board of Supervisors of Union County favoring the planking of culverts for traction engines.

Referred to Committee on Highways.

Senator Brown presented a remonstrance of the Board of Supervisors of Union County protesting against the establishment of a county highway engineer.

Referred to Committee on Highways.

Senator Bennett presented a petition of citizens of Taylor County favoring the extension of farmers' institutes.

Referred to Committee on Agriculture.

#### INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

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

By Senator Chapman, Senate File No. 203, a bill for an act to regulate the sale of nursery stock, such as fruit trees, shrubs, plants, vines, seeds, etc., to prevent the misrepresentation of the same, the selling of diseased nursery stock, and providing for the inspection of said nursery stock, and providing a penalty for the violation of this act or any section thereof.

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

By Senator Dunnegan, Senate File No. 204, a bill for an act to establish six (6) miles of macadamized highway for experimental purposes in Fremont County, State of Iowa, and providing for an appropriation to cover the expense of same.

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

By Senator Allen of Jefferson, Senate File No. 205, a bill for an act relating to filling vacancy in the office of Senator in Congress of the United States and providing for a special primary election to nominate candidates therefor.

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

By Senator Smith of Shelby, Senate File No. 206, a bill for an act to repeal Sections Nineteen Hundred and Forty-two (1942), Nineteen Hundred and Forty-three (1943), Nineteen Hundred

and Forty-five (1945), Nineteen Hundred and Forty-seven (1947), Nineteen Hundred and Forty-nine (1949), Nineteen Hundred and Fifty (1950), Nineteen Hundred and Fifty-two (1952), Nineteen Hundred and Fifty-three (1953), Nineteen Hundred and Fifty-four (1954) of the Code, and Sections Nineteen Hundred and Forty (1940), Nineteen Hundred and Forty-four (1944), Nineteen Hundred and Forty-six (1946), Nineteen Hundred and Forty-six-a (1946-a), Nineteen Hundred and Forty-six-b (1946-b), Nineteen Hundred and Forty-six-c (1946-c), Nineteen Hundred and Forty-six-d (1946-d), Nineteen Hundred and Forty-six-e (1946-e), Nineteen Hundred and Forty-eight (1948) and Nineteen Hundred and Fifty-one (1951) of the Supplement to the Code. Also to amend Section Nineteen Hundred and Eighty-nine-a-one (1989-a1) of the Supplement to the Code, Section Nineteen Hundred and Eighty-nine-a-six (1989-a6) of the Supplement to the Code as amended by Section Six (6) of Chapter One Hundred and Eighteen (118) of the Acts of the Thirty-third General Assembly, Section Nineteen Hundred and Eighty-nine-a-fourteen (1989-a14) of the Supplement to the Code as amended by Section Thirteen (13) of Chapter One Hundred and Eighteen (118) of the Acts of the Thirty-third General Assembly. Also to repeal Sections Nineteen Hundred and Eighty-nine-a-two (1989-a2), Nineteen Hundred and Eighty-nine-a-three (1989-a3) and Nineteen Hundred and Eighty-nine-a-five (1989-a5) of the Supplement to the Code as amended by Chapter One Hundred and Eighteen (118) of the Acts of the Thirty-third General Assembly and Sections Nineteen Hundred and Eighty-nine-a-four (1989-a4) and Nineteen Hundred and Eighty-nine-a-twenty-eight (1989-a28) of the Supplement to the Code, and to enact substitutes therefor, relating to the subject of waters, water courses, ditches, levees, drainage and drainage districts.

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

HOUSE MESSAGE CONSIDERED.

House File No. 1, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-ten (1087-a10), Ten Hundred Eighty-seven-a-twenty-seven (1087-a27), of the Supplement to the Code, 1907, as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third (33d) General Assembly, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven

Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code, and repealing Chapter One (1) of the special session of the Thirty-second (32d) General Assembly, and enacting a substitute therefor, all relating to the nomination of candidates for the office of Senator in the Congress of the United States and of the canvass of the vote for Senator in the Congress of the United States, and providing for nominations for such office in case of vacancy.

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

#### REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 45, a bill for an act to amend Section Three, Chapter Two Hundred Twenty-three (223) of the Thirty-second General Assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of the substitute recommended by the Committee on Military; and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Ordered passed on file.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 25, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three (2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school 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. 25.

##### A BILL

For an Act to amend the law as it appears in Section Two Thousand Seven Hundred Ninety-three (2793) of the Supplement to the Code, 1907, relating to the Change of Boundaries of School Corporations.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Two Thousand Seven Hundred Ninety-three (2793) of the Supplement to the Code, 1907, is hereby amended by striking out

the words "in the same county," as they appear in lines four and eleven thereof; and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 55, a bill for an act authorizing the giving of pensions to retired public school teachers of all rural and urban public schools and 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 public school teachers under certain conditions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 196, a bill for an act to repeal Section Twenty-eight Hundred and Thirteen (2813), Supplement to the Code, 1907, and to enact a substitute therefor, relative to a tax to pay bonds and interest and to create a sinking fund, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 76.

a bill for an act to legalize the issuing of certain warrants on the school fund by the Board of Directors of the Independent District of Centerville, in Appanoose County, State of Iowa.

Also:

Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from the water tax levies and to legalize the levy of a five-mill water tax made by the City in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

ED P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Senate File No. 76, a bill for an act to legalize the issuing of certain warrants on the school fund by the Board of Directors of the Independent District of Centerville, in Appanoose County, State of Iowa.

Also:

Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from the water tax levies and to legalize the levy of a five-mill water tax made by the City in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

ED P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

The President announced that he had signed, in the presence of the Senate, Senate Files Nos. 70 and 76.

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

The Journal of February 3d was taken up, corrected and approved.

#### REPORTS OF COMMITTEES.

Senator J. H. Allen, from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate File No. 143, a bill for an act to repeal Section Sixteen Hundred

and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor, relating to the office of the Department of Agriculture and the salary of the secretary and his assistants, beg leave to report they have had the same under consideration and recommend the same be amended as follows: •

Amend the title by placing a period after the word "Secretary" in the last line thereof and striking from said last line the words "and his assistants"; and when so amended the bill do pass.

J. H. ALLEN,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate File No. 26, a bill for an act to amend Section One (1) of Chapter One Hundred Thirty-eight (138) of the acts of the Thirty-third General Assembly, relative to the maintenance of partition fences by adjoining owners thereof, 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. 26.

A BILL

For an Act to amend Section One (1) of Chapter One Hundred Thirty-eight (138) of the Acts of the Thirty-third General Assembly relative to the Maintenance of Partition Fences by Adjoining Owners Thereof.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section One (1) of Chapter One Hundred Thirty-eight (138) of the Acts of the Thirty-third General Assembly be amended by inserting in the twenty-third (23d) line, after the comma following the phrase "by the party desiring it," the words "for the purpose of restraining sheep or swine"; and also in the twenty-sixth (26th) line, after the word "construct," the words "and maintain"; and also in lines thirty-seven (37) to forty (40) thereof by striking out the words "In case adjoining owners or occupants of land shall use the same for pasturing sheep or swine, each shall keep his share of the partition fence in such condition as shall restrain such sheep or swine"; and when so amended the bill do pass.

J. H. ALLEN,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and



Eighty-seven-a-ten (1087-a10), Ten Hundred and Eighty-seven-a-twenty-two (1087-a22), and Ten Hundred and Eighty-seven-a-twenty-seven (1087-a27) of the 1907 Supplement to the Code as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third General Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator.

Senator Clarkson moved the previous question on the substitute.

On the motion, "Shall the main question be now put?" the previous question was ordered.

On the question, "Shall the substitute offered by Senator Adams be substituted for the original bill?" a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Bennett, Brown, Chapman, Cowles, Gilliland, Hammill, Hoyt, McCulloch, Malmberg, Neal, Proudfoot, Savage, Smith of Shelby, Stuckslager—16.

The nays were:

Allen of Pocahontas, Ames, Balkema, Balluff, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hunter, Larrabee, Legel, McColl, McManus, Mattes, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—31.

Absent or not voting:

DeWolf, Jewell, Saunders—3.

So the substitute was lost.

#### EXPLANATION OF VOTE.

MR. PRESIDENT—I desire to explain my vote. Am in favor of a special primary measure to end the present deadlock in the election of Senator in the Congress of the United States, and I also favor the so-called "Oregon plan" which is embodied in Senate File No. 1. I vote yea, however, on this substitute, knowing that if the substitute should prevail we then can take up House File No. 1, now before us as a House message, embodying practically the same proposition as Senate File No. 1, and which I shall be pleased to support.

W. S. ALLEN.

Senator Smith of Shelby offered the amendment and moved its adoption:

I move to amend Senate File No. 1 by adding thereto the following as Section Five (5):

Section 5. That within twenty days after the canvass by the state canvassing board of the votes cast at any primary election held at which a candidate for Senator in the Congress of the United States has been nominated, the Secretary of State shall furnish to each candidate nominated for United States Senator the following statements, either of which said candidate may sign, but if he does not do so, the secretary shall not on that account refuse to place each candidates' name on the ballot provided for candidates for United States Senators in Section Four (4) hereof:

STATEMENT NO. 1.

I hereby state to the people of Iowa that during my term of office I will always espouse and support the policies and principles of that party favored by a majority of the people of the state as shown by the votes cast for the head of the ticket at the general election in 19.... (Insert year at which he is a candidate.)

.....  
(Signature of candidate for United States Senator.)

STATEMENT NO. 2.

I hereby state to the people of Iowa that during my term of office I will always espouse and support the policies and principles of that party favored by a majority of the people of the state as shown by the votes cast for the head of the ticket at any general election held during my term of office, taking the vote of the latest election at all times as the expression of such preference.

.....  
(Signature of candidate for United States Senator.)

STATEMENT NO. 3.

I hereby state to the people of Iowa that during my term of office I shall consider the vote of the people of the state for the candidates on the head of the ticket to be voted for at the general election held in 19.... (insert year at which he is a candidate), and at any other general election held during my term of office, simply as an expression of the policies and principles in which a majority of the voters believe, and I shall feel at liberty to espouse or support the same or not as shall seem best to me from time to time.

.....  
(Signature of candidate for United States Senator.)

STATEMENT NO. 4.

I hereby state to the people of the State of Iowa that I am a.....  
..... (inserting therein the name of the party whose candidate he is) and that during my term of office I shall espouse and support the policies and principles of that party.

.....  
(Signature of candidate for United States Senator.)

Each candidate for United States Senator shall have thirty days from date of mailing said statements by the Secretary of State in which to sign and return to the office of the Secretary of State either of said statements as herein provided for.

Upon the ballot for United States Senator, as provided for in Section Four (4) hereof, below the name of each candidate, shall be printed one of the following statements, if either is signed by the candidate:

1. Promises to espouse and support the policies and principles of that party representing a majority of the voters of the state as shown by the vote cast for the head of the ticket at the general election of 19.... (inserting the year at which he is a candidate).

2. Promises to espouse and support the policies and principles of that party representing a majority of the voters of the state as shown by the votes cast for the head of the ticket at any general election held during his term of office, taking the vote of the latest election at all times as the expression of such preference.

3. Refuses to abide by, espouse or support the policies and principles of that party representing a majority of the voters of the state as shown by the vote cast for the head of the ticket in 19.... (inserting the year at which he is a candidate) or at any other general election during his term of office, but will exercise his own judgment.

4. Says he is a.....(here insert name of the party as inserted by candidate in No. 4) and that during his term of office will espouse and support the principles of that party.

5. Refuses to make any statement as to what shall be his policy while in office.

Further consideration of the bill was postponed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright,

Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—155.

**Absent:**

DeWolf, Jewell, Saunders—3.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough, McManus, Mil-

ler of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Ames, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Gilliland, Halgrims, Harding, Harvey, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Ripley, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—37.

Those voting for A. B. Funk were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Ida, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Finlayson, Fitchpatrick, Francis, Gates, George, Goodykoontz, Grout, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobson, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Mattes, Neal, Newell, Patterson, Pickford, Russell, Sammis, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Camp, Whitney—55.

Those voting for W. S. Kenyon were:

Brockway, Campbell of Webster, Felt, Fry, Hammill, Jacobs, Schee—7.

Those voting for Warren Garst were:

Chase—1.

Those voting for Henry Wallace were:

Edmunds—1.

Absent or not voting:

DeWolf, Jewell, Saunders, Van Law—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Kull of Howard, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 9, 1911.

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

Prayer was offered by Rev. Elias Handy of Grinnell, Iowa.

## PETITIONS AND MEMORIALS.

Senator Brown presented a petition of citizens of Union County favoring the Five-Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Neal presented a remonstrance of the Board of Supervisors of Washington County against proposed highway legislation.

Referred to Committee on Highways.

Senator Balkema presented a petition of citizens of Sioux County favoring four-year terms for county officers.

Referred to Committee on Judiciary.

Senator White presented a remonstrance of citizens of Iowa County against special tax on automobiles.

Referred to Committee on Ways and Means.

Senator White presented a petition of citizens of Iowa County favoring a reduction of the taxation of moneys and credits.

Referred to Committee on Ways and Means.

## INTRODUCTION OF BILLS.

By Senator Cowles, Senate File No. 207, a bill for an act to repeal Section Three (3) of Chapter One Hundred Forty-two (142) of the Laws of the Thirty-third General Assembly relating to the sale of intoxicating liquors by persons convicted of violating the laws in respect to the sale of intoxicating liquors and those permanently enjoined for such violation, and to enact a substitute therefor.

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

By Senator Mattes, Senate File No. 208, 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 Mattes, Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

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

By Senator Smith of Shelby, Senate File No. 210, a bill for an act to amend Section Forty-two Hundred and Ninety-five (4295) of the Code, relating to the indexing of marginal releases of mortgages.

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

By Senator Legel, Senate File No. 211, a bill for an act to amend Sections Twenty-five Hundred Thirty-eight-i (2538-i) and Twenty-five Hundred Thirty-eight-l (2538-l) of the Supplement to the Code of 1907, relative to the practice of veterinary medicine.

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

By Senator Crow, Senate File No. 212, a bill for an act to legalize the incorporation of the Town of Kiron, Crawford County, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the Council of said town.

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Kiron, in Crawford County, Iowa, and the acts of its officers thereunder, their legal qualifications to act as such officers, their election, the passage and adoption of its ordinances and resolutions, the signing of the same by proper officers, the recording and publication thereof; therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The incorporation of the town of Kiron, Crawford County, Iowa, the election of its officers, and qualifications to act as such officers,



the passage, approval and adoption of its resolutions and ordinances, the signing of same by the proper officers, or the lack thereof, the fact that any officer of said town had not properly qualified, or was not a citizen when acting as such officer, and all acts done or undertaken by said council be and the same are hereby validated, legalized and established, and the same are declared to be valid and binding, with the same force and effect as though the law had in all respects been fully complied with in the incorporation of said town, the election of its officers, the qualification and citizenship of said officers, the recording and signing and approval of its ordinances, and resolutions, and the publication thereof, including all official acts undertaken or done by said council, but nothing in this act shall affect pending litigation.

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, a newspaper published at Des Moines, Iowa, and the Kiron News, published at Kiron, Iowa, without expense to the State.

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. 103, a bill for an act to amend Section Thirteen Hundred Seventy (1370), relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes, 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. 103.

#### A BILL

For an Act to Amend Section One Thousand Three Hundred Seventy (1370) of the Code, 1897, Relating to the Time in which Boards of Review in Certain Cities May Complete Their Duties.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section One Thousand Three Hundred Seventy of the Code, 1897, is hereby amended by adding thereto after the period following the word "done" in said section the following: "Provided, however, that in cities, including cities under special charter containing twenty thousand (20,000) inhabitants or more, the time within which the duties of the local Board of Review shall be completed shall be not later than June 1st in each year.

Sec. 2. This act, being deemed of immediate importance, shall take effect from and after its passage and approval and publication thereof

had in the Des Moines Register and Leader and the Des Moines Capital; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 14, a bill for an act to amend Section 227 of the Code, relating to the division of the State into judicial districts and increasing the number of district judges in the Ninth District, 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. 14.

A BILL

For an Act to Amend Section Two Hundred Twenty-seven (227) of the Code, 1897, Relating to the Division of the State Into Judicial Districts, and Increasing the Number of District Judges in the Ninth District.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. The ninth subdivision of Section Two Hundred Twenty-seven (227) of the Code, 1897, is hereby amended by striking out the word "four" as the same appears in the first line of said subdivision, and substituting in lieu thereof the word "five," so that the said subdivision will read as follows:

"Ninth. The County of Polk shall constitute the Ninth District, and shall have five judges."

Sec. 2. The vacancy in the said office of District Judge in the Ninth Judicial District, created by this act, shall be filled by appointment by the Governor; the person so appointed shall hold his office until the general election in 1912, or until his successor is elected and qualified. At the general election in 1912 there shall be chosen a district judge to fill the unexpired portion of the vacancy hereby created.

Sec. 3. At the general election in 1914 five district judges shall be elected in the Ninth Judicial District of Iowa, whose terms of office shall begin on the second secular day of January, 1915.

Sec. 4. 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 and the Des Moines, Capital, newspapers published at Des Moines, Iowa; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 76, a bill for an act to legalize the issuing of certain warrants on the school fund by the Board of Directors of the Independent District of Centerville, in Appanoose County, State of Iowa.

Also:

Senate File No. 70, a bill for an act legalizing the action of the City Council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from the water tax levies, and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said City Council in making said water tax levy a water works levy.

ED P. MALMBERG,

*Chairman.*

Adopted.

## THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and Eighty-seven-a-ten (1087-a10), Ten Hundred and Eighty-seven-a-twenty-two (1087-a22) and Ten Hundred and Eighty-seven-a-twenty-seven (1087-a27) of the 1907 Supplement to the Code as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third General Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator.

The amendment offered yesterday by Senator Smith of Shelby was lost.

Senator Gilliland offered the following amendment, and moved its adoption:

“I move to strike out of Section One the whole of Statement No. 1.”

The President called Senator Sammis to the Chair at 9:20.

## 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. 32.

A bill for an act to amend Section Five (5) of Chapter One Hundred Fifty-four (154) of the Acts of the Thirty-third General Assembly relating to fees for fish and game 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. 81.

A bill for an act to amend the law as it appears in Subdivision Nine (9) of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to the time in which intoxicating liquors may be sold.

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 Senators and Representatives from Iowa in the Congress of the United States in relation to employes in the railway mail service.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

House File No. 32, a bill for an act to amend Section Five (5) of Chapter One Hundred Fifty-four (154) of the Acts of the Thirty-third General Assembly relating to fees for fish and game licenses.

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

House File No. 81, a bill for an act to amend the law as it appears in Subdivision Nine (9) of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to the time in which intoxicating liquors may be sold.

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

House Concurrent Resolution memorializing the Senators and Representatives from Iowa in the Congress of the United States in relation to employes in the railway mail service.

Senator Hunter moved that the Senate concur in House Concurrent Resolution relative to the railway mail service.

Senator Smith of Mitchell moved as a substitute that the Concurrent Resolution be referred to the Committee on Railroads:

Substitute motion prevailed.

So the Concurrent Resolution was referred to the Committee on Railroads.

#### INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 213, a bill for an act to repeal the law as it appears in Section 1661-a of the Supplement to the Code, 1907, as amended by Chapter 108, Acts of Thirty-third General Assembly, relative to State aid to county and district fairs, and enacting a substitute therefor.

Read first and second time.

Senator Van Law moved that the bill be referred to the Committee on Agriculture.

Senator Mattes moved as a substitute that the bill be referred to the Committee on Appropriations.

The substitute motion prevailed.

So the bill was referred to the Committee on Appropriations.

Senator Gilliland moved that the Senate Chamber be given over to the hearing on the Utilities Bill this afternoon.

Carried.

Senate Joint Resolution No. 3, by Senator Allen of Pocahontas, a Joint Resolution proposing an amendment to Section One (1) of Article Two (2) of the Constitution of the State of Iowa relating to the right of suffrage, and providing that the same be duly entered upon the journals of the respective Houses and referred to the Legislature to be chosen at the next general election and published as by law provided:

*Be It Resolved by the General Assembly of the State of Iowa:*

That the following amendment to the Constitution of the State of Iowa be and the same is hereby proposed: By striking from Section One (1) of Article Two (2) thereof the word "male."

*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 provided.

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

By Senator McManus, Senate File No. 214, a bill for an act to appropriate two thousand dollars (\$2,000.00) to assist in the erection of the 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 McManus, Senate File No. 215, a bill for an act to amend Sections 4582 and 4583 of the Code.

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

By Senator McManus, Senate File No. 216, a bill for an act to amend Sections 1642 and 1643 of the Code.

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

By Senator Cowles, Senate File No. 217, a bill for an act conferring upon cities and towns the power to regulate the telephone business, and to fix the price or rate of charge for the use of telephones and for telephone service to the same extent as they now have power to regulate the business and fix the price of supplying heat, water, gas, electric light or electric power.

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

By Senator McColl, Senate File No. 218, a bill for an act to amend Chapter 170 of the Acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

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

Senator Ames offered the following Concurrent Resolution :

CONCURRENT RESOLUTION.

Memorial to the Honorable Secretary of the Interior Department regarding the management of the Yellowstone National Park:

WHEREAS, The Yellowstone National Park is Nature's great wonder land, of very great interest to the whole people, and therefore has become the summer Mecca of many hundreds of persons of varied financial condition; and,

WHEREAS, It has come to our knowledge that certain concessions have been granted therein which are practically monopolistic of the hotel and transportation business, and that said hotels make it a rule not to furnish accommodations to such people as see fit to travel in their own conveyance, or who attempt in any way to enjoy the privileges of the park without patronizing the transportation lines; and,

WHEREAS, Travel by automobile has become quite universal, and as safe as by horse and carriage, and the roads in the park are suitable to both means of conveyance; and,

WHEREAS, The good roads movement is resulting in the building of roads through the states surrounding the park, aided and fostered largely by reason of the demand therefor by automobile owners touring the scenic routes through those states to the park. Therefore,

*Be It Resolved by the Senate, the House Concurring:*

That the Honorable Secretary of the Interior Department be and he is hereby respectfully requested to require said hotels to be conducted in the interest and for the accommodation of the traveling public, regardless of their means of conveyance in, about or through said park, and that said transportation lines be conducted in the interest and for the accommodation of the traveling public, regardless of whether or not such travelers patronize said hotels; and be it further

*Resolved,* That said Secretary be and is hereby requested to change the rules of the Interior Department regarding the present limitation upon means of conveyance which may be used in the park, so that automobiles may hereafter be used by the owners thereof, or others, in the park.

The Secretary of State is hereby directed to send a certified copy of these resolutions to the Secretary of the Interior Department and to each member of the congressional delegation in Congress from this State.

Laid over.

INTRODUCTION OF BILLS.

By Senator Hoyt, Senate File No. 219, a bill for an act to amend Section Five Thousand Seventy-one (5071) of the Code, relating to the unlawful wearing of badges.

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

By Senator Hoyt, Senate File-No. 220, a bill for an act providing for registration of farm names.

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

By Senator Francis, Senate File No. 221, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the State for the erection, repair, improvement and equipment of buildings for the State University of Iowa, the State College of Agriculture and Mechanic Arts and the State Teachers' College.

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

By Senator Balluff, Senate File No. 222, a bill for an act to amend Subdivision Sixteen (16) of Section Six Hundred and Sixty-eight (668) of the Supplement to the Code, 1907, relative to current expenditures of cities.

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

By Senator Quigley, Senate File No. 223, a bill for an act to amend Sections Two (2), Three (3) and Four (4) of Chapter One Hundred and Fifty-five (155) of the Acts of the Thirty-third General Assembly, in relation to the care and propagation of fish.

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

By Senator Chase, Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), Acts of the Thirty-third General Assembly, relating to the liability of corporations operating a railway for negligence or wrongs of employes.

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

President Clarke resumed the Chair at 11:45 o'clock.

Further consideration of Senate File No. 1 was postponed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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



The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—156.

Absent:

Escher, Saunders.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmberg, Moore, Perkins, Proudfoot, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—34.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousins, Felt, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hamill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard, Van Camp—43.

Those voting for A. B. Funk were:

Allen of Jefferson, Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Finlayson, Francis, Hunter, Huntley, Jewell, Klay, Lounsberry, Neal, Newell, Sammis, Smith of Mitchell, Sullivan, Whitney—26.

Those voting for Warren Garst were:

Beebe, Chase, Enger, Mattes—4.

Those voting for George W. Clarke were:

Harvey—1.

Absent or not voting:

Escher, Saunders, Van Law—3.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar, the Joint Convention was dissolved.

Senate returned to the Chamber and resumed its sitting.

Senator Webber moved that the Senate adjourn until 9:00 o'clock A. M. tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 10, 1911.

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

Prayer was offered by Rev. P. S. Erwin of Chariton.

On request of Senator White, leave of absence was granted Senator Gilliland for the day.

## PETITIONS AND MEMORIALS.

Senator Allen of Jefferson presented a petition of citizens of Van Buren county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator White presented a petition of citizens of Iowa county favoring four year terms for county officers.

Referred to Committee on Judiciary.

Senator Chase presented a remonstrance of Iowa Falls city council and commercial club against the passage of the Sammis General Utility bill.

Referred to Committee on Judiciary.

Senator Stuckslager presented a remonstrance of citizens of Marion, Iowa, against four year terms for county officers.

Referred to Committee on Judiciary.

Senator Ames presented a petition of citizens of Luzerne, Iowa, relative to reciprocal demurrage, etc.

Referred to Committee on Railroads.

Senator Ames presented a petition of citizens of Benton county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator De Wolf presented a petition of citizens of Grundy county asking for the passage of the five mile limit bill.

Referred to Committee on Suppression of Intemperance.

Senator De Wolf presented a petition of citizens of Black Hawk county for the passage of the five mile limit bill.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Ames, Senate File No. 225, a bill for an act to transfer the control and management of the college for the blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8) of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the acts of the Thirty-third General Assembly.

Read first and second time and referred to Committee on Board of Control and Its Institutions.

Senator Webber moved that Calendar No. 16, House File No. 71, be made special order for next Tuesday at 10 o'clock.

Carried.

Senator Mattes asked unanimous consent to call up Calendar No. 12, Senate File No. 100.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Mattes, Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital, with report of committee recommending the adoption of a substitute and passage, was taken up, considered and the report of the committee adopted.

Senator Mattes moved that the substitute bill be substituted for the original bill.

Carried.

The bill was read for information.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Bennett, De Wolf, Francis, Gilliland, Hoyt, Larrabee, Quigley, Ream, Sammis, Saunders, Stuckslager, Sullivan, 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 Ames, Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds, with report of committee recommending passage was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Ames moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garret, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Bennett, DeWolf, Francis, Gilliland, McCulloch, Ream, Sammis, Saunders—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 McManus, Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a Department of Publicity, Development and General Welfare, and to levy a tax therefor, additional to Title V of the Code.

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

By Senator Larrabee, Senate File No. 227, a bill for an act to prevent oppressive garnishments and the transferring of claims to deprive debtors of exemption rights in the states of their residence.

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

By Senator Stuckslager, Senate File No. 228, a bill for an act placing the geological survey under the direction of the State Board of Education and making an appropriation for the support of said survey and the expenses of the State Geologist and his assistants.

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

By Senator Chase, Senate File No. 229, a bill for an act to amend Sections 1643 and 1645 of the Code, and amendatory of Chapter 2 of Title IX, of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

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

## THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64) acts of the Thirty-third (33) General Assembly relating to the government of certain cities, with report of committee recommending passage was taken up and considered.

The bill was read for information.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

De Wolf—1.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Clarkson, Francis, Gilliland, Hoyt, Mattes, Sammis, 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 Bennett, Senate File No. 68, a bill for an act to amend Sub-division Five, Section One Thousand Seven Hundred Nine (1709), Supplement to the Code, 1907, relating to indemnity insurance for owners of automobile and other motor vehicles, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved the adoption of the following amendment:

By striking out of the printed bill the words in lines 7, 8 and 9, reading as follows:

"But nothing herein contained shall be construed to authorize any company to insure against loss or damage to the person or



property of the insured, or any member of the insured's family, or employees of the insured."

Adopted.

The bill as amended was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

Malmberg—1.

Absent or not voting.

Chase, Clarkson, Francis, Gilliland, Hammill, Hoyt, McManus, Sammis, 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 Cowles, Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Cowles moved that the substitute be substituted for the original bill.

Adopted.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Fitchpatrick, Garrett, Gates, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—40.

The nays were:

None.

Absent or not voting.

Chase, De Wolf, Dunnegan, Francis, Gilliland, Hunter, McCulloch, Sammis, Stuckslager, Webber—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 Shelby, Senate File No. 24, a bill for an act to repeal Sub-division Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa, and to enact a substitute therefor pertaining to the exemption from taxation of an honorably discharged union soldier or sailor of the Mexican war or the war of the rebellion or of the widow of such soldier or sailor, with report of committee recommending the adoption of a substitute and passage, was taken up, considered and the report of the committee adopted.

On the question "Shall the substitute be substituted for the original bill?" a roll call was demanded.

The ayes were:

Ames, Balkema, Balluff, Crow, DeWolf, Dungean, Francis, Garrett, Hammill, Hunter, Jewell, Larrabee, Malmberg, Mattes, Ream, Savage, Schrup, Smith of Mitchell, Webber—19.

The nays were:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Chapman, Cowles, Gates, Hoyt, Legel, McColl, McCulloch, McManus, Neal, Parshall, Proudfoot, Quigley, Saunders, Smith of Shelby, Spaulding, White—21.

Absent or not voting.

Chase, Clarkson, Fitchpatrick, Gilliland, Sammis, Stuckslager, Sullivan, Taylor, Van Law, Wilson—10.

So the substitute was declared lost.

The bill was read for information.

Senator Smith of Shelby offered the following amendment and moved its adoption:

I move to amend Senate File No. 24 as follows: Strike out the word "auditor" in the fifth line from the bottom of the original bill and insert the word "assessor" in lieu thereof.

Adopted.

Senator Smith of Shelby 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Fitchpatrick, Garrett, Gates, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Wilson, White—37.

The nays were:

Jewell, Webber—2.

Absent or not voting.

Balkema, Balluff, Chase, Cowles, Dunnegan, Francis, Gilliland, Ream, Schrup, 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 Hoyt, Senate File No. 130, a bill for an act making appropriation to defray the expense of the Inaugural 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 Hoyt moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting.

Allen of Pocahontas, Brown, Chase, Cowles, Fitchpatrick, Gilliland, Parshall, Sammis, Saunders, Schrup, Stuckslager—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORT OF COMMITTEE.

Senator Francis from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred House File No. 1, a bill for an act to amend Section 1807-a10 of Supplement to the Code, 1907, and to amend Section 1106 of the Code of Iowa, relative to the extension of the choice of the people for United States Senator, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

That Section Four be amended by striking out the word and figures "ten (10)" as appears in the third line of Section Four, and inserting in lieu thereof the word and figure "nine (9)".

Also:

That Section Six be amended by crossing out the word "second" in the third line of the original bill, and inserting the word "first"; and when so amended the bill do pass.

L. E. FRANCES,  
*Chairman.*

Adopted.

#### THIRD READING OF BILLS.

Senate resumed consideration of Senate File No. 1, a bill for an act amending the law as it appears in Sections Ten Hundred and Eighty-seven-a-Ten (1087-a-10) Ten Hundred and

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 as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third General Assembly, relating to the nomination of Senators and Representatives in the General Assembly of the State of Iowa, and the nomination of party candidates for the office of Senator in the Congress of the United States, and providing for a vote at the regular election upon such party candidates for Senator.

On the adoption of the amendment offered by Senator Gilliland a roll call was demanded.

The ayes were:

Adams, Bennett, Brown, Chapman, Cowles, Hammill, Hoyt, McCulloch, Malmberg, Proudfoot, Saunders, Savage, Smith of Shelby, Stuckslager—14.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Baluff, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Webber, White—34.

Absent or not voting.

Gilliland and Wilson—2.

So the amendment was declared lost.

Senator Smith of Mitchell moved to Substitute House File No. 1, reported favorably this morning by the Committee on Elections, for Senate File No. 1, the bill under consideration.

Adopted.

Senator Smith of Mitchell moved the adoption of the following amendments proposed by the Committee on Elections:

That Section Four be amended by striking out the word and figures "ten (10)" as appears in the third line of Section Four, and inserting in lieu thereof, the word and figure "nine (9)"; also that Section Six be amended by crossing out the word "second", in the third line of the original bill, and inserting the word "first."

Adopted.

Senator Proudfoot offered the following amendment, and moved its adoption:

I move as a substitute for Section 1 of the printed bill, the following:

Section 1. Section Ten Hundred and Eighty-seven-a-ten (1087-a10) of the 1907 Supplement to the Code is hereby amended by inserting immediately following the blank signature line below the form for affidavit of candidacy contained therein the following:

"In case an elector seeks the nomination for the office of Senator or Representative in the General Assembly of the State of Iowa, he shall be furnished by the Secretary of State with an affidavit in the blank form required herein, except that there shall be printed thereon in addition to said form the following statement, which said candidate may sign, but if he does not do so, the Secretary of State shall not on that account refuse to file his nomination papers.

STATEMENT.

I further state to the people of Iowa, as well as to the people of my legislative district, that during my term of office I will always vote for the candidate for Senator in the Congress of the United States belonging to the political party with which I am affiliated who has received the highest number of said party's votes for that position at the general election next preceding the election of a Senator in Congress, without reference to my individual preference.

.....  
(Signature of candidate for nomination.)

Upon the primary ballot, below the name of such candidate, shall be printed the following statement:

Promises to abide by vote of his party on United States Senator.

Senator Chapman moved that the further consideration of the bill be postponed until next Tuesday morning at 11 o'clock.

Motion was lost.

On the question "Shall the amendment offered by Senator Proudfoot be adopted?" a roll call was demanded.

Senator Allen of Pocahontas moved that the further consideration of the bill be postponed until next Tuesday at 11 o'clock.

Senator DeWolf raised the point of order that a roll call having been demanded on the amendment, the motion was not in order.

The President ruled the point of order well taken.

Senator Proudfoot withdrew the demand for a roll call on the amendment.

Senator Allen of Pocahontas moved that the further consideration of the bill be postponed until next Tuesday at 11 o'clock.

Senator Smith of Mitchell demanded a roll call.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Chapman, Chase, Cowles, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, Malmberg, Neal, Proudfoot, Sammis, Sanders, Savage, Smith of Shelby, Spaulding—22.

The nays were:

Ames, Balkema, Balluff, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Legel, McManus, Mattes, Quigley, Ream, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—25.

Absent or not voting.

Gilliland, Larrabee, Parshall—3.

So the motion 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. 101.

A bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of Chapter Fifty-three (53) of the Acts of the Thirty-third General Assembly.

C. R. BENEDICT,

*Chief Clerk.*

Senator Smith of Mitchell moved that when the Senate adjourns it be until one o'clock this afternoon.

Senator Allen of Jefferson moved as an amendment that when the Senate adjourns it adjourn until 9 o'clock tomorrow morning.

Adopted.

Motion as amended prevailed.

Senator Allen of Jefferson asked unanimous consent for the use of the Senate chamber this afternoon for hearing for Committee on Suppression of Intemperance.

Consent granted.

Senator Webber moved that the further consideration of Senate File No. 1 be postponed until Monday at 10 o'clock.

Senator Hammill moved as an amendment that Senate File No. 1 be made a special order following special order No. 1, being House File No. 71.

Amendment adopted.

Motion as amended prevailed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House chamber under the direction of Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balke-  
ma, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boett-  
ger, Bowman, Brady, Brockway, Brown of Decatur, Brown of  
Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Web-  
ster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist  
Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf,  
Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Esch-  
er, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis,  
Fry, Fulton, Garrett, Gates, George, Gilbert, Goodykoontz, Greene,  
Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey,  
Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter,  
Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay,  
Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of  
Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, Mc-  
Cleery, McColl, McCulloch of Wayne, McCullough of Dubuque,  
McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque,  
Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Par-  
shall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley,



Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Scrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—156.

**Absent:**

Gilliland, Moore—2.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Esher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—54.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Harding, Hickenlooper, Hoyt, McCleery, McCulloch of Wayne, Malmbeug, Perkins, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousin, Felt, Finlayson, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard, Van Camp—45.

Those voting for A. B. Funk were:

Balkema, Bascom, Campbell of Ida, Cunningham, Dawson, Dixon, Francis, Hunter, Jewell, Klay, Lounsberry, Mattes, Neal, Newell, Sammiss, Smith of Mitchell, Sullivan, Van Law, Whitney—19.

Those voting for Warren Garst were:

Chase, Enger—2.

Those voting for Geo. W. Clarke were:

Harvey, Huntley—2.

Those voting for Henry Wallace were:

Edmunds—1.

Absent or not voting:

Gilliland, Moore—2.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Sater of Des Moines the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Chapman moved that Senate do now adjourn.

Carried.

Senate adjourned.

**JOURNAL OF THE SENATE**

**SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 11, 1911.**

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

Prayer was offered by Rev. H. E. Van Horn of Des Moines, Iowa.

On request of Senator Balkema, leave of absence was granted Senator Ames for the day.

On request of Senator Sullivan, leave of absence was granted him until next Tuesday.

On request of Senator Gilliland, leave of absence was granted Senator Van Law for the day.

On request of Senator Cowles, leave of absence was granted Senator Webber for the day.

**PETITIONS AND MEMORIALS.**

Senator Taylor presented a remonstrance of the Board of Supervisors of Appanoose county, protesting against the establishment of a State Highway Commission, etc.

Referred to Committee on Highways.

Senator Fitchpatrick presented a petition of the Nevada Commercial club favoring the reduction of the assessment of moneys and credits and the repeal of the tax ferret law.

Referred to committee on Ways and Means.

Senator Jewell presented a petition of citizens of Winneshiek county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Cowles presented a petition of citizens of Des Moines county favoring the five mile limit law, and the re-submission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Garrett presented a petition of citizens of Muscatine county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator McColl presented a petition of citizens of Dallas county favoring four year terms for county officers.

Referred to Committee on Judiciary.

Senator Smith of Shelby presented a remonstrance of the board of supervisors of Cass county protesting against proposed highway legislation.

Referred to Committee on Highways.

Senator Balluff presented a remonstrance of "The Upper Mississippi Gymnastic Union" protesting against the "daylight saloon" bill.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Cowles, Senate File No. 230, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (VI) of Title Twelve (XII) of the Code.

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

By Senator Balluff, Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

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

By Senator Jewell, Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-A-10 (4999-a-10), of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

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

By Senator Hunter, Senate File No. 233, 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 assessment of taxes.

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

By Senator Hunter, Senate File No. 234, a bill for an act to repeal Section Eighteen Hundred and Eighty-one (1881) of the Code and to enact a substitute therefor relating to the report by the Auditor of State to the Governor of the condition of banks.

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

Senator Brown offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

WHEREAS, A bill, H. R. No. 29346, known as the Sulloway bill, granting pensions to certain enlisted men, soldiers and officers who served in the civil war and the war with Mexico, has passed the House of Representatives in the Congress of the United States and is now pending in the Senate. Therefore, be it

*Resolved* by the General Assembly of the State of Iowa, That we heartily approve all of the provisions of said bill, and we hereby respectfully request our Senators in Congress to vote for and use every honorable means to secure its passage by the Senate of the United States as it passed the House of Representatives.

*Resolved*, That copies of this resolution, signed by the respective officers of both Houses, be sent to each of the Senators from Iowa in the Congress of the United States.

Adopted.

HOUSE MESSAGE CONSIDERED.

House File No. 101, a bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of Chapter Fifty-three (53) of the Acts of the Thirty-third General Assembly.

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

THIRD READING OF BILLS.

On motion of Senator Stuckslager House File No. 113, a bill for an act authorizing the issue of bridge bonds of cities of the first class, 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 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Dunnegan, Fitchpatrick, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Chase, Clarkson, Cowles, Crow, De Wolf, Francis, Garrett, Gilliland, Hoyt, McCulloch, McManus, Ream, Sullivan, Van Law, Webber—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 Sammis, House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sammis offered the following amendment and moved its adoption:

"I move that the words 'which has been recorded' be inserted after the word 'instrument' in the 8th line of the original bill.'"

Adopted.

Senator Sammis moved that the rule 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, White, Wilson—34.

The nays were:

Chase—1.

Absent or not voting:

Adams, Ames, Brown, Crow, De Wolf, Francis, Garrett, Larrabee, McCulloch, McManus, Parshall, Saunders, Sullivan, Van Law, Webber—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. 10, a bill for an act providing limitations for the commencement of actions relative to real property, additional to Chapter Two (2), Title Eighteen (XVIII) of the Code, was taken up for consideration.

Senator Sammis moved that the bill be indefinitely postponed for the reason it was identical with House File No. 6.

Adopted.

So the bill was indefinitely postponed.

On motion of Senator Allen of Jefferson, Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the Acts of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Jefferson moved the adoption of the following amendment:

By striking out the words "be and the same", appearing in the second line of said section.

Adopted.

The bill was read for information.

Senator Allen of Jefferson moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Crow, Fitehpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Brown, De Wolf, Dunnegan, McCulloch, McManus, Parshall, Saunders, Smith of Mitchell, Spaulding, Van Law, Webber—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### EXPLANATION OF VOTE.

Senator Spaulding filed the following:

MR. PRESIDENT—If I had been present when the vote on Senate File No. 67 was taken I should have voted "aye."

Respectfully,

H. W. SPAULDING.

#### THIRD READING OF BILLS.

On motion of Senator Sammis House File No. 158, 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 Akron, 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 Sammis 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larabee, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Ames, Brown, Cowles, De Wolf, Hoyt, McCulloch, McManus, Parshall, Ream, Saunders, Taylor, Van Law, Webber—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Smith of Shelby asked unanimous consent to have 400 extra copies of Senate File No. 206 printed.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan Senate File No. 14, a bill for an act to amend Section 227 of the Code, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth District, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Sullivan moved that the substitute be substituted for the original bill.

Adopted.

The bill was read for information.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow,

Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Ham-mill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malm-berg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, White, Wilson—44.

The nays were:

None.

Absent or not voting:

Ames, De Wolf, Hoyt, McCulloch, Van Law, Webber—6.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

#### MESSAGE 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. 11.

For an act to amend Section One (1) of Chapter One Hundred Eighty-four (184), Laws of the Thirty-third General Assembly, relative to the limit of indebtedness of independent school corporations.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

#### CONCURRENT RESOLUTION.

Requesting our Senators in the Congress of the United States to use every honorable means to secure the passage of the Sulloway bill in the United States Senate, granting pensions to certain men, soldiers and officers of the civil war and war with Mexico.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Bennett Senate File No. 85, a bill for an act to amend the law as it appears in Chapter One Hundred Forty-three (143), acts of the Thirty-third General Assembly, relating to the sale of intoxicating liquors at retail, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved the adoption of the following amendment:

“That Section Two, the publication clause, be stricken out.”

Adopted.

The bill was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bal-luff, Bennett, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Sammis, Saunders, Savage, Smith of Mitchell, Stuck-slager, Sullivan, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Ames, Brown, Chase, De Wolf, McCulloch, McManus, Parshall, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Van Law, Webber—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 Adams, House File No. 61, a bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code relative to taking private property for works of internal improvement and to prohibit the condemnation of ceme-teries, or any portion thereof, with report of committee recom-mending 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 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, Balkema, Balluff, Bennett, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Brown, Chapman, Cowles, De Wolf, Gilliland, Jewell, McCulloch, Mattes, Ream, Stucklager, Van Law, Webber—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 Wilson, Senate File No. 235, a bill for an act to require contracts for county bridges, buildings and other improvements to be let to the lowest responsible bidder, and to provide for advertisement for bids.

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

By Senator Dunnegan, Senate File No. 236, a bill for an act to better railroad passenger service, and defining what passenger service is reasonable.

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

By Senator Larrabee (by request), Senate File No. 237, a bill for an act empowering boards of county supervisors to appropriate money for educational purposes in relation to tuberculosis in man and animals.

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

By Senator Allen of Jefferson, Senate File No. 238, a bill for an act to repeal the law as it appears in Section Three Thousand

Four Hundred Forty-five (3445) of the Code relating to actions by or against legal representatives and to enact a substitute therefor.

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

By Senator McColl, Senate File No. 239, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.

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

REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 5, a bill for an act to amend the law as the same appears in the laws of the Thirty-third General Assembly of the State of Iowa, Chapter 134, relative to the limit of indebtedness of independent school districts, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 91, a bill for an act to amend Section One (1), Chapter One Hundred Eighty-four (184), Laws of the Thirty-third General Assembly, relating to the limit of indebtedness of independent school districts, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

H. L. ADAMS,

Senator Adams moved that the report of the committee be adopted.

Adopted.

*Chairman.*

So the bill was indefinitely postponed.

Senator Cowles from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 150, a bill for an act appropriating eighty-seven dollars and

fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice, 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. 150.

A BILL

For an Act Appropriating Seventy-one Dollars and Fifty Cents (\$71.50) to C. C. Jackson, to Reimburse Him for Expenses and Services Returning Fugitives from Justice.

WHEREAS, C. C. Jackson, now a resident of Polk County, was, October 7, 1909, appointed by B. F. Carroll, Governor of Iowa, as agent to demand of the Governor of Kansas the return of Laura McConkey and Jennie Pope Bane, fugitives from justice.

WHEREAS, The said C. C. Jackson presented the said requisition to the Governor of Kansas, and arrested and returned to the State of Iowa, on warrant issued in pursuance thereof, the said Laura McConkey and Jennie Pope Bane; and,

WHEREAS, The said Laura McConkey and Jennie Pope Bane were held to the grand jury, Polk County, Iowa, on the charge upon which said requisition was issued, and the said charge was dismissed by the District Court of Polk County, not by any fault or neglect on the part of those interested in the part of the prosecution; and,

WHEREAS, The expense incurred, and fees for serving the said requisition and warrant, were the sum of seventy-one dollars and fifty cents (\$71.50), and the said C. C. Jackson has not been paid any part of the same; therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby appropriated out of any money in the hands of the State Treasurer, not otherwise appropriated, the sum of seventy-one dollars and fifty cents (\$71.50), to be paid to the said C. C. Jackson, and the Auditor of the State of Iowa is hereby authorized to draw his warrant upon the State Treasurer in the sum of seventy-one dollars and fifty cents (\$71.50) in favor of C. C. Jackson, when said C. C. Jackson shall file with the Auditor of State of Iowa a receipt in full for all claims held by him against the state growing out of the extradition of Laura McConkey and Jennie Pope Bane; and when so amended the bill do pass.

LAMONTE COWLES,  
*Chairman.*

Substitute read first and second time.

Senator Cowles moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

## THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty 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 Francis moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Savage, Smith of Mitchell, Smtih of Shelby, Spaulding, Sullivan, Taylor, White—37.

The nays were:

Legel—1.

Absent or not voting:

Ames, De Wolf, Hoyt, McCulloch, McManus, Ream, Saunders, Schrup, Stuckslager, Van Law, Webber, 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 Neal from the Committee on Rules, offered the following report:

MR. PRESIDENT—Your Committee on Joint Rules of the House and Senate beg leave to submit the following report:

The Joint Rules of the Thirty-third General Assembly are hereby recommended to govern the Thirty-fourth General Assembly, with the exception that Rule 1 is amended to read as follows:

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 concur. In case said House refuses to concur, the House which adopted the amendment may either recede from or insist upon such amendment, and a motion to recede takes precedence 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.

Adopted.

Senator Jewell, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 174, a bill for an act establishing the state colony for epileptics and making an appropriation for the purchase of land and the erection of buildings for said colony, beg leave to report they have had the same under consideration and recommend the same be referred back to the Senate with the recommendation that it be referred to the Committee on Appropriations.

P. M. JEWELL,  
*Chairman.*

Adopted.

So the bill was re-referred to the Committee on Appropriations.

#### THIRD READING OF BILLS.

On motion of Senator Bennett, Senate File No. 25, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three



(2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school corporations, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Bennett moved that the substitute be substituted for the original bill.

Adopted.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunne-gan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuck-slager, Sullivan, Taylor, White, Wilson—42.

The nays were:

Cowles—1.

Absent or not voting:

Ames, De Wolf, Larrabee, McCulloch, Sammis, Van Law, Web-ber—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 Schrup, Senate File No. 103, a bill for an act to amend Section Thirteen Hundred Seventy (1370) relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes, with report of committee recommending the adoption of a substitute and pas-sage, was taken up, considered, and the report of the committee adopted.

Senator Schrup moved that the substitute be substituted for the original bill.

Adopted.

The bill was read for information.

Senator Schrup moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunne-gan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Ames, Chase, De Wolf, Garrett, McCulloch, Sammis, Savage, Schrup, Stuckslager, Sullivan, Van Law, Webber—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 Pocahontas, Senate File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor, relating to the office of the department of agriculture, and the salary of the secretary and his assistants, 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 by placing a period after the word "Secretary" in the last line thereof and striking from said last line the words "and his assistants."

Amendment adopted.

Senator Mattes offered the following amendment and moved its adoption :

I move to amend by adding after the word "Compensation" in line 7 of the printed bill the following: "not to exceed five thousand (\$5,000) per annum."

Senator Chase offered the following amendment to the amendment and moved its adoption :

By striking out "\$5,000" and inserting "\$3,000" in lieu thereof.

A roll call was demanded upon the amendment to the amendment.

The ayes were :

Adams, Chase, Dunnegan, Garrett, Jewell, Parshall, Quigley, Ream, Smith of Mitchell, Stuckslager—10.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Clarkson, Crow, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, Malmberg, Mattes, Neal, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Sullivan, White, Wilson—28.

Absent or not voting :

Ames, Bennett, Cowles, De Wolf, Legel, McCulloch, McManus, Proudfoot, Schrup, Taylor, Van Law, Webber—12.

So the amendment to the amendment was declared lost.

On the amendment offered by Senator Mattes a roll call was demanded.

The ayes were :

Adams, Balluff, Bennett, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Parshall, Quigley, Saunders, Savage, Schrup, Smith of Mitchell, Sullivan, Taylor, Wilson—28.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Brown, Chapman, Cowles, Hammill, Neal, Sammis, Smith of Shelby, Spaulding, Wilson—12.

Absent or not voting:

Ames, De Wolf, Legel, McCulloch, McManus, Proudfoot, Ream, Stuckslager, Van Law, Webber—10.

So the amendment was adopted.

Senator Adams moved that further consideration of the bill be deferred until 9:30 o'clock Monday morning.

Adopted.

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 84, a bill for an act to repeal Sections Two Thousand Five Hundred Sixty-four (2564), Two Thousand Five Hundred Seventy-four (2574), Two Thousand Five Hundred Seventy-five-a1 (2575-a1), Two Thousand Five Hundred Seventy-six (2576), Chapter Sixteen (16), Title Twelve (12), relating to the State Board of Health, and Sections Two Thousand Five Hundred Seventy-six (2576), Two Thousand Five Hundred Seventy-eight (2578), Two Thousand Five Hundred Eighty-three (2583), Chapter Seventeen (17), Title Twelve (12), relating to the practice of medicine and providing a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. W. BENNETT.

*Chairman.*

Senator Adams moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Senator Adams offered the following motion, and moved its adoption:

I move that the Secretary of the State Agricultural Society be requested to submit to this body an itemized statement showing the total receipts and disbursements and amount on hand in his office during the past two years.

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 240, a bill for an act to amend Section Nineteen Hundred Ninety-eight (1998) of the 1907 Supplement to the Code relating to the condemnation of additional lands for railway purposes.

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

By Senator Francis, Senate File No. 241, a bill for an act providing for an appropriation of Fifteen Hundred (\$1,500.00) Dollars per year for five years, for the maintenance of the Iowa Lakeside Laboratory on West Okoboji Lake, in Dickinson County, Iowa, and placing same under the State Board of Education.

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

The Journals of Wednesday, Thursday and Friday were taken up, corrected and approved.

#### HOUSE MESSAGE CONSIDERED.

#### SENATE CONCURRENT RESOLUTION.

Concurrent Resolution relative to requesting our Senators in the Congress of the United States to use every honorable means to secure the passage of the Sulloway bill in the United States Senate granting pensions to certain men, soldiers and officers of the Civil War and war with Mexico.

Passed on file.

Also:

House File No. 11, a bill for an act to amend Section One (1) of Chapter One Hundred Eighty-four (184) laws of the Thirty-third General Assembly relative to the limit of indebtedness of independent school corporations.

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

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

On request of Senator Taylor, Senator Proudfoot was excused for the day.

#### 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 Jefferson, Balkema, Bal-luff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, By-bee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Ed-munds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gil-liland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linan, Lounsberry, Lund, Mc-Cleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Scrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan Tay-lor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Whitney Wilson, Zeller—146.

Absent:

Ames, Brockway, Campbell of Ida, DeWolf, Escher, Hayes, Koontz, McCulloch of Wayne, Moore, Proudfoot, Van Law, Web-ber—12.

President Clarke announced the Joint Convention duly organ-ized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Represent-ative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—49.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Gilliland, Harding, Hickenlooper, Hoyt, McCleery, Malmberg, Perkins, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Zeller—31.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Beebe, Brady, Brown of Wright, Bybee, Campbell of Webster, Collin, Cunningham, Felt, Finlayson, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Huff, Hunt, Hutchins, Jacobs, Jacobson, Johnson, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Newell, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard, Van Camp—42.

Those voting for Warren Garst were:

Balkema, Bascom, Bruce, Chase, Cousins, Dawson, Dixon, Enger, Francis, Hunter, Jewell, Klay, Kulp, Lounsberry, Mattes, Neal, Sammis, Smith of Mitchell, Sullivan, Whitney—20.

Those voting for Geo. W. Clarke were:

Harvey, Huntley—2.

Those voting for Henry Wallace were:

Edmunds—1.

Absent or not voting:

Ames, Brockway, Campbell of Ida, DeWolf, Escher, Hayes, Koontz, McCulloch of Wayne, Moore, Proudfoot, Saunders, Van Law, Webber—13.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Clarkson moved that the Senate do now adjourn until 10 o'clock Monday morning.

Adopted.

Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEB. 13, 1911.

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

Prayer was offered by Rev. Archibald W. Sinden of Reinbeck, Iowa.

## PETITIONS AND MEMORIALS.

Senator Proudfoot presented a petition of citizens of Warren county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Shelby presented a petition of citizens of Shelby county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Schrup presented a remonstrance of the city council of Dubuque, Iowa, against the establishment of a Public Service Commission.

Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

By Senator Dunnegan, Senate File No. 242, a bill for an act to provide for the protection of bridges and drainage ditches and providing a penalty for the violation thereof.

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

By Senator Spaulding, Senate File No. 243, a bill for an act to repeal Section Twenty-three Hundred Forty-eight (2348) of the Code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty and prescribing punishment for the presentation of false or fraudulent claims for such bounty.

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

By Senator Legel, Senate File No. 244, a bill for an act to amend Section Sixteen Hundred Ten (1610) Chapter One (1) Title Nine (9) of the Code relating to filing fees of building and loan associations.

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

By Senator Legel, Senate File No. 245, a bill for an act to amend Section Nineteen Hundred Thirteen (1913) Chapter Thirteen (13), Title (9), relating to filing fees of building and loan associations.

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

By Senator Brown (By request), Senate File No. 246, a bill for an act to establish and maintain a State Normal School for the education and preparation of common and high school teachers, in connection with Tabor College, and making provision and appropriation therefor.

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

By Senator Hammill, Senate File No. 247, a bill for an act providing for the commitment of boys and girls to the Industrial School and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the acts of the Thirty-third (33) General Assembly.

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

By Senator Hammill, Senate File No. 248, a bill for an act making all children received in the Soldiers' Orphans' Home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

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

By Senator Hammill, Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the Industrial School, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907.

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

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 27, 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 including a municipal 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 by the adoption of the following substitute:

#### SUBSTITUTE FOR SENATE FILE NO. 27.

#### A BILL

For an Act Providing for an Award to a Woman or her Estate Arising from an Injury Caused by the Negligence or Wrongful Act of any Person, Firm or Corporation, Including a Municipal Corporation.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. When any woman receives an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation, she may recover for loss of time, medical attendance and other expenses incurred as a result thereof in addition to any elements of damages now recoverable by law; and if such injury result in causing death, her administrator may sue and recover for her estate, the value of her services as a wife or mother in such sum as the jury may deem proportionate to the injury resulting in her death, in addition to such damages as are now recoverable by law; also loss of services, expenses incurred, pain and suffering endured during disability before death if not previously recovered, and in such case of injury arising from wilful, gross, or wanton negligence, punitive damages may be allowed by the jury in addition to other damages herein provided, but in no event shall the amount recovered exceed the sum of Six Thousand Dollars (\$6,000.00); and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 57, a bill for an act to amend Section Two Thousand Three Hundred Eighty-four (2384) of the Code relating to the payment of an attorney's fee in actions brought under said section, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title so that the same shall read as follows:

"A bill for an act to amend Section Two Thousand Three Hundred Eighty-four (2384) of the Code relating to the payment of attorney's fee in prosecutions for nuisances"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 56, a bill for an act to amend Section Two Thousand Four Hundred Six (2406) of the Code Supplement, 1907, relative to the taxing of an attorney's fee in actions brought thereunder, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the title so that the same shall read as follows:

"A bill for an act to amend Section Two Thousand Four Hundred Six (2406) of the Supplement to the Code, 1907, relative to the taxing of an attorney's fee in actions brought to enjoin nuisances"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 58, a bill for an act to repeal Section Two Thousand Four Hundred and Twenty-nine (2429) of the Code relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate nuisances, 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 Judiciary, to whom was referred House File No. 67, a bill for an act to prohibit the exhibition of deformed, idiotic and abnormal persons, and providing penalties for the violation thereof, 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 Judiciary, to whom was referred Senate File No. 185, a bill for an act to amend Chapter Eleven (11), Laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges 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 Judiciary, to whom was referred Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the Council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent, 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 Judiciary, to whom was referred House File No. 10, a bill for an act to repeal Paragraph Twenty-nine (29) of Section Two Hundred Ninety-six (296) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the fees collected and paid to the county by the clerk of the District Court, beg leave to report they have the same under consideration and recommend the same be amended by the adoption of the following substitute:

SENATE SUBSTITUTE FOR HOUSE FILE NO. 10.

A BILL

For an Act to Repeal Paragraph Twenty-nine (29) of Section Two Hundred Ninety-six (296) of the Supplement to the Code, 1907, and to

Enact a Substitute Therefor Relating to the Fees Collected and Paid to the County by the Clerk of the District Court.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Paragraph Twenty-nine (29) of Section Two Hundred and Ninety-six (296) of the Supplement to the Code, 1907, is hereby amended so that the same shall read as follows:

"For all services performed in the settlement of the estate of any decedent, minor, insane person, or other persons laboring under any legal disability, except where actions are brought by the administrator, guardian, trustee or person acting in a representative capacity or against him, or as may be otherwise provided herein, where the value of the property of the estate does not exceed Three Thousand Dollars, three dollars; where such value is between Three and Five Thousand Dollars, five dollars; where such value is between Five and Seven Thousand Dollars, eight dollars; where such value is between Seven and Ten Thousand Dollars, Ten dollars; when such value is between Ten and Twenty-five Thousand Dollars, fifteen dollars; for each additional Twenty-five Thousand Dollars or major fraction thereof, there shall be taxed the further sum of ten dollars"; and when so amended the bill do appss.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the department of agriculture and the salary of the secretary and his assistants.

The bill as amended was read for information.

Further consideration of the bill was postponed.

On motion of Senator Smith of Shelby Senate File No. 127, a bill for an act to amend Section Two (2) of Chapter One Hundred and Two (102) of the acts of the Thirty-third General Assembly, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, by striking out certain words in said section, with report of committee recommending indefinite postponement, was taken up and considered.

Senator Balkema moved that the report of the Committee be adopted.

Senator Smith of Shelby demanded a roll call on the motion.

The ayes were:

Allen of Pocahontas, Balkema, Balluff, Chapman, Crow, De Wolf, Fitchpatrick, Francis, Gates, Hunter, Jewell, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Taylor, Van law, White, Wilson—28.

The nays were:

Adams, Allen of Jefferson, Bennett, Brown, Chase, Clarkson, Cowles, Dunnegan, Garrett, Gilliland, Hammill, Hoyt, Legel, Proudfoot, Quigley, Smith of Shelby—16.

Absent or not voting:

Ames, McCulloch, Stuckslager, Savage, Sullivan, Webber—6.

So the report of the committee was adopted, and the bill was indefinitely postponed.

On motion of Senator Balkema, Senate File No. 23, a bill for an act to repeal Section Two (2) of Chapter One Hundred and Two (102) of the acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, with report of committee recommending indefinite postponement, was taken up for consideration.

Senator Balkema moved that the report of the committee be adopted.

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. 53.

A bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the Code of 1897, relating to deposits in savings banks.

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. 139.

A bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Code, referring to the matter of pardons and remission of fines and forfeitures, and the powers 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 passed the following bill in which the concurrence of the Senate is asked:

HOUSE FILE NO. 162.

A bill for an act relating to security for costs in justice courts.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has accepted the recommendation of the Joint Committee on Rules and adopted the Joint Rules as recommended by said committee.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 legalizing the acts of cities and towns whereby ordinances of said cities and towns have heretofore changed the name or names of certain platted streets.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Gilliland asked unanimous consent to have dropped from the Calendar Senate File No. 35, 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.

Consent granted.

So Senate File No. 35 was dropped from the Calendar.



## HOUSE MESSAGES CONSIDERED.

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities and towns have heretofore changed the name or names of certain platted streets.

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

House File No. 53, a bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the Code of 1897, relating to deposits in savings banks.

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

House File No. 162, a bill for an act relating to security for costs in justice courts.

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

The House has accepted the recommendation of the Joint Committee on Rules and adopted the Joint Rules as recommended by said committee.

Passed on file.

Senate File No. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Code, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the board of parole.

Senator Proudfoot moved that the Senate concur in the following House amendments:

## HOUSE AMENDMENTS.

Amend Senate File No. 139 by striking out of line two of said title the words "of the Code" and inserting in lieu thereof the words "of the Supplement to the Code, 1907."

Amend Senate File No. 139 by striking out of line 2 of Section 1, the following words, "of the Code," and inserting in lieu thereof the following: "of the Supplement to the Code, 1907."

On the question "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow,

De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White—41.

The nays were:

None.

Absent or not voting:

Ames, Gates, Larrabee, McCulloch, Ream, Stuckslager, Sullivan, Wilson, Savage—9.

So the House amendments having received a constitutional majority, were declared concurred in by the Senate.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 6, a bill for an act to amend Section 4625 of the Code, relating to the Statute of Frauds was taken up for consideration.

Senator Allen of Pocahontas moved that the vote by which Senate File No. 6 passed the Senate and the vote by which the same passed to its third reading, be reconsidered.

Further consideration of the bill was postponed.

The president announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Balkema, Baluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright,

Bruce, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cuninghame, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larabee of Fayette, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schup, Shane, Shankland, Sherman, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—145.

Absent:

Ames, Bybee, Campbell of Ida, Hayes, Huntley, Jacobs, Leach, McCulloch of Wayne, O'Connor, Robbins, Skinner, Speer, Sullivan—13.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus,

Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Odendahl, Olson, Parshall, Penn, Qigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—50.

Those voting for Lafayette Young, Sr., were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Fourt, Fraley, Fulton, Gilliland, Harding, Harvey, Hickenlooper, McCleery, Malmberg, Moore, Perkins, Proudfoot, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Stipe, Stuckslager, Zeller—31.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Beebe, Brady, Brockway, Brown of Wright, Campbell of Webster, Collin, Cunningham, Felt, Finlayson, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hamill, Hogan, Hoyt, Huff, Hunt, Hutchins, Jacobson, Johnson, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Spaulding, Stillman, Stoddard, Van Camp—40.

Those voting for Warren Garst were:

Allen of Jefferson, Bascom, Bruce, Chase, Cousins, Dixon, Enger, Francis, Hunter, Jewell, Klay, Kulp, Lounsberry, Mattes, Neal, Sammis, Smith of Mitchell, Van Law, Whitney—19.

Those voting for J. U. Sammis were:

Balkema, Dawson, Newell—3.

Those voting for Henry Wallace were:

Edmunds—1.

Absent or not voting:

Ames, Bybee, Campbell of Ida, DeWolf, Hayes, Huntley, Jacobs, Leach, McCulloch of Wayne, O'Connor, Robbins, Skinner, Speer, Sullivan—14.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Hunter of Woodbury, the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

## INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald the west half of the north east quarter and the northwest quarter of Section Two, Township 70, North Range 43, west of the fifth principal meridian, in Fremont County, Iowa, and

WHEREAS, A part of Buckingham Lake was located on a portion of the west half of the northeast quarter and the northwest quarter of Section Two, Township 70, North Range 43, west of the Fifth P. M. in Fremont County, Iowa, and

WHEREAS, Frank M. Kephart, and his grantors have been in possession of all of said government subdivisions for more than thirty (30) years and have by drains, ditches and embankments reclaimed said lands at great expense and have regularly paid state and county taxes on said lands and have paid large sums for the drainage of the same, and,

WHEREAS, The County of Fremont on the 11th day of November, 1895, conveyed said premises by deed, to Mary E. McDonald, through its Board of Supervisors, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The certain deed executed by Fremont County, Iowa, and its Board of Supervisors on the 11th day of November, 1895, and recorded on the 11th day of November, 1895, in book 12, at page 275, of the deed records of Fremont County, Iowa, conveying the west half of the Northeast quarter and the Northwest quarter of Section 2, Township 70, North Range 43, west of the Fifth P. M. in Fremont County, Iowa, to Mary E. McDonald, is hereby declared valid and to pass to the said Mary E. McDonald, her heirs, executors or assigns, all the rights and title and interest of the State of Iowa, in and to said lands as well as the interest of Fremont County, Iowa.

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

By Senator Cowles, Senate File No. 251, a bill for an act concerning the commission plan of government in certain cities, additional to Chapter Fourteen-C (14-c) of the Supplement to the Code, 1907, and Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly.

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

By Senator Cowles, Senate File No. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor.

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

Senator Wilson moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE.

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 14, 1911

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

Prayer was offered by Rev. John O. Thrush of Spencer, Iowa.

On request of Senator Mattes leave of absence was granted Senator Saunders for the day.

## PETITIONS AND MEMORIALS.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Stuckslager presented a petition of citizens of Linn county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Proudfoot presented a petition of citizens of Warren county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Sammis presented a petition of citizens of Plymouth county favoring four year terms for county officers.

Referred to Committee on Judiciary.

Senator Sammis presented a petition of citizens of Ida Grove, Iowa, favoring more agricultural short courses.

Referred to Committee on Schools.

Senator DeWolf presented a remonstrance of citizens of Cedar Falls against the passage of the "Bulk Sales Bill."

Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

By Senator Balkema, Senate File No. 253, a bill for an act to regulate the hours of engineers and firemen operating stationery boilers and engines.

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

By Senator Proudfoot, Joint Resolution No. 4.

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 of 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.

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

#### 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. 219, a bill for an act to amend Section Five Thousand Seventy-one (5071), of the Code, relating to the unlawful wearing of badges, 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.

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

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

#### THIRD READING OF BILLS.

On motion of Senator Bennett, Senate File No. 45, a bill for an act to amend Section Three, Chapter Two Hundred Twenty-



three (223) of the Thirty-second General Assembly relating to the distribution of roster of Iowa soldiers, sailors and marines, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Bennett moved that the substitute be substituted for the original bill.

Carried.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, Jewell, Legel, McColl, McManus, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chapman, Clarkson, Francis, Ham-mill, Hoyt, Larrabee, McCulloch, Malmberg, Parshall, Sammis, Saunders, Smith of Mitchell, Spaulding—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 81, a bill for an act to repeal Section Fifty-one Hundred and Sixty-five (5165) of the Code and to enact a substitute therefor relating to the time in which indictments may be found for certain public

offenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 186, a bill for an act to amend Section Three Thousand One Hundred Seventy-three (3173) of the Code, relating to the trial of divorce actions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee, or commissioner, 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 Chase, Senate File No. 254, a bill for an act to provide for the support of the industrial school and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) of the Supplement to the Code, 1907.

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

By Senator Mattes, Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

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

By Senator Jewell, Senate File No. 256, 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.

#### THIRD READING OF BILLS.

On motion of Senator Jewell, Senate File No. 121, a bill for an act relating to the proof of title to real estate as affected by certain defects arising from conveyances and other instruments and otherwise prior to January 1, 1895, with report of committee recommending indefinite postponement was taken up, considered, and the report of the committee adopted.

So the bill was indefinitely postponed.

The Senate resumed consideration of Senate File No. 6, a bill for an act to amend Section Four Thousand Six Hundred and Twenty-five (4625) of the Code relating to the statute of frauds.

On the question "Shall the Senate reconsider the vote by which the bill passed to its third reading and the vote by which it passed the Senate?" a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Dunnegan, Francis, Hammill, Hunter, Larrabee, Mattes, Neal, Proudfoot, Smith of Shelby, Spaulding, Sullivan, Van Law—15.

The nays were:

Bennett, Brown, Chase, Clarkson, Cowles, Crow, Fitchpatrick, Gates, Gilliland, Jewell, Legel, McColl, Malmberg, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Taylor, Webber, White, Wilson—23.

Absent or not voting:

Ames, Balkema, Balluff, Chapman, DeWolf, Garrett, Hoyt, McCulloch, McManus, Saunders, Savage, Stuckslager—12.

So the Senate refused to reconsider.

On motion of Senator Van Law, House File No. 10, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-six (296) of the Supplement to the Code of 1907, relating to the fees collected and paid to the county by the clerk of the district court, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Van Law moved that the substitute be substituted for the original bill.

Carried.

Senator Van Law 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:

Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Bennett, Chase, Clarkson, Crow, Hoyt, Jewell, Legel, McColl, McCulloch, Saunders, Smith of Mitchell—14.

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. 156,

A bill for an act to provide for the committment of females to certain benevolent or charitable institutions, in certain cases, for the

violation of laws, ordinances or police regulations, and to require work from such persons so committed, and to provide for the supervision of such institutions by the Board of Control.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

HOUSE FILE NO. 50,

A bill for an act amending Section Eighteen Hundred Thirty-nine-1 (1839-1) of the Supplement to the Code of 1907 relating to the investment of funds and depositing of securities of fraternal beneficiary societies.

C. R. BENEDICT,  
*Chief Clerk.*

THIRD READING OF BILLS.

The hour having arrived, on motion of Senator Webber House File No. 71, a bill for an act to repeal Section Fourteen Hundred Seven-A (1407-a), Fourteen Hundred Seven-B (1407-b), Fourteen Hundred Seven-C (1407-c), Fourteen Hundred Seven-D (1407-d) and Fourteen Hundred Seven-E (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts, was taken up for consideration.

Senator Van Law offered the following amendment and moved its adoption:

Amend the substitute by striking therefrom Section One (1), and that the remaining sections be renumbered to conform to this amendment.

Senator Clarkson moved that the further consideration of the bill and the amendment proposed be postponed until tomorrow morning at 9:30.

On this motion a roll call was demanded.

The ayes were:

Allen of Jefferson, Balkema, Balluff, Clarkson, Crow, DeWolf, Dunnegan, Garrett, Larrabee, Legel, McManus, Neal, Parshall, Quigley, Ream, Schrup, Smith of Mitchell, Sullivan, Taylor, Webber, White, Wilson—22.

The nays were:

Adams, Allen of Pocahontas, Bennett, Brown, Chapman, Chase, Cowles, Fitchpatrick, Gilliland, Hammill, Hunter, Jewell, McColl, Malmberg, Mattes, Proudfoot, Sammis, Savage, Smith of Shelby, Spaulding, Stuckslager, Van Law—22.

Absent or not voting:

Ames, Francis, Gates, Hoyt, McCulloch, Saunders—6.

So the motion was declared lost.

Clarkson moved that further consideration of the bill and the amendment be postponed until after the consideration of Special Order No. 2.

On this motion a roll call was demanded.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Chase, Clarkson, Crow, DeWolf, Durmegan, Fitchpatrick, Francis, Garrett, Gates, Jewell, Legel, McManus, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Smith of Mitchell, Sullivan, Taylor, Van Law, Webber, White, Wilson—29.

The nays were:

Adams, Bennett, Brown, Chapman, Cowles, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Proudfoot, Sammis, Savage, Smith of Shelby, Spaulding, Stuckslager—18.

Absent or not voting:

Ames, Hoyt, Saunders—3.

So the motion prevailed.

On motion of Senator Smith of Mitchell, Special Order No. 2, House File No. 1, a bill for an act to amend Section Ten Hundred Eighty-seven-a-Ten (1087-a-10) of the Supplement to the Code of 1907, and to amend Section Eleven Hundred Six (1106) of the Code of Iowa, relative to the expression of the choice of the people for United States Senator, was taken up and considered.

Senator Mattes moved the previous question on the pending amendment and also upon the original bill.

Senator Proudfoot raised the point of order that the previous question cannot be ordered on the pending amendment and the original bill while a vote on the amendment is in order.

The President ruled the point of order not well taken.

On the question "Shall the main question be now put?" a roll call was demanded.

The ayes were:

Allen of Jefferson, Balkema, Balluff, Clarkson, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Larrabee, Legel, McManus, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Smith of Mitchell, Sullivan, Taylor, Van Law, Webber, White, Wilson—26.

The nays were:

Adams, Allen of Pocahontas, Bennett, Brown, Chapman, Chase, Cowles, Fitchpatrick, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Proudfoot, Sammis, Savage, Smith of Shelby, Spaulding, Stuckslager—21.

Absent or not voting:

Ames, Hoyt, Saunders—3.

So the previous question was ordered.

On the adoption of the pending amendment offered by Senator Proudfoot a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Bennett, Brown, Chapman, Gilliland, Hammill, McCulloch, Malmberg, Savage, Smith of Shelby, Spaulding, Stuckslager—13.

The nays were:

Allen of Pocahontas, Balkema, Balluff, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Sullivan, Taylor, Van Law, Webber, White, Wilson—32.

Absent or not voting:

Ames, Cowles, Hoyt, Hunter, Saunders—5.

So the amendment was declared lost.

Senator Smith of Mitchell moved that the rule 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:

Allen of Jefferson, Balkema, Balluff, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Sullivan, Taylor, Van Law, Webber, White, Wilson—31.

The nays were:

Adams, Allen of Pocahontas, Bennett, Brown, Cowles, Gilliland, Hammill, Hunter, McCulloch, Malmberg, Neal, Proudfoot, Savage, Smith of Shelby, Spaulding, Stuckslager—16.

Absent or not voting:

Ames, Hoyt, Saunders—3.

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 explanation of his vote:

I vote "No" on Senate File No. 1 for the reason that I cannot bring myself to believe that it is fair to the candidate and the voters, and for the further reason that I am opposed to snap judgments and the unwarranted manner in which this measure has been forced to a vote. My views are included in the attached proposed amendment.

Section 1. Section Ten Hundred and Eighty-seven-a-ten (1087-a10), of the 1907 Supplement to the Code is hereby amended by inserting immediately following the blank signature line below the form for affidavit of candidacy contained therein the following:

"In case an elector seeks the nomination for the office of Senator or Representative in the General Assembly of the State of Iowa, he shall be furnished by the Secretary of State with an affidavit in the blank form as required herein, except that there shall be printed thereon in addition to said form, the following statements, either of which said candidate may sign, but if he does not do so, the Secretary of State shall not on that account refuse to file his nomination papers.

STATEMENT NO. 1.

I further state to the people of Iowa, as well as to the people of my legislative district, that during my term of office, I will always vote for any candidate for Senator in the Congress of the United States who has received the highest number of the people's votes for that position at the general election next preceding the election of a Senator in Congress, without reference to my individual preference.

.....  
(Signature of Candidate for Nomination.)



## STATEMENT NO. 2.

I further state to the people of Iowa, as well as to the people of my legislative district, that during my term of office I will always vote for the candidate for Senator in the Congress of the United States belonging to the political party with which I am affiliated who has received the highest number of said party's votes for that position at the general election next preceding the election of a Senator in Congress, without reference to my individual preference.

.....  
*(Signature of Candidate for Nomination.)*

## STATEMENT NO. 3.

During my term of office, I shall consider the vote of the people for Senator in the Congress of the United States as nothing more than a recommendation, which I shall be at liberty to wholly disregard if the reason for doing so seems to me to be sufficient.

.....  
*(Signature of Candidate for Nomination.)*

Upon the primary ballot, below the name of such candidate, shall be printed one of the following statements, according to which of the preceding statements, if either, is signed by such candidate.

1. Promises to abide by the vote of the people on United States Senator.
2. Promises to abide by the vote of his party upon United States Senator.
3. Declines to be bound by vote of people on United States Senator.
4. Declines to make any statement in the form prescribed by statute.

J. H. ALLEN.

## EXPLANATION OF VOTE ON SENATE FILE NO 1, KNOWN AS THE OREGON PLAN.

My vote for the bill was simply for the purpose of having an opportunity to file a motion to reconsider the vote taken. I am radically opposed to the measure.

H. R. CHAPMAN,

Senator Smith of Mitchell moved that the vote by which the Senate passed House File No. 1 be reconsidered and that the motion to reconsider be laid upon the table.

On the adoption of the motion a roll call was demanded.

The ayes were:

Allen of Jefferson, Balkema, Bennett, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding Sullivan, Taylor, Van Law, Webber, White, Wilson—33.

The nays were:

Adams, Allen of Pocahontas, Brown, Chapman, Cowles, Gilliland, Hammill, McCulloch, Malmberg, Proudfoot, Savage, Smith of Shelby, Stuckslager—13.

Absent or not voting:

Ames, Balluff, Hoyt, Saunders—4.

So the motion prevailed.

REPORTS OF COMMITTEES.

Senator Sammis, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—Your Committee on Corporations to whom was referred Senate File No. 42, a bill for an act to establish a Public Service Commission, beg leave to report they have had the same under consideration and recommend the same be amended by the adoption of a substitute, and when so amended the bill be reported to the Senate without recommendation.

J. U. SAMMIS,  
*Chairman.*

Substitute read first and second time.

Senator Sammis asked unanimous consent to have 800 copies of the substitute for Senate File No. 42 printed, and that the substitute be not printed in the Journal.

Consent granted.

Senator Van Law moved that Senate File No. 42 and the substitute recommended by the Committee on Corporations, be referred to the Committee on Judiciary.

On the adoption of this motion a roll call was demanded.

The ayes were:

Allen of Jefferson, Brown, Clarkson, DeWolf, Francis, Garrett, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Proudfoot, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law—20.

The nays were:

Bennett, Chase, Dunnegan, Legel, McCulloch, Parshall, Sammis, Savage, Sullivan, Webber, White—11.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Chapman, Cowles, Crow, Fitchpatrick, Gates, Gilliland, Hoyt, McManus, Malmberg, Mattes, Quigley, Saunders, Stuckslager, Wilson—19.

So the bill was referred to the Committee on Judiciary.

## THIRD READING OF BILLS.

The Senate resumed consideration of House File No. 71, a bill for an act to repeal Section Fourteen Hundred Seven-A (1407-a), Fourteen Hundred Seven-B (1407-b), Fourteen Hundred Seven-C (1407-c), Fourteen Hundred Seven-D (1407-d) and Fourteen Hundred Seven-E (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

Further consideration of the bill was postponed and made a Special Order for 9:30 o'clock tomorrow morning.

Senator Stuckslager moved that when the Senate adjourn it be until 1:30 this afternoon.

Motion lost.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Balkema, Bal-luff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dab-ney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitch-patrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutch-

ins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Scrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—153.

Absent:

Ames, Campbell of Ida, Huntley, Krebill, Saunders—5.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Lafayette Young, Sr., were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Fourt, Fraley,

Fulton, Gilliland, Harding, Harvey, Hickenlooper, McCleery, McCulloch of Wayne, Malmberg, Moore, Proudfoot, Robbins, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Zeller—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Beebe, Brady, Brockway, Bybee, Brown of Wright, Campbell of Webster, Collin, Cousins, Cunningham, Felt, Finlayson, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hogan, Hoyt, Huff, Hunt, Hutchins, Jacobs, Jewell, Johnson, Larrabee of Webster Larrabee of Fayette, Lund, McColl, Patterson, Perkins, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stoddard, Van Camp—44.

Those voting for Warren Garst were:

Bascom, Bruce, Chase, Dixon, Enger, Hunter, Jewell, Kulp, Lounsberry, Mattes, Neal, Sammis, Smith of Mitchell, Stillman, Sullivan, Whitney—16.

Those voting for J. U. Sammis were:

Balkema, Dawson, Klay, Francis—4.

Those voting for Henry Wallace were:

Edmunds—1.

Absent or not voting:

Ames, Campbell of Ida, Huntley, Krebill, Saunders, Van Law—6.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Hoyt of Buchanan the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Webber moved that the Senate do now adjourn until 9:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY, 15, 1911.

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

Prayer was offered by Rev. Joe Goodsell of Lenox, Iowa.

On request of Senator Savage, leave of absence was granted Senator Proudfoot for the day.

## PETITIONS AND MEMORIALS.

Senator Francis presented a petition of citizens of Dickinson County favoring the modification of the laws permitting chiropractors to practice in the state.

Referred to Committee on Public Health.

Senator Brown presented a remonstrance of citizens of Decatur County against placing school funds in the hands of county treasurers.

Referred to Committee on Schools.

Senator Francis presented a petition of citizens of Emmett and Palo Alto Counties favoring four year terms for county officers.

Referred to Committee on Judiciary.

Senator Allen of Jefferson presented a petition of citizens of Jefferson County favoring the enactment of "the five mile limit bill."

Referred to Committee on Suppression of Intemperance.

Senator Francis presented a remonstrance of city council of Spencer, Iowa, against the enactment of the "Public Utilities Bill."

Referred to Committee on Cities and Towns.

Senator Legel presented a petition of citizens of Floyd county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Smith of Mitchell presented a petition of citizens of Mitchell County favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator McCulloch presented a petition of citizens of Wayne County favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Balluff, Senate File No. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention house for dependent, neglected and delinquent children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor.

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

Senator Balluff asked unanimous consent to withdraw Senate File No. 80 from the Committee on Appropriations and from further consideration by the Senate.

Consent granted.

#### HOUSE MESSAGE CONSIDERED.

House File No. 50, a bill for an act amending Section Eighteen Hundred Thirty-nine-1 (1839-1) of the Supplement to the Code of 1907 relating to the investment of funds and depositing of securities of fraternal beneficiary societies.

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

House File No. 156, a bill for an act to provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regula-

tions, and to require work from such persons so committed, and to provide for the supervision of such institutions by the board of control.

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

REPORTS OF COMMITTEES.

Senator Mattes, 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 making an appropriation to pay for extra clerical assistance in the office of the State Board of Health, beg leave to report they have had the same under consideration and recommend the same do pass.

JOSEPH MATTES,  
*Chairman.*

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Supplement to the Code, 1907, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the Board of Parole.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Supplement to the Code, 1907, referring to the matter of



pardons and remission of fines and forfeitures, and the powers of the Board of Parole.

ED. P. MALMBERG,  
*Chairman Senate Committee,*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

Also:

House File No. 61, a bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof.

Also:

House File No. 113, a bill for an act authorizing the issue of bridge bonds by cities of the first class.

Also:

House File No. 158, 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 Akron, Iowa.

ED. P. MALMBERG,  
*Chairman Senate Committee,*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

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

#### REPORT OF COMMITTEE.

Senator Chase, 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. 1, ratifying the amendment to the Constitution of the United States proposed by Congress as the Sixteenth Amendment thereto, relative to laying and collecting a tax on income, beg leave to report they have had the same under consideration and recommend the same do pass.

D. C. CHASE,  
*Chairman.*

Ordered passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Spaulding, Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the town of Montezuma, Iowa, and the con-

tract therefor made by the council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (1.750.00) with interest thereon payable annually at the rate of six per cent, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Spaulding moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Chapman, De Wolf, Francis, Gates, Hoyt, Larrabee, McColl, Proudfoot, Sammis, Saunders, Stuckslager, Sullivan—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 passed the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution relative to the printing of copies of the Rules of the Thirty-fourth General Assembly and the distribution thereof.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

The time having arrived for the special order, the Senate took up for consideration House File No. 71, a bill for an act to repeal Section Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

Senator Sammis offered the following substitute amendment and moved its adoption:

I move as a substitute for the amendment offered by the Senator from Marshall to strike out the period following the word law in the first sentence of Section One, insert a comma in lieu thereof, and add the following words, to-wit: "Where the compensation of such person depends or is based upon the amount of omitted property discovered or the amount of tax collected".

The substitute was substituted for the original amendment.

Senator Gilliland moved that further consideration of the bill be deferred until tomorrow morning at 10 o'clock.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Jefferson, Brown, Clarkson, Garrett, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, White—16.

The nays were:

Allen of Pocahontas, Balkema, Balluff, Bennett, Chapman, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Hoyt, Jewell, Legel, McManus, Parshall, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stauckslager, Sullivan, Taylor, Webber, Wilson—30.

Absent or not voting:

Adams, Ames, Proudfoot, Van Law—4.

So the motion was lost.

Senator Gilliland moved that further consideration of the bill be deferred until 9:30 o'clock tomorrow morning.

On this motion a roll call was demanded.

Those favoring the motion were:

Senators Adams, Allen of Jefferson, Brown, Gilliland, Hammill, Hunter, McColl, McCulloch, Malmberg, Parshall, Ream—11.

The nays were:

Allen of Pocahontas, Balkema, Balluff, Bennett, Chase, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Francis, Gates, Hoyt, Legel, McManus, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber, Wilson—29.

Absent or not voting:

Ames, Chapman, Dunnegan, Garrett, Jewell, Larrabee, Proudfoot, Quigley, Van Law, White—10.

So the motion was lost.

On the adoption of the substitute amendment a roll call was demanded:

On the question "Shall the substitute amendment be adopted?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Brown, Chapman, Clarkson, Crow, DeWolf, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Van Law, White—29.

The nays were:

Balluff, Chase, Cowles, Fitchpatrick, Mattes, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Webber—12.

Absent or not voting:

Ames, Bennett, Dunnegan, Larrabee, Proudfoot, Saunders, Sullivan, Taylor, Wilson—9.

So the substitute amendment was adopted.

Senator Francis offered the following amendment and moved its adoption:

"I move to amend Section Two (2) by striking therefrom the words and figures "1407-a" found in lines one (1) and two (2) thereof."

Senator Stuckslager moved that further consideration of the bill be postponed until tomorrow morning at 10:15 o'clock.

On this motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Jefferson, Balkema, Brown, Chapman, Chase, Cowles, Gilliland, Hoyt, Larrabee, McCulloch, Malmberg, Parshall, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Stuckslager, Webber—18.

The nays were:

Adams, Allen of Pocahontas, Balluff, Bennett, Clarkson, Crow, DeWolf, Fitchpatrick, Francis, Gates, Hammill, Legel, McColl, Neal, Quigley, Sammis, Schrup, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—23.

Absent or not voting:

Ames, Dunnegan, Garrett, Hunter, Jewell, McManus, Mattes, Proudfoot, Savage—9.

So the Senate refused to postpone the further consideration of the bill.

Senator Allen of Jefferson moved that the further consideration of the bill be postponed until 9:45 o'clock tomorrow morning:

Senator Adams moved that the motion of Senator Allen of Jefferson be laid upon the table.

Motion prevailed.

The amendment offered by Senator Francis was adopted.

Senator Chase offered the following amendment and moved its adoption:

"I move to amend by adding this proviso following the word 'collected' as it appeared in the first line of Section 1 of the bill as amended."

"Provided that such assistants shall reside in the county where such contract is made, and such salary or compensation shall not exceed \$2.50 per day."

Senator Webber moved that the bill be recommitted to the Committee on Ways and Means.

On the motion a roll call was demanded.

Those favoring the motion were:

Senators Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Fitchpatrick, Hoyt, Larrabee, McCulloch, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager, Webber—13.

The nays were:

Adams, Balluff, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Spaulding, Sullivan, Van Law, White, Wilson—30.

Absent or not voting:

Ames, Chapman, Proudfoot, Sammis, Saunders, Schrup, Taylor—7.

So the Senate refused to recommit the bill to the Committee on Ways and Means.

Senator Hammill moved that the amendment offered by Senator Chase be laid on the table.

On the motion a roll call was demanded:

Those favoring the motion were:

Senators Adams, Hammill, McCulloch, Malmberg, Parshall—5

The nays were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber, White, Wilson—37.

Absent or not voting:

Ames, Chapman, Gilliland, Larrabee, Proudfoot, Quigley, Ream, Van Law—8.

So the Senate refused to lay the amendment on the table.

Senator Clarkson offered the following amendment to the amendment offered by Senator Chase and moved its adoption:

"I move to amend the proposed amendment by striking out the words and figures, 'Two dollars and fifty cents (\$2.50)' and substituting therefor the words 'Four dollars.'"

The amendment to the amendment was adopted.

On the adoption of the amendment as amended a roll call was demanded.

Those favoring the adoption of the amendment were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Jewell, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber, White—39.

The nays were:

Malmberg, Ream—2.

Absent or not voting:

Adams, Ames, Hunter, Larrabee, Legel, Proudfoot, Quigley, Van Law, Wilson—9.

So the amendment as amended was adopted.

Senator Francis moved that the further consideration of the bill be postponed until 9:25 o'clock tomorrow morning.

Motion prevailed.

Senator Mattes from the Committee on Appropriations returned to the Senate Senate File No. 80, as requested.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 258, a bill for an act to amend the law as it appears in Section Three Thousand Four Hundred and Forty-seven-c (3447-c) of the Supplement to the Code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

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

By Senator Balkema, Senate File No. 259, a bill for an act to repeal Section Four Thousand Eleven (4011) of the Code and to enact a substitute therefor relative to personal incomes.

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

By Senator Francis, Senate File No. 260, a bill for an act creating the offices of fish commissioner and of game commissioner, prescribing their duties, terms of office and salaries, and amending Section Twenty-five Hundred and Thirty-nine (2539) of the Code, changing and prescribing the term of office, duties and salary of the state fish and game warden, placing the expenditure of the fish and game protection funds with said officers, to be known as the fish and game council; repealing Section Nine of Chapter One Hundred Fifty-three, and Sections Two, Four and Ten of Chapter One Hundred Fifty-four of the acts of the Thirty-third General Assembly, relating to the appointment of deputies and issuing hunting licenses, and enacting substitutes therefor, and amending Sections Five, Six and Seven of Chapter One Hundred Fifty-four of the Acts of the Thirty-third General Assembly, relating to license fees and expenditure of the state fish and game protection fund.

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

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 139, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Supplement to the Code, 1907, referring to the matter of pardons and remission of fines and forfeitures, and the powers of the Board of Parole.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 261, a bill for an act relating to the payment of moneys to the clerk of the courts and requiring the same to be paid to the county treasurer.

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

The President announced that as President of the Senate he had signed in the presence of the Senate, House File Nos. 113, 158 and 61, and Senate File 139.



## HOUSE MESSAGE CONSIDERED.

Concurrent Resolution relative to publishing the rules of the Thirty-fourth General Assembly:

## HOUSE CONCURRENT RESOLUTION.

*Resolved by the House, the Senate Concurring:*

That the Clerk of the House and the Secretary of the Senate be instructed to compile and order printed for the use of the House and the Senate, and the officers thereof, and for general distribution, twelve hundred (1,200) copies of pocket size, of the rules of the Thirty-fourth General Assembly, and that two hundred and fifty (250) copies be sewed and bound in flexible leather, one hundred seventy (170) for the House, which shall be delivered to the chief clerk thereof for distribution, and eighty (80) for the Senate, which shall be delivered to the secretary thereof for distribution; that each member of the General Assembly be supplied with one copy in leather cover with his name printed thereon; and one thousand (1,000) be stitched and bound in paper covers for general distribution.

Read first and second time.

Passed on file.

Senator Chase asked unanimous consent that the House Concurrent Resolution be now considered.

Consent granted.

Senator Chase moved that the Senate concur in the House Concurrent Resolution.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator DeWolf.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousin, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Scrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—152.

Absent:

Ames, Campbell of Ida, Hoyt, Huntley, Krebill, Proudfoot—6.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator De Wolf of Grundy.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett,

Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor, of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown, of Decatur, Chapman, Chase, Cousins, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Fourt, Fulton, George, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Moore, Neal, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—47.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cunningham, Felt, Finlayson, Fitchpatrick, Francis, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—46.

Those voting for Warren Garst were:

Enger, Mattes, Sammis—3.

Those voting for J. U. Sammis were:

Dawson, Fraley, Klay—3.

Absent or not voting:

Ames, Campbell of Ida, De Wolf, Hoyt, Huntley, Krebill, Proudfoot—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Hammill of Hancock moved that after the reading and correction of the Journal the Joint Convention be dissolved.

Senator Van Law of Marshall moved as a substitute that a second ballot be called for.

On the question "Shall the substitute be adopted?"

The ayes were:

Adams, Allen of Jefferson, Balkema, Beans, Bowman, Chapman, Chase, Daniels, Dixon, Enger, Finlayson, Fraley, Fulton, Gates, George, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Kulp, Lounsberry, McCleery, Mattes, Miller of Bremer, Moore, Saunders, Shane, Smith of Mitchell, Speer, Stipe, Sullivan, Van Law, Whitney—35.

Those voting no were:

Allen of Pocahontas, Balluff, Bascom, Bauman, Beebe, Bennett, Black, Boettger, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Felt, Fitchpatrick, Fletcher, Fourt, Francis, Fry, Garrett, Gilbert, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Hayes, Hazen, Huff, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Linnan, Lund, McColl, McCullough of Dubuque, Malmberg, Miller of Dubuque, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Shelby, Spaulding, Stillman, Stoddard, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Wilson—106.

Absent or not voting:

Ames, Campbell of Ida, Dawson, Edmunds, Hoyt, Huntley, Klay, Krebill, Lenoeker, McCulloch of Wayne, McManus, Milton, Proudfoot, Quigley, Stephenson, Webber, Zeller—17.

Substitute motion was lost.

Motion to dissolve prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn until 9:00 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 16, 1911. . .

Senate met in regular session at 9:00 A. M., President Clarke presiding.

Prayer was offered by Rev. H. A. Keck of Garner, Iowa.

On request of Senator Savage, Senator Stuckslager was excused for the day.

## PETITIONS AND MEMORIALS.

Senator Webber presented a petition of citizens of Wapello County favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Bennett presented a petition of citizens of Taylor County favoring the State Counselor law.

Referred to Committee on Commerce and Retail Trade.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Jefferson presented a petition of citizens of Jefferson County, favoring four year terms for county officers.

Referred to Committee on Judiciary.

Senator Allen of Pocahontas presented a petition of citizens of Postville, Iowa, favoring the Commerce Counsel law.

Referred to Committee on Railroads.

Senator De Wolf presented a petition of citizens of Black Hawk County favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

## INTRODUCTION OF BILLS.

By Senator McCulloch, Senate File No. 262, a bill for an act to amend Section 4999-a 38 of Chapter 10-b of the 1907 Code Supplement, relating to the enforcement of the Pure Drug laws.

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

Senator Smith of Mitchell was called to the chair at 9:05 A. M.

REPORTS OF COMMITTEES.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House File No. 96, a bill for an act to repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the Supplement to the Code of 1907, as amended by Chapter One Hundred Sixty-three (163) of the acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs 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:

A comma be inserted after the word "dentist" in the sixth line of Section 2 of the printed bill, following the comma the words: "Who is personally known to such person, firm or corporation," and a comma to follow the word "corporation"; and when so amended the bill do pass.

G. W. McCULLOCH,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House File No. 97, a bill for an act to amend Section Twenty-five Hundred Eighty-nine-b (2589-b) of the Supplement to the Code of 1907, relating to the practice of pharmacy, beg leave to report they have had the same under consideration and recommend the same do pass.

G. W. McCULLOCH,  
*Chairman.*

Ordered passed on file.

THIRD READING OF BILLS.

On the motion of Senator Ames, Senate File No. 155, a bill for an act to amend the law as it appears in Section Two Hundred Fifty-four-a-Three (254-a-3) Supplement to the Code, 1907, relating to the charges for services for shorthand reporters, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Ames moved the adoption of the following amendment:

Amend Section 1 by inserting before the word "be" in the second line the words "Supplement to the Code, 1907".

The bill as amended was read for information.

Senator Ames moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Taylor, Van Law, Webber, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balkema, Chapman, De Wolf, Francis, Garrett, Hoyt, Larrabee, Legel, McManus, Proudfoot, Quigley, Saunders, Schrup, Spaulding, Stuckslager, Sullivan—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, 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.*

Senator Cowles moved that the report of the committee be adopted.

Adopted.

#### INTRODUCTION OF BILLS.

By Senator White, Senate File No. 263, a bill for an act to amend the law as it appears in Section Two Thousand Five Hundred Seventy-nine, (2579) of the Code, 1907, relating to medical and surgical practitioners.



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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 211, a bill for an act to confirm the title of John A. Jasensky to the southeast quarter of the Southwest quarter of Section 14 Township 84 North Range 29 west 5th P. M., Greene County, Iowa, and authorizing the issuance of 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 Senate is asked:

House File No. 217, a bill for an act authorizing cities and towns acting under special charter to change the name of streets and provide for the filing of the same with the county 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. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools 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. 33, a bill for an act to amend Section Two Thousand Seven Hundred Ninety-four-a (2794-a) of the Supplement to the Code, 1907, relating to the organization of consolidated independent school districts.

C. R. BENEDICT,  
*Chief Clerk.*

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

## INTRODUCTION OF BILLS.

By Senator Ream, Senate File No. 264, a bill for an act to create a miners' examining board in each mine inspection district of the state, to provide for the examination of persons seeking employment as coal miners, to prevent the employment of incompetent persons as miners, and to provide penalties for the violation of the same.

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

By Senator Ames, Senate File No. 265, a bill for an act to provide for the support of the college for the blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-Seven Hundred Eighteen-a (2718-a) of the Supplement to the Code, 1907.

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

By Senator Ames (By request) Senate File No. 266, a bill for an act to make an appropriation for the Farmers' Institute of Benton 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.

## THIRD READING OF BILLS.

The hour having arrived, the Senate resumed consideration of House File No. 71, a bill for an act to repeal Section Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.

Senator Sammis offered the following substitute for Section One of the bill.

"I move as a substitute for Section One, as amended, the following:

Section 1. It shall be unlawful for the council of any city or town, including cities under special charter and the commission plan, or

for the board of supervisors of any county, to employ or contract with any person, corporation or firm to assist the proper officers in the discovery of property not listed or assessed for taxation as required by law. Any acts or parts of acts in conflict herewith are hereby repealed.

Senator Smith of Shelby moved the previous question on the substitute.

On the motion "Shall the main question be now put?" a roll call was demanded.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Hoyt, Jewell, Larrabee, McColl, Mattes, Neal, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White—32.

The nays were:

Clarkson, Francis, Garrett, Gilliland, Hammill, Hunter, McCulloch, Malmberg, Parshall, Proudfoot, Van Law—11.

Absent or not voting:

Adams, De Wolf, Legel, McManus, Ream, Stuckslager, Wilson—7.

So the previous question was ordered.

On the question "Shall the substitute for Section One of the original bill be adopted?" a roll call was demanded.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Hoyt, Hunter, Jewell, Larrabee, McColl, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White—32.

The nays were:

Clarkson, Francis, Garrett, Gilliland, Hammill, McCulloch, Malmberg, Parshall, Proudfoot, Quigley, Ream, Van Law—12.

Absent or not voting:

Adams, De Wolf, Legel, McManus, Stuckslager, Wilson—6.

So the substitute was adopted.

Senator Mattes moved that the vote by which House File No. 71 was amended by striking out the words and figures 1407-a found in lines One (1) and Two (2) of Section Two (2) thereof be reconsidered.

Carried.

Senator Francis filed the following amendment:

I move to amend the substitute by striking out the period after the word "law" at the close of the first paragraph in Section One (1), substituting a comma therefor and adding the following words: "Where the compensation depends or is based upon the amount of omitted property discovered or the amount of tax collected; provided, however, that their compensation shall not exceed \$3.00 per day and they must be residents of the county within which the service is rendered.

Senator Bennett moved the previous question on the pending amendments and on the bill.

The previous question was ordered.

On the amendment offered by Senator Francis yesterday, a roll call was demanded:

The ayes were:

Ames, Clarkson, De Wolf, Francis, Garrett, Gilliland, Hammill, Legel, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Quigley, Ream, Van Law—16.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Hoyt, Hunter, Jewell, Larrabee, McColl, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—32.

Absent or not voting:

Adams, Stuckslager—2.

So the amendment was lost.

On the amendment offered by Senator Francis this morning a roll call was demanded.

The ayes were:

Ames, Clarkson, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hammill, Legel, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Quigley, Ream, Van Law—17.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Fitchpatrick, Gates, Hoyt, Hunter, Jewell, Larrabee, McColl, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, Wilson—30.

Absent or not voting:

Adams, Stuckslager, White—3.

So the amendment was lost.

Senator Webber 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Gates, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—34.

The nays were:

Clarkson, Francis, Garrett, Gilliland, Hammill, McCulloch, Malmberg, Parshall, Proudfoot, Ream, Van Law—11.

Absent or not voting:

Adams, Dunnegan, Fitchpatrick, Quigley, Stuckslager—5.

Senator Sammis moved to amend the title so as to read as follows:

A BILL.

For an act making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discovery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d), and Fourteen Hundred Seven-e (1407-e), of the Supplement to the Code, 1907.

Carried.

So the bill having received a constitutional majority, was declared to have passed the senate and its title as amended agreed to.

Senator Adams filed the following explanation:

I am opposed to the passage of House File No. 71, but am paired with Senator Stuckslager, who is for the bill.

HENRY L. ADAMS.

Senator Sammis moved that the vote by which House File No. 71 passed the Senate be reconsidered and that this motion be laid upon the table.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Clarkson Senate File No. 27, 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, including a municipal corporation, and providing a remedy in behalf of the husband, with report of committee recommending the adoption of a substitute and passage, was taken up for consideration.

The substitute was read for information.

Senator Clarkson moved that the substitute be substituted for the original bill.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

“I move to amend by striking from Section One (1) the words: ‘Pain and suffering endured during disability.’”

Senator Clarkson moved that further consideration of the bill be postponed until tomorrow morning and be made a special order for 10 o'clock.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Allen of Pocahontas, Senate File No. 267, a bill for an act to repeal Sections Twenty-six Hundred Thirty-four-d (2634-d) and Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, relative to the renewal of state certificates.

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

By Senator De Wolf, Senate File No. 268, a bill for an act to amend the law as it appears in Section Five Thousand Seventy-eight (5078) of the Code relating to nuisances and abatement thereof.

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

By Senator Chapman, Senate File No. 269, a bill for an act to provide additional support for the wardens of the reformatory at Anamosa and the state penitentiary at Fort Madison, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions; repealing Sections Five Thousand Seven Hundred and Seventeen (5717) and Five Thousand Seven Hundred and Eighteen (5718) of Chapter Two (2), Title Twenty-six (XXVI), of the Code and the law as found in Sections Five Thousand Seven Hundred and Sixteen (5716) and Five Thousand Seven Hundred and Eighteen-a-Twenty-eight (5718-a28), Chapter Two (2), Title Twenty-six (XXVI) of the Supplement to the Code, 1907.

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

President Clark resumed the Chair at 11:55 o'clock.

#### INTRODUCTION OF BILLS.

By Senator Sullivan, Senate File No. 270, a bill for an act requiring the owners and operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employees, and providing a penalty for its violation.

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

The President announced as teller on the part of the Senate, Senator Savage and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Campbell of Ida, Huntley, Krebill, Stuckslager—4 .

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.



Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bowman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Kull, Leach, Legel, Lenocker Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—53.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cousins, Cowles, Crist, Daniels, Dawson, Dewey, Dixon, Edmunds, Finlayson, Fourt, Fraley, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Sullivan, Van Camp, Van Law, Whitney, Zeller—51.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cunningham, Enger, Felt, Fitchpatrick, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—50.

Absent or not voting:

Campbell of Ida, Huntley, Krebill, Stuckslager—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Clarkson of Monroe moved that after the reading and correction of the Journal the Joint Convention be dissolved.

Senator Smith of Shelby moved as a substitute that a second ballot be called for.

On the question "Shall the substitute be adopted?"

The ayes were:

Allen of Jefferson, Balkema, Beans, Bennett, Bowman, Brown of Decatur, Bybee, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Francis, Fulton, Harding, Harvey, Hickenlooper, Hogan, Hoyt, Hunt, Leach, Legel, McCleery, Malmberg, Mattes, Miller of Bremre, Moore, Newell, Proudfoot, Saunders, Savage, Shane, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Sullivan, Townsend, Van Camp, Van Law, Whitney—48.

The nays were:

Black, Boettger, Brady, Brockway, Brown of Wright, Bruce, Byerly, Campbell of Webster, Clarkson, Collin, Cousins, Crow, Dabney, De Wolf, Downey, Dunlap, Ellis, Escher, Felt, Fletcher, Fry, Garrett, Gates, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Hayes, Hazen, Huff, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Klay, Koontz, Kull, Larrabee of Webster, Larrabee of Fayette, Lenocker, Linnan, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Miller of Dubuque, Murtagh, Neal, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Schee, Schrup, Shankland, Sherman, Spaulding, Stephenson, Stillman, Stoddard, Taylor of Union, Taylor of Appanoose, Webber, White of Benton, White of Iowa, Wilson, Zeller—92.

Absent or not voting:

Adams, Campbell of Ida, Cunningham, Dawson, Dunnegan, Enger, Fitchpatrick, Fourt, Fraley, George, Huntley, Johnson, bill, Kulp, Lounsberry, Lund, Milton, Stuckslager—18.

Substitute motion was lost.

Motion to dissolve prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Chase moved that when the Senate adjourn it be until 1:30 o'clock this afternoon.

Senator Hammill moved as a substitute that when the Senate adjourn it be until 9:00 o'clock tomorrow morning.

Senator Sammis moved as an amendment to the substitute that when the Senate adjourn it be until 9:45 o'clock tomorrow morning.

The amendment to the substitute was lost.

The substitute motion prevailed.

The motion as substituted prevailed.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 17, 1911.

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

Prayer was offered by Rev. A. R. Miller of Harlan, Iowa.

On request of Senator Taylor leave of absence was granted Senator Proudfoot indefinitely.

## PETITIONS AND MEMORIALS.

Senator Smith of Mitchell presented a petition of citizens of Winnebago County favoring appropriation for County Fairs.

Referred to Committee on Appropriations.

Senator Smith of Mitchell presented a petition of citizens of Worth County favoring appropriation for County Fairs.

Referred to Committee on Appropriations.

Senator Webber presented a remonstrance of Board of Supervisors of Wapello County against bill providing for County Engineer and State Highway Commission.

Referred to Committee on Highways.

Senator Sammis presented a petition of citizens of Cherokee County favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Francis presented a remonstrance of citizens of Dickinson County protesting against proposed use of money derived from hunters' license.

Referred to Committee on Fish and Game.

Senator DeWolf presented a petition of citizens of Black Hawk County favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator White presented a petition of citizens of Iowa County favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance .

Senator Malmberg presented a petition of citizens of Jasper County favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Balluff presented a remonstrance of the Board of Supervisors of Scott County protesting against certain proposed road legislation.

Referred to Committee on Highways.

Senator Balluff presented a petition of teachers of Davenport, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Van Law presented a petition favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator White presented a petition of citizens of Victor, Iowa, favoring appropriations for county fairs.

Referred to Committee on Agriculture.

Senator Smith of Shelby presented a petition of citizens of Shelby County favoring the amendment of the present drainage laws.

Referred to Committee on Judiciary.

Senator Balkema presented a petition of the Northwestern Iowa Fair association favoring increased premiums for county fairs.

Referred to Committee on Appropriations.

Senator Crow presented a remonstrance of citizens of Crawford County against the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Chase presented a remonstrance of citizens of Wright County against the proposed uses of the money derived from hunters' licenses.

Referred to Committee on Fish and Game.

Senator Garrett presented a petition of citizens of Muscatine County favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Crow, Senate File No. 272, a bill for an act to amend Section One Thousand Three Hundred and Twenty-six (1326) of the Code, relating to domestic local building and loan associations.

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

By Senator Garrett, Senate File No. 271.

A BILL.

For an Act to Legalize the Incorporation of the Town of Grandview, Louisa County, Iowa, the Election of its Officers, the Passage of its Ordinances, and Resolutions, and Acts Done by the Town Council in the Adoption and Enforcement of its Ordinances and Resolutions Since its Organization in the Year Nineteen Hundred (1900).

WHEREAS, The town of Grandview, Louisa County, Iowa, was incorporated in the year Nineteen Hundred (1900), and

WHEREAS, In the vote taken upon the proposition to incorporate said town and for the election of the members of its town council and other officers thereof, a large majority of the qualified electors voted in favor of the incorporation of said town and a like majority voted for the officers, but after said election, a protest was made by certain residents of the said town of Grandview, that the election had been conducted by judges favorable to the incorporation and that illegal votes had been cast at the said election and that certain votes were refused by said judges of election which should have been voted, and alleging misconduct on the part of the judges, but the alleged illegal votes so received by the judges and the votes refused to be taken, could not in any manner affect the result of the said election, and

WHEREAS, The officers and town council of the town of Grandview, Louisa County, Iowa, have been at all times elected and conducted under the laws of the State of Iowa in force at the date of its organization, without reference or complying with amendments to the said laws since July, nineteen hundred and seven (1907); that said town of Grandview had continued to elect six (6) councilmen instead of five (5), as by law provided, and

WHEREAS, The functions of an incorporated town have been exercised and enjoyed by said town of Grandview and the inhabitants thereof since its incorporation, and

WHEREAS, Certain ordinances and resolutions were in good faith adopted and passed by the town council of said town, and

WHEREAS, The records of said town council were improperly kept and failed to show the proceedings had and done by the town council in the adoption of certain ordinances and resolutions, the proper recording thereof in the town record kept for that purpose, and,

WHEREAS, Said ordinances were read in council and published as by law required, and

WHEREAS, Doubts have arisen as to the legality of the incorporation of the town of Grandview, Louisa County, Iowa, and the election of its officers, and the passage of ordinances and resolutions passed by the town council of said town and the signing of the same by the Mayor and Recorder and the proper recording of the same, the tax levies, general and special, and fines and convictions under and by virtue of the ordinances thereof, and all other acts done by said town as an incorporated town or by the officers thereof.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the incorporation of the town of Grandview, Louisa County, Iowa; the votes taken upon the incorporation thereof and upon the election of its officers from the date of its organization; the passage or adoption by its council of resolutions and ordinances not in contravention of the laws of Iowa; the record of certain ordinances; the signatures of the Mayor and Recorder of said town thereto, or the failure to attach such signatures, or the failure of such signatures to appear and all the acts and doings of such town and its officers in adopting, recording and enforcing its said ordinances, and the collection of fines and licenses, and taxes levied and collected by said town, under and by virtue of its said resolutions and ordinances, be and the same is hereby legalized and are hereby declared to be valid and binding in all respects the same as though the requirements of the law had been strictly and fully complied with in every particular, in voting for the incorporation of the said town; in the election of its officers; the election of six (6) councilmen instead of five (5) after the year nineteen hundred and seven (1907); the passage and adoption of all its ordinances and resolutions and the recording thereof in the making of its tax levies and the enforcement of its ordinances, and all its official acts as an incorporated town, are hereby made legal and binding and given full force and effect, but nothing in this act shall in any way affect pending litigation.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its passage and publication in the Des Moines Register and Leader, a newspaper published at Des Moines, Iowa, and in the Columbus Safeguard, a newspaper published at Columbus Junction, Louisa County, Iowa, both publications to be without expense to the State of Iowa.

Read first and second times and referred to the Committee on Judiciary.

Senator Brown asked unanimous consent to have Senate File No. 246 withdrawn from the Committee on Appropriations and referred to the Committee on Schools.

Consent granted.

Senator Mattes from the Committee on Appropriations returned to the Senate Senate File No. 246.

So Senate File No. 246 was referred to the Committee on Schools.

#### HOUSE MESSAGES CONSIDERED.

House File No. 211, a bill for an act to confirm the title of John A. Jasensky to the Southeast quarter of the Southwest quarter of Section 14, Township 84, North Range 29, West 5th P. M., Green County, Iowa, and authorizing the issuance of a patent therefor.

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

House File No. 217, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with county auditor.

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

House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools of Iowa.

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

House File No. 33, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-four-a of the Supplement to the Code and to enact a substitute in lieu thereof relating to organization of consolidated independent school districts.

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

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

#### REPORTS OF COMMITTEES.

Senator Allen, from the Committee on Suppression of Intemperance, submitted the following report:

MR. PRESIDENT—Your Committee on Suppression of Intemperance, to whom was referred Senate File No. 32, 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, beg leave to report



they have had the same under consideration and recommend the same be indefinitely postponed.

W. S. ALLEN,  
*Chairman.*

Senator Mattes moved the adoption of the report of the Committee.

Senator Allen of Jefferson moved as a substitute that Senate File No. 32 be placed upon the Calendar.

Senator Savage moved the previous question on the substitute and upon the original motion.

On the question, "Shall the main question be now put" the previous question was ordered.

On the motion, "Shall the substitute proposed by Senator Allen of Jefferson be substituted for the motion offered by Senator Mattes?" a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Bennett, Clarkson, Fitchpatrick, Francis, Hammill, Jewell, Larrabee, McCulloch, Neal, Ream, Smith of Shelby, Stuckslager, Van Law—15.

The nays were:

Ames, Balluff, Chase, Crow, DeWolf, Dunnegan, Garrett, Legel, Malmberg, Mattes, Quigley, Saunders, Savage, Schrup, Webber, White, Wilson—17.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Cowles, Gates, Gilliland, Hoyt, Hunter, McColl, McManus, Parshall, Proudfoot, Sammis, Smith of Mitchell, Spaulding, Sullivan, Taylor—18.

So the Senate refused to adopt the substitute motion.

On the adoption of the report of the committee a roll call was demanded.

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Chase, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Legel, McManus, Malmberg, Mattes, Quigley, Saunders, Savage, Schrup, Webber, White, Wilson—23.

The nays were:

Allen of Jefferson, Clarkson, Hammill, Jewell, Larrabee, McCulloch, Neal, Ream, Smith of Shelby, Van Law—10.

Absent or not voting:

Allen of Pocahontas, Brown, Chapman, Cowles, Gates, Gilliland, Hoyt, Hunter, McColl, Parshall, Proudfoot, Sammis, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor—17.

Adopted.

So the bill was indefinitely postponed.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance to whom was referred House File No. 50, a bill for an act amending Section 1839-1 of the Supplement to the Code of 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies, beg leave to report they have had the same under consideration and recommend the same do pass.

C. H. VAN LAW,  
*Chairman.*

Ordered passed on file.

Senator Stuckslager, 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. 150, a bill for an act authorizing cities and towns, including cities under special charter, to make publication of official notices, ordinances and other official publications in newspapers printed in a foreign language, 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 Cities and Towns, to whom was referred Senate File No. 167, a bill for an act to amend Section Seven Hundred Ninety-two (792), of the Code of 1897, relative to the assessment of the costs of paving streets and alleys, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 193, a bill for an act making it necessary to publish notice before selling or exchanging bonds of any county, city (including cities acting under special charters and those acting under Title 5 Ch. 14-c of Code Supplement of 1907, and acts amendatory thereto), town or school, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Judiciary.

W. C. STUCKSLAGER,  
*Chairman.*

Adopted.

So the bill was referred to the 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 concurred in the Senate amendment in which the concurrence of the House was asked:

#### HOUSE FILE NO. 1.

#### A BILL.

For an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-ten (1087-a10,) Ten Hundred Eighty-seven-a-twenty-two (1087-a22) and Ten Hundred Eighty-seven-a-twenty-seven (1087-a27) of the Supplement to the Code, 1907, as amended by Chapter, Sixty-nine (69) of the Acts of the Thirty-third (33d) General Assembly, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code, and repealing Chapter One (1) of the special session of the Thirty-second (32d) General assembly, and enacting a substitute therefor, all relating to the nomination of candidates for the office of Senator in the Congress of the United States and of the canvass of the vote for Senator in the Congress of the United States, and providing for nominations for such office in case of vacancy.

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:

Concurrent Resolution relative to the order denying government employees the right to solicit increase in pay.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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

House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, relative to the title and disposition of real estate acquired by a school corporation.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Ames Senate File No. 26, a bill for an act to amend Section One (1) of Chapter One Hundred Thirty-eight (138) of the acts of the Thirty-third General Assembly relative to the maintenance of partition fences by adjoining owners thereof, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Ames moved that the substitute be substituted for the original bill.

Carried.

Senator Ames moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Brown, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Ham-mill, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Ream, Saunders, Schrup, Smith of Shelby, Spaulding, Stuckslager, Taylor, Webber, White, Wilson—30.

The nays were:

Adams, McCulloch, Quigley—3.

Absent or not voting:

Allen of Pocahontas, Bennett, Chapman, Chase, Cowles, Gates, Gilliland, Hoyt, Hunter, Malmberg, Parshall, Proudfoot, Sammis, Savage, Smith of Mitchell, Sullivan, Van Law—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The hour having arrived, on motion of Senator Clarkson, Senate File No. 27, 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, including a municipal corporation, and providing a remedy in behalf of the husband, was taken up and considered.

The amendment offered by Senator Saunders yesterday was adopted.

The bill was read for information.

Senator Adams on behalf of Senator Cowles, who was absent, asked unanimous consent to postpone further consideration of the bill until tomorrow.

Consent refused.

Senator Clarkson moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Cowles, Gates, Gilliland, Hoyt, McCulloch, Proudfoot, Sammis, Sullivan, Taylor—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sullivan filed the following:

"Had I been present I should have voted "Aye" on Senate File No. 27."

On motion of Senator Malmberg Senate File No. 185, a bill for an act to amend Chapter Eleven (11), laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and 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 Malmberg moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clark-son, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Ream, Sammis, Saunders, Sav- age, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

Quigley—1.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chapman, Cowles, Crow, Gilliland, Hoyt, Mattes, Proudfoot, Sullivan—10.

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 Bennett, Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, ad- ministrator, trustee, guardian, referee, or commissioner, with re- port of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Bennett moved that the rule be suspended, the bill be considered engrossed, and read a third time now, which motion pre- vailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Cowles, Crow, Gilliland, Hoyt, Proudfoot, Ream—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 Clarkson, House Joint Resolution No. 1, a joint resolution ratifying the amendment to the Constitution of the United States, proposed by Congress as the Sixteenth amendment thereto, relative to laying and collecting a tax on income, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The joint resolution was read for information.

Further consideration of the Joint Resolution was postponed.

Senator Hammill moved that the Senate take a recess until 11:15 o'clock.

Carried.

So the Senate took a recess.

The President called the Senate to order at 11:15 o'clock.

#### THIRD READING OF BILLS.

On motion of Senator Hoyt, House File No. 67, a bill for an act to prohibit the exhibition of deformed, idiotic and abnormal persons, with report of committee recommending passage, was taken up considered, and the report of the committee, adopted.

The bill was read for information.

Senator Hoyt moved that the rules be suspended, the bill be engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Sullivan, Van Law, Webber, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Cowles, Hammill, Proudfoot, Saunders, Smith of Shelby, Spaulding, 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 Allen of Jefferson, Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health, 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 Jefferson moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McCulloch, McManus, Malmberg, Mattes, Neal Parshall, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—39.



The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Chase, Cowles, Legel, McColl, Proudfoot, Saunders, Smith of Mitchell, Spaulding, 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 Hoyt, Senate File No. 219, a bill for an act to amend Section Five Thousand Seventy-one (5071) of the Code, relating to the unlawful wearing of badges, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hoyt moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Sammis, Saunders, Savage, Smith of Shelby, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Chase, Clarkson, Cowles, Crow, DeWolf, Proudfoot, Ream, Schrup, Smith of Mitchell, Spaulding, Taylor—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 White, Senate File No. 273, a bill for an act prohibiting certain classes of advertisements, providing a penalty for

violation thereof, and prescribing rules of evidence in prosecutions for violations thereof.

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

#### REPORTS OF COMMITTEES.

Senator Chapman, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred Senate File No. 164, a bill for an act to amend Section 227, of the Code, relating to the division of the state into judicial districts and increasing the number of district judges in the Seventh District, 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. 164.

#### A BILL.

For an Act to Amend the Law as it Appears in Section Two Hundred Twenty-seven (227), Supplement to the Code, 1907, Relating to the Division of the State into Judicial Districts, and Increasing the Number of District Judges in the Seventh District.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The seventh subdivision of Section Two Hundred Twenty-seven (227), Supplement to the Code, 1907, is hereby amended by striking out the word "four" as the same appears in the second line of said subdivision, and substituting in lieu thereof the word "five," so that the said subdivision will read as follows:

"Seventh. The Seventh District shall consist of the counties of Muscatine, Scott, Clinton, and Jackson and have five judges."

Sec. 2. The vacancy in the said office of District Judge in the Seventh Judicial District, created by this act, shall be filled by appointment by the Governor; the person so appointed shall hold his office until the general election in 1912, or until his successor is elected and qualified. At the general election in 1912 there shall be chosen a district judge to fill the unexpired portion of the vacancy hereby created.

Sec. 3. At the general election in 1914 five district judges shall be elected in the Seventh Judicial District of Iowa, whose terms of office shall begin on the second secular day of January, 1915.

Sec. 4. 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 and the Des Moines Capital, newspapers published at Des Moines, Iowa.

And when so amended the bill do pass.

H. R. CHAPMAN,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator McManus, Senate File No. 274, a bill for an act amending Section 227 of the Supplement to the Code of 1907 and providing for an additional judge of the District Court in the First Judicial District and for his appointment and election and regulating terms in said District.

Read first and second time and referred to Committee on Congressional and Judicial Districts.

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 168, a bill for an act to amend the law as it appears in Chapter 16-d of the Supplement to the Code, 1907, relative to graduate and trained nurses, beg leave to report they have had the same under consideration and recommend the same to be indefinitely postponed.

J. W. BENNETT,  
*Chairman.*

Senator Bennett moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

#### HOUSE MESSAGE CONSIDERED.

House File No. 1, a bill for an act to amend the law as it appears in Section Ten Hundred Eighty-seven-a-ten (1087-a10), Ten Hundred Eighty-seven-a-twenty-two (1087-a22), and Ten Hundred Eighty-seven-a-twenty-seven (1087-a27), of the Supplement to the Code, 1907, as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third (33d) General Assembly, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven

Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code, and repealing Chapter One (1) of the special session of the Thirty-second (32d) General Assembly and enacting a substitute therefor, all relating to the nomination of Candidates for the office of Senator in the Congress of the United States and of the canvass of the vote for Senator in the Congress of the United States, and providing for nominations for such office in case of vacancy.

Passed on file.

House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation.

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

HOUSE MESSAGES CONSIDERED.

HOUSE CONCURRENT RESOLUTION.

WHEREAS, on January 31, 1902, the following order was issued by President Roosevelt and is still in force:

"All officers and employees of the United States, of every description, serving in or under any of the executive departments, and whether so serving in or out of Washington, are hereby forbidden, either directly or indirectly, individually or through associations, to solicit an increase of pay or to influence in their own interest any legislation whatever, either before Congress or its committees, or in any way save through the heads of the departments in or under which they serve on penalty of dismissal from the government service."

Believing the above order to be thoroughly incompatible with the spirit of American institutions, in that it deprives more than 300,000 American citizens of two of the most sacred rights of American citizenship, namely, the right of free speech and the right of petition to Congress; therefore,

*Be It Resolved by the House, the Senate Concurring:*

That we, the members of the Iowa State Legislature, assembled in legislative session, emphatically protest against the continuance of such order, and respectfully urge Congress to enact a law prohibiting the issuing of similar orders.

The proper officers of this body are hereby instructed to forward copies of these resolutions to the clerk of the House of Representatives at Washington, D. C., and another copy to the clerk of the United States Senate, with the request that they be laid before each of the above named bodies.

Laid over.

Senator Gilliland moved that the Committee on Ways and Means be requested to return to the Senate Senate File No. 112, in order that it may be referred to the Committee on Appropriations.

Carried.

Senator Mattes moved that Senate File No. 112, be referred to the Committee on Appropriations.

Carried.

Senate File No. 112 was returned to the Senate, and referred to the Committee on Appropriations.

The President announced as teller on the part of the Senate, Senator Savage and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-arms.

#### 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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Webster, Chapman, Chase, Clarkson, Collin Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunne-gan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenloop-er, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacob-son, Jewell, Johnson, Klay, Koontz, Krebill, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mat-

tes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller.—150.

Absent:

Balluff, Campbell of Ida, Cowles, Escher, Huntley, Kull, Linnan, Proudfoot.—8.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, McCullough, of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Bybee, Chapman, Chase, Cousins, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Fulton, George, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Louns-

berry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—49.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Campbell of Webster, Collin, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fraley, Francis, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—49.

Absent or not voting:

Balluff, Campbell of Ida, Cowles, Escher, Huntley, Harding, Linnan, Proudfoot, Sammis—9.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

O'Connor of Chickasaw moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Senator Balkema of Sioux moved that as a substitute a second ballot be called for.

Substitute motion was lost.

Motion to dissolve prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson 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, FEBRUARY, 18, 1911.

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

Prayer was offered by Rev. W. D. Lewis, Maquoketa, Iowa.

On request of Senator White leave of absence was granted Senator Balluff for the day.

On request of Senator Hunter, leave of absence was granted Senator Spaulding for the day.

On request of Senator Hammill leave of absence was granted Senator DeWolf for the day.

On request of Senator Fitchpatrick leave of absence was granted Senator Webber for the day.

On request of Senator Schrup leave of absence was granted Senator Ream until Tuesday.

On request of Senator Hoyt leave of absence was granted Senator Wilson for the day.

On request of Senator Smith of Shelby, leave of absence was granted Senator Adams for the day.

On request of Senator Crow, leave of absence was granted himself until Monday.

On request of Senator McColl leave of absence was granted himself for the day.

On request of Senator Gilliland leave of absence was granted Senator Van Law for the day.

On request of Senator Clarkson leave of absence was granted himself until Tuesday morning.

## PETITIONS AND MEMORIALS.

Senator Allen of Jefferson presented a petition of citizens of Jefferson County favoring the "Five Mile Limit" law.



Referred to Committee on Suppression of Intemperance.

Senator Allen of Jefferson presented a petition of citizens of Jefferson County favoring appropriations for agricultural extension work.

Referred to Committee on Appropriations.

Senator Gates presented a petition of citizens of Butler County favoring legislation against the white slave traffic.

Referred to Committee on Judiciary.

Senator Larrabee presented a remonstrance of the Board of Supervisors of Webster County against the repeal of the tax ferret laws.

Referred to Committee on Ways and Means.

#### INTRODUCTION OF BILLS.

By Senator Fitchpatrick, Senate File No. 275, a bill for an act to provide for uniformity of accounting of county treasurers and to provide for examination of books and accounts of county treasurers.

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

By Senator Fitchpatrick, Senate File No. 276, a bill for an act to repeal Section 491 of the code providing for the appointment and qualification of deputies and other assistants to the county treasurer.

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

By Senator Fitchpatrick, Senate File No. 277, a bill for an act to repeal Section Four Hundred Ninety (490) of the Supplement to the Code, 1907, and to enact a substitute therefor; providing for the compensation of county treasurers.

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

By Senator Ames, Senate File No. 278, a bill for an act to amend Chapter One Hundred Thirty-five (135) of the law as it appears in the acts of the Thirty-third General Assembly relating to the lien upon the progeny of any stallion or jack kept for public service or for sale, exchange or transfer.

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

By Senator Bennett, Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a thirty-five (4999-a 35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to pure drugs and the misbranding thereof.

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

By Senator McColl, Senate File No. 280, a bill for an act to amend Section Twenty-seven Hundred Forty-two (2742) of the Supplement to the Code of 1907, relating to the compensation of County Superintendents.

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

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 239, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting of public funds in the State and County Treasuries beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 215, a bill for an act to amend Section 4582 and Section 4583 of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

Mr. President—Your committee on Juiciary to whom was referred Senate File No. 210, a bill for an act to amend Section Forty-two hundred and Ninety-five (4295) of the Code, relating to the indexing of marginal releases of mortgages beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 47, a bill for an act to enjoin and abate gaming, gambling, and gambling houses, to enjoin the person or persons who conduct or maintain the same and the owner or agent of any building used for such purposes, and to assess a tax against the person maintaining said nuisance and against the building and owner thereof, and provide for the collection thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 261, a bill for an act relating to the payment of moneys to the clerk of the courts and requiring the same to be paid to the County Treasurer, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 131, a bill for an act to amend Section 4604 of the Code relating to the examination of witnesses in regard to transactions and communications of person deceased, insane or a lunatic, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 272, a bill for an act to amend Section One Thousand Three Hundred twenty-six (1326) of the Code, relating to domestic local buildings and loan associations, beg leave to report they have had the same under consideration and recommend the same 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 Judiciary to whom was referred Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and pedigreed or pure bred stock. To define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing sections twenty-three hundred forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three hundred forty-one-c (2341-c,) Twenty-three hundred forty-one-d (2341-d) and twenty-three hundred forty-one-e (2341-e), Supplement to the Code 1907: and also Section One (1,) Two (2,) Three (3,) and Four (4) of Chapter One Hundred Thirty-five (135) of the Laws of the Thirty-third 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:

And when the bill is so amended that the same be reported to the Senate with the recommendation that the same be referred to the Committee on Agriculture.

SUBSTITUTE FOR SENATE FILE 129.

A BILL.

For an Act regulating the keeping, offering for public Service and sale of stallions, jacks and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d), and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. No person, firm, company or corporation shall use or offer for use or public service, sale, exchange or transfer in this state any stallion or jack unless and until he shall have caused the name, age, color and pedigree of the animal to be enrolled by the secretary of the state board of agriculture and shall have procured from him a certificate of such enrollment. The state board of agriculture shall recognize as pure bred only such animals as have been recorded or accepted for record in some stud book recognized by the state board of agriculture. The state of Iowa shall be paid the sum of One Dollar for such enrollment and certificate and the sum of One Dollar for each annual certificate of soundness issued by the secretary of the state board of agriculture according to the methods hereinafter provided:

Sec. 2. The owner or keeper of each and every stallion or jack kept for public service, or for sale, exchange or transfer shall make oath before an officer duly authorized to administer an oath that the stallion or jack is to the best of his knowledge free from hereditary, contagious or transmissible unsoundness or disease, and shall file the same with the state board of agriculture, together with a certificate signed by a duly qualified veterinarian who shall be a regular graduate of a recognized veterinary college, certifying that such animal is free from hereditary, contagious or transmissible unsoundness or disease. This examination must be made by any qualified veterinarian who shall be a regular graduate of a recognized veterinary college, upon the application of any owner or keeper of any stallion or jack and the fee charged by such a veterinarian for such examination shall not exceed Two Dollars. Any veterinarian who knowingly or willfully makes a false report upon the soundness or unsoundness of the animal brought to him for examination shall be punished by the revocation of his veterinarian certificate. The owner or keeper of each and every stallion or jack kept for public service, or for sale, exchange or transfer, shall between the dates of January first (1) and April first (1) of each year after their first registration, make ap-

plication for the renewal of their certificate of soundness in the same form and manner as above described.

Sec. 3. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service: Cataract; amaurosis (glass eye); periodic ophthalmia (moon blindness); laryngeal hemiplegia (roaring or whistling); pulmonary emphysema (heaves, broken wind); chorea (St. Vitas' dance, crampiness, shivering, string halt); bone spavin; ring bone; side bone; navicular disease; bog spavin; curb, with curby formation of hock; glanders, farcy; maladie du coit; urethral gleet; mange; melanosis.

Sec. 4. Any owner or keeper of a pure bred stallion or jack offered for public service or for sale, exchange or transfer, who represents or holds such animal as pure bred shall keep a copy of the state registration and certificate of soundness upon the door or stall of the stable where such animal is usually kept, and where such animals are advertised each and every advertisement shall contain a copy of such certificate or the substance thereof. Where certificates of registration have heretofore been issued by the state board of agriculture an additional certificate of registration shall not be required, but application for certificate of soundness must be made as hereinbefore provided. Any owner or keeper of a stallion or jack other than pure bred offered for public service or for sale, exchange or transfer must advertise said stallion or jack by having and posting handbills or posters not less than five by seven inches in size, and said bills or posters must have printed thereon, immediately preceding or above the name of the stallion the words "grade stallion" (or jack) in type not smaller than one inch in height, said bills or posters to be posted in a conspicuous manner at all places where the said stallion or jack is kept for public service, sale, exchange or transfer, together with a copy of the certificate of soundness issued by the secretary of the state board of agriculture, and where such animals are advertised each and every advertisement shall contain a copy of the said certificate or the substance thereof and the words "grade stallion" (or jack.)

Sec. 5. When complaint is made to the state board of agriculture that a stallion or jack is unsound or diseased and on investigation it is by the Department deemed necessary, an examination shall be made by the state veterinarian or his duly authorized deputy; the owner of such stallion or jack shall select some recognized graduate veterinarian to act with the state veterinarian and the said veterinarian shall, on receipt of a notice, act jointly with the state veterinarian, and these two shall appoint a third graduate veterinarian to act with them and their decision shall be final. If the animal under investigation is adjudged in such examination to be unsound or diseased the certificate of soundness shall be revoked by the state board of agriculture, or refused if application for a certificate of soundness is pending. In case all three or any two of the experts declare the stallion or jack is eligible to receive a license, then the expense of the consultation shall be paid by the state board of agriculture out of funds collected for registration fees, or if three or

any two of the experts declare the stallion or jack not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person making the protest and it may be collected in same manner as in any case of an appeal in civil action.

Sec. 6. If the owner of any registered animal shall sell, exchange or transfer the same, he shall file certificate, accompanying the same with a fee of fifty cents, with the secretary of the state board of agriculture, who shall, upon receipt of the original state certificate, properly transferred, and the required fee, issue a new certificate to the then new owner of the animal. And all fees provided by this Act shall go into the treasury of the department of agriculture.

Sec. 7. Every person, firm, company or corporation importing any stallion or jack into the state of Iowa for use or public service, sale, exchange or transfer shall first secure certificate of soundness from a recognized state or federal veterinarian, certifying that said animal is free from any or all diseases or unsoundness referred to in section three of this Act.

Sec. 8. Any person who shall fraudulently represent any animal, horse, cattle, sheep or swine to be pure bred, or any person who shall post or publish or cause to be posted or published any false pedigree or certificate of soundness, or shall use any stallion or jack for public service, or sell, exchange or transfer any stallion or jack, representing such animal to be pure bred, without first having such animal registered, and obtaining the certificate of soundness from the state board of agriculture as hereinbefore provided, or who shall violate any of the provisions of this Act, shall be guilty of a misdemeanor, and be punished by a fine of not more than one hundred dollars, or imprisoned in the county jail not exceeding thirty days or by both fine and imprisonment.

Sec. 9. This Act shall take effect and be in force from and after the first day of January nineteen hundred twelve (1912) and Sections twenty-three hundred forty-one-a (2341-a), twenty-three hundred forty-one-b (2341-b) twenty-three hundred forty-one-c (2341-c), twenty-three hundred forty-one-d (2341-d) and twenty-three hundred forty-one-e (2341-e) of the Supplement to the Code 1907 are hereby repealed on and after the first day of January nineteen hundred twelve (1912). Nothing in this Act shall be construed so as to affect litigation arising prior to the first day of January nineteen hundred twelve (1912.)

SHIRLEY GILLILLAND,  
*Chairman.*

The substitute was read a first and second time.

Adopted.

So the bill was referred to the Committee on Agriculture.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 200, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in

which such conviction is had, 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. 200.

A Bill for an Act to Provide Paroling Certain Convicts on First Conviction by the Presiding Judge of the Trial Court in which such Conviction is had.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That whenever any person over the age of sixteen (16) years, and under the age of twenty-five (25) years, shall be convicted of any crime against the laws of this state, excepting treason, murder, rape, robbery and arsen, if such conviction shall be the first conviction of the defendant for a felony, the trial judge before whom such conviction is had, and by whom the judgment of the court is pronounced, shall have the power to parole such person so convicted in custody and under the care and guardianship of any suitable person, a resident and citizen of the state of Iowa, during good behavior of such person so convicted, and the judge so exercising this power of parole shall enter same upon the calendar and cause the same to be journalized and made of record in the court in which such conviction is had.

Sec. 2. That after any such parole shall have been granted the same may be revoked by the trial judge aforesaid, and the defendant committed in obedience to such judgment, upon motion of the county attorney of the county in which such conviction is secured for cause shown satisfactory to such trial judge. And that for the purpose of procuring the attendance of the defendant to answer such motion, upon the filing of any such motion, the trial judge may order a bench warrant to issue, and such defendant to be taken into custody and brought before the court for hearing on such motion.

Sec. 3. This Act shall be in force and effect on and after its passage and publication in the Des Moines Register and Leader and the Des Moines Capital, newspapers published at Des Moines, Iowa; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County, and its Board of Supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald, the West half of the Northeast quarter and the Northwest quarter of Section Two, Township 70, North Range 43, West of the Fifth P. M. in Fremont County, Iowa, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend the bill by adding thereto the following as Section 2

“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 and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use, 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 the word "any" appearing in the 7th line thereof.

Amend the bill by inserting between the words "be" and "fined" appearing in the third line from the bottom, the words "guilty of a misdemeanor and be," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 238, a bill for an act to repeal the law as it appears in Section Three Thousand Four Hundred Forty-five (3445) of the Code relating to actions by or against legal representatives 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:

Amend Section 1 so that the same shall read as follows:

"Section 1. Section Three Thousand Four Hundred Forty-five (3445) of the Code is hereby repealed and the following enacted in lieu thereof:

Amend the bill by striking therefrom all of Section 2, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*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 honorably body that the House has concurred in Senate amendments to House File No. 71, in which the concurrence of the House was asked:

A Bill for an Act making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discov-

ery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d), and Fourteen Hundred Seven-e (1407-e) 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 concurred in Senate amendments to House File No. 10, a bill for an act to amend the law as it appears in section Two Hundred Ninety-six (296) of the Supplement to the Code of 1907 relating to the fees collected and paid to the county 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. 100, a bill for an act to repeal sections Twenty-seven Hundred Thirty-four-d (2734-d) and Twenty-six Hundred Twenty-nine (2629) of the supplement to the Code, 1907, and to enact substitutes therefor; to repeal section Twenty-seven Hundred Seventy-five (2775) of the Code and enact a substitute therefor, relating to subjects of examination of teachers and providing instruction in certain branches in the public schools, including agriculture and home economics.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties 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. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the

state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

Mr President—I am directed to 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 the law as it appears in Chapter Sixteen-d (16-d) of the supplement to the Code, 1907, relative to graduate and registered nurses.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

Mr President—I am directed to 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 conferring additional powers on certain cities organized under Chapter Fourteen-c (14-c) of Title Five (5) of the Supplement to the Code, 1907, and amendments thereto providing for the levy of special taxes for the benefit of the police and fire departments.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 116, a bill for an act relative to the time of payment of county fees into the county treasury by clerks of the district court, county auditors and county recorders.

C. R. BENEDICT,  
*Chief Clerk.*

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

Mr. President—Your committee on Judiciary to whom was referred House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets, 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. 218.

#### A BILL

For an Act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That, whereas, certain cities or towns throughout the state of Iowa have passed ordinances changing the name or names of certain streets in said cities;

Now, therefore, it is provided that the acts of said city and town councils of such cities and towns in enacting said ordinances changing the names of said certain streets are hereby declared valid. On the filing for record of the said ordinances, duly certified by the mayor and city or town clerk, with the county recorder he shall make and record in the records of his office a plat showing the changes in the names of the streets and shall file a copy of said plat with the county auditor.

Sec. 2. This act shall not affect pending litigation.

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 at Des Moines, Iowa, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

Mr. President—Your committee on Judiciary to whom was referred Senate File No. 235, a bill for an act to require contracts for county bridges, buildings and other improvements to be let to the lowest responsible bidder, and to provide for advertisements for bids, 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 Judiciary to whom was referred House File No. 80, a bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in 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 HOUSE FILE NO. 80.

A BILL

For an Act fixing the place of bringing suit against companies or corporations furnishing surety bonds in the State of Iowa.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Suit may be brought against any company or corporation furnishing or pretending to furnish surety, fidelity or other bonds in

this state, in any county in which the principal place of business of such company or corporation is maintained in this state, or in any county wherein is maintained its general office for the transaction of its Iowa business, or in the county where the principal resides at the time of bringing suit, or in the county where the principal did reside at the time the bond or other undertaking was executed, and in the case of bonds furnished by any such company or corporation for any building or improvement, either public or private, action may be brought in the county wherein said building or improvement, or any part thereof is located.

Sec. 2. This Act, being deemed of immediate importance, shall take effect and be in force from and after its passage and approval, and 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.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

Mr. President—Your committee on Judiciary to whom was referred House File No. 211, a bill for an act to confirm the title of John A. Jasinsky to the Southeast quarter of the Southwest quarter of Section No. 14, Township No. 84, North Range 29, West 5th. P. M., Greene County, Iowa, and authorizing the issuance of 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.

Senator Stuckslager, 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 authorizing cities to establish by ordinances, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to Title V of the Code), beg leave to report they have had the same under consideration and recommended the same to be amended by adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 226.

A BILL

For an Act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to Title Five (V) of the Code.)

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. Any city in this state shall have power to establish by ordinance, upon the terms and conditions hereinafter prescribed, a department under control of the city council, said department to be known as the "Department of Publicity, Development and General Welfare," and the mayor, with the approval of the council, shall have power to appoint a superintendent of such department, and may employ such assistants as may be necessary to perform the work of said department, upon such compensation as may be fixed by resolution of such city council.

Sec. 2. Said department shall be for the purpose of collecting and distributing, by correspondence, advertising and others means, information relating to the industrial, commercial, manufacturing, residential, educational and other advantages and resources of such city; and for the purpose of encouraging and promoting the establishment and development of industries and manufacturing, commercial and other interests in such cities and the increase of population thereof; and for the purpose of investigating, promoting and doing such things as may be for the general welfare of such city and the inhabitants thereof; Provided, however, nothing in this Act shall be construed as authorizing cities to invest any funds raised by taxation in private enterprises or to pay from such funds any bonuses for same. The duties of the superintendent and other employes of said department shall be such as may be prescribed from time to time by the city council, and they shall be at all times under the supervision and control of the mayor in performing said duties.

Sec. 3. The said department can only be established upon the approval of sixty per-cent of the legal voters of said city who shall vote on said question, and which question may be submitted by the council of such city at any general, city, or special election for such purpose, at which election the question submitted shall be: "Shall the city of (naming it) establish a department of publicity development and general welfare?"

If said question shall be answered in the affirmative by not less than sixty per-cent of the voters voting thereon, the said department may be established for a period of not to exceed five (5) years from the date of such election. Within one year of the end of such period or at any time thereafter the question may be re-submitted and said department re-established for a like period, provided that not less than sixty per-cent of the voters thereon vote in favor thereof.

Sec. 4. The expenses of said department may be defrayed out of any and all funds received by such city from fines and penalties and out of any funds that may be in the treasury of said city, not derived from general taxation nor from special taxes levied for other purposes.

Sec. 5. 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.

WILLARD C. STUCKSLAGER,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

Mr. President—Your committee on Cities and Towns, to whom was referred Senate File No. 251, a bill for an act concerning the commission plan of government in certain cities, additional to Chapter Fourteen-C (14-C) of the Supplement to the Code 1907, and Chapter Sixty-Four (64) of the laws of the Thirty-Third General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

WILLARD C. STUCKSLAGER,  
*Chairman.*

Ordered passed on file.

Also:

Mr. President—Your committee on Cities and Towns to whom was referred Senate File No. 181, a bill for an act authorizing boards of water works trustees to make and enforce the necessary by-laws and regulations for the operation and protection of such water works, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

WILLARD C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

Mr. President—Your committee on Cities and Towns to whom was referred Senate File No. 194, a bill for an act granting additional powers to cities of the first class and cities acting under the commission plan with reference to the adoption and enforcement of rules and regulations governing the construction, reconstruction, repair and maintenance of buildings; providing for building inspection; fees for same and authorizing the fixing of 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.

WILLARD C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator McColl, from the Committee on Educational Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Educational Institutions to whom was referred Senate File No. 218, a bill for an act to amend Chapter 170 of the Acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education, 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. 218.

A BILL.

For an Act to Amend Chapter 170 of the Acts of the Thirty-third General Assembly, in Relation to the Powers and Duties of the State Board of Education.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section 6 of Chapter 170 of the Acts of the Thirty-third General Assembly be amended by striking out of line 3 thereof the words "as President" and inserting in lieu thereof the words "as Chairman."

Sec. 2. That Section 8 of said Act be amended by adding thereto the following: "and the board may publish from time to time, and distribute, such circulars, pamphlets, bulletins, and reports as may by it be deemed necessary for the best interests of the institutions under its control; but the Board shall secure the approval of the Executive Council therefor before incurring such expense, which shall be paid out of any funds in the treasury not otherwise appropriated."

Sec. 3. That Section 9 of said act be amended as follows: Insert after the word "necessary" in the third line thereof the following words "to enable the Board to carry out the purposes of its creation, and"

Sec. 4. That Section 11 of said act be amended by striking therefrom the last sentence and inserting in lieu thereof the following: "The members of the Finance Committee and other employees shall maintain their official residences at the places designated by the Board, and shall be entitled to the necessary travelling expenses therefrom, by the nearest travelled and practicable route, incurred in visiting the different institutions and other places and returning therefrom when on official business; and to such other expenses as are actually and necessarily incurred in the performance of their official duties"; and when so amended the bill do pass.

Substitute read first and second time.

A. M. McCOLL,  
*Chairman.*

Ordered passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled House File No. 1, a bill for an act to amend the law as it appears in Sections Ten Hundred Eighty-seven-a-ten (1087-a10), Ten Hundred Eighty-seven-a-twenty two (1087-a22), and Ten Hundred Eighty-seven-a-twenty-seven (1087-a27), of the Supplement to the Code, 1907, as amended by Chapter Sixty-nine (69) of the Acts of the Thirty-third (33d) General Assembly, and Sections Eleven Hundred Fifty (1150), Eleven Hundred Fifty-one (1151), Eleven Hundred Fifty-seven (1157), and Eleven Hundred Sixty-two (1162) of the Code, and repealing Chapter One (1) of the special session of the Thirty-second (32d) General Assembly and enacting a substitute therefor, all relating to the nomination of candidates for the office of Senator in the Congress of the United States and of the canvass of the vote for Senator in the Congress of the United States, and providing for nominations for such office in case of vacancy.

U. G. WHITNEY,

*Chairman House Committee.*

ED. P. MALMBERG,

*Chairman Senate Committee.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Bennett, Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167) of the acts of the Thirty-third General Assembly, relating to 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 Public Health.

#### HOUSE MESSAGES CONSIDERED.

House File No. 10, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-six (296) of the Supplement to the Code of 1907 relating to the fees collected and paid to the county by the Clerk of the District Court.

Passed on file.

House File No. 71, a bill for an act making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discovery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c) Fourteen

Hundred Seven-d (1407-d), and Fourteen Hundred Seven-e (1407-e), of the Supplement to the Code, 1907.

Passed on file.

House File No. 100, a bill for an act to repeal Sections Twenty-seven Hundred Thirty-four-d (2734-d) and Twenty-six Hundred Twenty-nine (2629) of the Supplement to the Code, 1907, and to enact substitutes therefor; to repeal Section Twenty-seven Hundred Seventy-five (2775) of the Code and enact a substitute therefor, relating to subjects of examination of teachers and providing instruction in certain branches in the public schools, including agriculture and home economics.

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

House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the State Food and Dairy Commissioner in relation thereto; and fixing penalties for the violation thereof.

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

House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

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

House File No. 248, a bill for an act to amend the law as it appears in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses.

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

House File No. 111, 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

appears in Chapter Fourteen-c (14-c) of Title Five (V) of the Supplement to the Code, 1907, and providing for the levy of a special tax for the benefit of the Police Department.

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

House File No. 116, a bill for an act to amend the law as it appears in Section Four Hundred Seventy-eight (478) of the Code of 1897 relative to fees collected by the County Auditor.

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

The President announced that as President of the Senate he had signed in the presence of the Senate, House File No. 1.

#### INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478) of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-four (2484) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485) of the Code, 1897, and enact a substitute therefor; to amend Section Twenty-four Hundred Eighty-six (2486) of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-seven (2487) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-eight (2488), Supplement to the Code, 1907, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-nine (2489) of the Code, 1897, and enact a substitute therefor; to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a) of the Supplement to the Code, 1907; to repeal Section Twenty-four Hundred Ninety-three (2493) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code, 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties; requiring surveys of mines and records to be kept thereof; requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms; safe and convenient travelling ways, the amount of ventilation, and equipments thereof, stoppings and break-through; means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipments for shafts,

slopes or drifts and fixing the age within which boys may work in the mine; and providing for the safety of employees where explosives are used; the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foremen in certain cases; defining the duties of mine foremen and definition of mine foreman, the duties of workmen in mines and mining and defining the power and duties of mine owners, operator lessee and persons in charge; the character and kind of illuminating oils and other substances and providing penalties.

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

By Senator Chapman, Senate File No. 283, a bill for an act to amend Section Four Thousand Nine Hundred Ninety-nine-a1 (4999-a1) of the Supplement to the Code, 1907, relative to preserving the public health.

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

By Senator Clarkson, Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112) of the Acts of the Thirty-third (33d) General Assembly relating to the issuance of policy of insurance by insurance companies.

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

Senator Clarkson asked the unanimous consent to have 500 extra copies of Senate File No. 282 printed.

Consent granted.

Senator Schrup asked unanimous consent to take up for consideration House Concurrent Resolution relative to urging Congress to enact a law prohibiting the issuing of executive orders against the solicitation by individual government employees or organizations of such, for an increase in pay, or to seek to influence legislation in their own interest, and similar orders.

Consent granted.

Senator Schrup moved that the Senate concur in the House Resolution.

Senator Hammill moved that the Concurrent Resolution be indefinitely postponed.

Carried.

Senator Parshall moved that Calendar No. 6, House Joint Resolution No. 1, be made a special order for 10:30 o'clock Wednesday morning, February 22d.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Fitchpatrick, House File No. 50, a bill for an act amending Section Eighteen Hundred Thirty-nine-1 (1839-1) of the Supplement to the Code of 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Fitchpatrick 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, White—33.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Cowles, DeWolf, Larrabee, McColl, McCulloch, Proudfoot, Ream, Sammis, Saunders, Savage, Spaulding, Stuckelager, Van Law, Webber, 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 Mattes, House File No. 211, a bill for an act to confirm the title of John A. Jasinsky to the Southeast Quarter of the Southwest Quarter of Section No. 14, Township No. 84, North, Range No. 29, West 5th P. M., Greene County, Iowa, and authorizing the issuance of 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 Mattes 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, White—33.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Brown, Cowles, Crow, DeWolf, Francis, McColl, Proudfoot, Ream, Sammis, Saunders, Spaulding, Stucklager, Van Law, Webber, 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 Smith of Shelby, Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald the west half of the north east quarter and the northwest quarter of Section Two, Township 70, North Range 43, west of the fifth principal meridian, in Fremont County, Iowa, and with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Smith moved the adoption of the following amendment:

Amend by adding thereto the following as Section 2.

"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 and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, such publications to be without expense to the state.

The amendment was adopted.

Senator Smith of Shelby 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White—34.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Brown, Cowles, DeWolf, Francis, Garrett, Jewell, Proudfoot, Ream, Sammis, Saunders, Stuckslager, Van Law, Webber, 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 Hunter, House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Hunter moved that the substitute be substituted for the original bill.

Carried.

Senator Hunter 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Savage, Schrup, Smith of Shelby, Stuecklager, Sullivan, Taylor—36.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Cowles, DeWolf, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Spaulding, Van Law, Webber, White, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Larrabee asked unanimous consent to have 100 extra copies of Senate File No. 227 printed.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Hammill, Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use, 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 amendments: Amend Section 1, by striking therefrom the word "any" appearing in the seventh line thereof.

Amend the bill by inserting between the words "be" and "fined" appearing in the third line from the bottom, the words "guilty of a misdemeanor and be".

Adopted.

The bill as amended was read for information.



Senator Hammill moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larabee, Legel, McColloch, McManus, Malmberg, Mattes, Neal, Parrshall, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, White—32.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Chase, Cowles, Crow, DeWolf, McColl, Proudfoot, Quigley, Ream, Sammis, Saunders, Spaulding, Stuckslager, Sullivan, Van Law, Webber, Wilson—18.

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. 220, a bill for an act providing for registration of farm names, 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 Hoyt, Senate File No. 220, a bill for an act providing for registration of farm names, with report of committee recommending passage, was taken up and considered, and the report of the committee adopted.

The bill was read for information.

Senator Hoyt moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, White—31.

The nays were:

McCulloch—1.

Absent or not voting:

Adams, Balluff, Cowles, Crow, DeWolf, Jewell, Larrabec, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Spaulding, Taylor, Van Law, Webber, 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 Legel, House File No. 97, a bill for an act to amend Section Twenty-five Hundred Eighty-nine-b (2589-b) of the Supplement to the Code of 1907, relating to the practice of pharmacy, with report of committee recommending passage, was taken up and considered and the report of the committee adopted.

The bill was read for information.

Senator Legel 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, White—33.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Cowles, Crow, DeWolf, Larrabee, McColl, Proudfoot, Quigley, Ream, Sammis, Saunders, Spaulding, Sullivan; Van Law, Webber, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Jewell, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 41, a bill for an act to amend Chapter Eight of Title XIII of the Code as it appears in the Supplement to the Code, of 1907, being additional thereto and providing that females liable to be committed to the state industrial school may be committed to accredited institutions, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

P. M. JEWELL,  
*Chairman.*

Senator Jewell moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 249, a bill for an act to authorize the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

P. M. JEWELL,  
*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 248, a bill for an act to make all children received in the Soldiers Orphans' Home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to

the Code, 1907, beg leave to report they have had the same under consideration and recommend the same do pass.

P. M. JEWELL,  
*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred Senate File No. 247, a bill for an act to provide for the committment of boys and girls to the industrial school and repeal the law as it appears in Section Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the Acts of the Thirty-third General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

P. M. JEWELL,  
*Chairman.*

Adopted.

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 285, a bill for an act to provide for the paroling of patients in the State hospital for inebriates and certain female patients from State hospitals for the insane and for the return of patients who violate their paroles, and repealing the law as it appears in Section Twenty-three Hundred Ten-a-Nineteen (2310-a-19) of the Supplement to the Code, 1907.

Read first and second time and referred to committee on Penitentiaries and pardons.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady,

Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Chapman, Chase, Clarkson, Collin, Cousins, Crist, Cunningham, Dabney, Daniels, Dewey, Dixon, Downey, Dunlap, Dunnegan, Ellis, Enger, Felt, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Lounsberry, Lund, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moorè, Neal, Newell, O'connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ripley, Ritter, Robbins, Rowles, Russell, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Whitney, Zeller—131.

Absent:

Adams, Balluff, Beebe, Campbell of Ida, Campbell of Webster, Cowles, Crow, Dawson, DeWolf, Edmunds, Escher, Finlayson, Griggs, Huntley, Linnan, McColl, Murtagh, Proudfoot, Ream Sammis, Saunders, Spaulding, Stephenson, Stipe, Van Law, Weber, Wilson—27.

Senator Gilliland of Mills moved that all pairs be announced in the Joint Convention.

O'Connor of Chickasaw moved that such announcement be printed in the Journal.

Amendment adopted.

Motion as amended prevailed.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Bauman, Black, Boettger, Clarkson, Dabney, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Odendahl, Olson, Parshall, Penn, Quigley, Ritter, Rowles, Sater, Taylor of Union, Taylor of Appanoose, Townsend, White of Iowa—39.

Those voting for Horace E. Deemer were:

Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Bybee, Chapman, Chase, Cousins, Dewey, Dixon, Fourt, Fulton, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Mattes, Moore, Neal, Robbins, Savage, Shankland, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stuckslager, Sullivan, Van Camp, Whitney, Zeller—40.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Brady, Brockway, Brown of Wright, Bruce, Collin, Cunningham, Enger, Felt, Fitchpatrick, Fraley, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Pickford, Ripley, Russell, Schee, Sherman, Skinner, Stillman, Stoddard—39.

Those paired were:

Byerly, Crist, Daniels, Francis, Fry, Harding, Huff, Malmberg, O'Connor, Perkins, Schrup, Shaw, White of Benton—13.

Absent:

Adams, Balluff, Beebe, Campbell of Ida, Campbell of Webster, Cowles, Crow, Dawson, DeWolf, Edmunds, Escher, Finlayson, Griggs, Huntley, Linnan, McColl, Murtagh, Proudfoot, Ream, Sammis, Saunders, Spaulding, Stephenson, Stipe, Van Law, Webber, Wilson—27.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Chapman of Cedar moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn until 10 o'clock Monday morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 20, 1911.

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

Prayer was offered by Rev. Charles Lyman Nye of Toledo, Iowa.

On request of Senator Ames leave of absence was granted Senator Chase for the day.

On request of Senator Dunnegan leave of absence was granted Senator McManus for the day.

On request of Senator McColl leave of absence was granted Senator Parshall for the day.

On request of Senator Savage leave of absence was granted Senator Hoyt for the day.

On request of Senator Savage leave of absence was granted Senator Legel for the day.

## PETITIONS AND MEMORIALS.

Senator Garrett presented a petition of citizens of Louisa County favoring the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Taylor presented a remonstrance of the State Association of County Supervisors against the establishment of the office of County Highway Engineer, etc.

Referred to Committee on Highways.

Senator Van Law presented a petition of citizens of Iowa favoring the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Mattes presented a petition of citizens of Sac County favoring the passage of the Commerce Counsel bill.

Referred to Committee on Railroads.



Senator Bennett presented a petition of citizens of Taylor County favoring the passage of the Commerce Counsel bill.

Referred to Committee on Judiciary.

Senator Spaulding presented a petition of citizens of Poweshiek County favoring examination and licensing of drugless healers.

Referred to Committee on Public Health.

Senator De Wolf presented a petition of citizens of Black Hawk County favoring the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented a remonstrance of citizens of Mills County against the passage of House File No. 297.

Referred to Committee on Elections.

#### INTRODUCTION OF BILLS.

By Senator Mattes, Senate File No. 286, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907.

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

By Senator Garrett, Senate File No. 287, a bill for an act empowering the governor and secretary of state to execute quitclaim deed conveying to the grantees of Christian Flitch all of the right, title and interest of the State of Iowa in lot five (5) of section one (1), Township seventy-three (73), north of Range two (2), west of the fifth (5th) P. M.

*Whereas*, On the seventh (7th) day of February, eighteen hundred and fifty-seven (1857), one Franklin Bras, who was then owner of lot five (5), of Section one (1), Township Seventy-three (73), north of Range two (2), west of the fifth (5th) P. M., executed a certain mortgage on said lot and other land to the treasurer of Louisa County, State of Iowa, to secure four hundred and forty-one dollars (\$441.00), on a note dated December fifteenth (15th), eighteen hundred and Fifty-six (1856), and

*Whereas*, The said mortgage was afterwards foreclosed by Louisa County in the District Court of Louisa County, Iowa, and said land was sold at sheriff's sale to satisfy the judgment in the foreclosure, September seventh (7th), eighteen hundred and sixty-five (1865), but the sheriff's deed under the aforesaid sale was through error made to the State of Iowa instead of to Louisa County, and

*Whereas*, The said County of Louisa after the execution of the aforesaid sheriff's deed, sold and conveyed the said land to Christian Flitch; and the said Christian Flitch thereafter conveyed all his title in and to said tract; and the said lot five (5) of section (1) is now owned by R. C. Ditto and L. E. Ditto, and

*Whereas*, It appears that the above named parties are the owners of the aforesaid land, and they and their grantors have been in possession thereof under claim of ownership since the year eighteen hundred and sixty-seven (1867), and that by reason of the mistake in the aforesaid sheriff's deed, the title to said land is clouded and rendered defective, the State of Iowa appearing to have a claim of title thereto, therefor,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the Governor and the Secretary of State be and are hereby authorized, empowered and directed to execute quit-claim deed to R. C. Ditto and L. E. Ditto conveying all right, title, claim and interest of the State of Iowa in and to said Lot five (5) of Section one (1), Township seventy-three (73), north of range two (2), west of the Fifth (5th) P. M., Louisa County, Iowa.

Sec. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader, a newspaper published at Des Moines, Iowa, and the Oakville Sentinel, a newspaper printed and published at Oakville, Louisa County, Iowa; all without expense to the state.

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

By Senator Wilson, Senate File No. 288, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the Town Council of said incorporated town, in the county of Clinton and State of Iowa, in relation to the establishment, erection, 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 said warrants.

*Whereas*, The qualified electors of the incorporated town of Charlotte, in the County of Clinton and State of Iowa, did, on the 6th day of April, 1908, at a special election held for such purpose, vote in favor of the establishment and erection of a system of waterworks in said town, and the issuing of bonds in the sum of Five Thousand Dollars (\$5,000.00) for the purpose of defraying the costs thereof; and,

*Whereas*, The town council of said town, in pursuance of said election, established, erected, and is maintaining a system of waterworks within and for said town, and;

*Whereas*, The indebtedness of said town, created for the establishment, erection and maintenance of said system of waterworks, exceeded the amount authorized, and;

*Whereas*, The said town council failed to, or was unable to issue bonds in the payment of said indebtedness, and;

*Whereas*, The said town council issued, in addition to the Five Thousand Dollars (\$5,000.00) in bonds as above authorized, the warrants of said town in payment of the indebtedness created and incurred by reason of the erection, establishment and maintenance of said waterworks system, and;

*Whereas*, The said town has used its general revenues for the purpose of paying interest on and taking up a portion of the warrants issued in payment for said waterworks system, and has issued warrants against its general fund in payment for the establishment, erection, and maintenance of said waterworks system, and;

*Whereas*, A large number of said warrants so issued are outstanding and unpaid and;

*Whereas*, Doubts have arisen as to the legality of the acts and proceedings of said town in issuing the warrants in payment for the establishment, erection and maintenance of said waterworks system, and;

*Whereas*, The amount of said indebtedness has never exceeded the limit prescribed by Section Three, Article Eleven of the Constitution of the State of Iowa, and;

*Whereas*, It is the desire of the said incorporated town, and the citizens thereof, that the acts and proceedings of said incorporated town, and the said town council, in relation to the establishment, erection and maintenance of said waterworks system, and the indebtedness created and incurred therefor, and the warrants issued in payment of said indebtedness shall be cured and legalized.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That all the acts of the incorporated town of Charlotte, in the County of Clinton and State of Iowa, and the town council of said incorporated town of Charlotte, relating to the establishment, erection and maintenance and extension of a waterworks system within said incorporated town, and relating to, the indebtedness created and incurred therefor, and relating to the issuance of the warrants of said town in payment of said indebtedness, be, and the same are, hereby cured and legalized, and the said indebtedness, and the outstanding warrants of said town are hereby legalized and established as a valid and binding indebtedness of said town, with the same force and effect as though the same had been legal and valid at the time of the incurring of said indebtedness and the issuance of said warrants.

Sec. 2. That the said incorporated town of Charlotte and the town council of said town be, and they are, hereby authorized to issue the bonds of said town for the purpose of liquidating and taking up the

floating indebtedness of said town represented by the warrants issued by said town in the payment of the establishment, erection, and maintenance of said waterworks system.

Sec. 3. That the said incorporated town of Charlotte, and the town council of said incorporated town, be, and they are, hereby authorized to provide for the payment of said bonds and interest thereon in the same manner as is provided by the statutes of Iowa in relation to the payment of bonds and interest thereon, issued for the construction of waterworks.

Sec. 4. Nothing in this act shall be in any way construed so as to affect pending litigation.

Sec. 5. 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 Charlotte Record, a newspaper published at Charlotte, Clinton County, Iowa, as provided by law without expense to the state.

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

By Senator Van Law, Senate File No. 289, a bill for an act to amend the law as it appears in Section Twenty-six Hundred Four (2604) of Supplement to the Code, 1907, relative to the salary of the Commandant of the Iowa Soldiers' Home.

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

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

#### REPORTS OF COMMITTEES

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools of Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 51, a bill for an act defining the duties of school boards and county boards of education when school buildings are destroyed or

are condemned by a local board of health, additional to Title Thirteen (XIII), Chapter Fourteen (14) of the Code of 1897, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Wilson, Senate File No. 235, a bill for an act to require contracts for county bridges, buildings and other improvements to be let to the lowest responsible bidder, and to provide for advertisement for bids, 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 1 by adding thereto the following: "Such board of supervisors shall have power to reject any and all bids at its discretion."

Adopted.

Senator Smith of Shelby offered the following amendment and moved its adoption:

I move to amend Senate File No. 235 as follows: "Add to said bill the following as Section 3: "Nothing herein shall preclude any county from building or repairing its own bridges if the board of supervisors so determine."

Amendment lost.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend Section One by striking out of the fourth line of the printed bill the word "probable."

Amendment lost.

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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gillil-

land, Hammill, Hunter, Jewell, Larrabee, McColl, Mattes, Quigley, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson—26.

The nays were:

Savage—1.

Absent or not voting:

Allen of Pocahontas, Balluff, Chase, Cowles, Fitchpatrick, Francis, Gates, Hoyt, Legel, McCulloch, McManus, Malmberg, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager, Taylor, Webber—23.

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 indefinitely postponed the following bill:

Senate File No. 3, a bill for an act to repeal Section Five Thousand Twenty-eight-a of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag 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. 167, a bill for an act to amend the law as it appears in Chapter Forty-two (42) of the Acts of the Thirty-third (33d) General Assembly relating to the publication of the proceedings of city and town councils.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 52, a bill for an act to amend the law as it appears in Sections Thirteen Hundred Forty-seven-a (1347-a) and Thirteen Hundred Forty-eight (1348) of the Supplement to the Code, 1907, relating to peddlers' 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. 297, a bill for an act to amend the law as it appears in Section Four Hundred (400) of the Supplement to the Code, 1907, and to amend Section Four Hundred Two (402) of the Code, relating to the removal of county seats and county records.

C. R. BENEDICT,  
*Chief Clerk*

THIRD READING OF BILLS.

On motion of Senator De Wolf, House File No. 80, a bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator De Wolf moved the substitute be substituted for the original bill.

Carried.

Senator De Wolf 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Balluff, Chase, Cowles, Fitchpatrick, Francis, Hoyt, Legel, McManus, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Stuckslager, Webber—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 Hammill, Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the Industrial School, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Balluff, Chase, Cowles, Fitchpatrick, Francis, Gates, Hoyt, Legel, McManus, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Taylor, Webber—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 Hammill, Senate File No. 247, a bill for an act providing for the commitment of boys and girls to the Industrial School and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four (174) of the acts of the Thirty-third (33d) General Assembly, with report of committee recommending



passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, the reading just had been considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Balluff, Chase, Cowles, Fitchpatrick, Francis, Hoyt, Legel, McManus, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Shelby, Webber—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 Hammill, Senate File No. 248, a bill for an act making all children received in the Soldiers' Orphans' Home wards of the State, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, the reading just had been considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Bennett, Brown, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Balluff, Chapman, Chase, Cowles, Fitchpatrick, Francis, Hoyt, Legel, McManus, Parshall, Proudfoot, Ream, Sammis, Saunders, Savage, Stuckslager, Webber—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen of Pocahontas moved that the House be requested to return to the Senate House File No. 6.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, Senate File No. 200, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Sullivan moved that the substitute be substituted for the original bill.

Carried.

Senator Sullivan offered the following amendment and moved its adoption:

I move to strike out Section 2 of the substitute for Senate File No. 200 and substitute the following in lieu thereof:

"Section 2. That after any such parole shall have been granted the same may be revoked by the trial judge aforesaid, and the defendant committed in obedience to such judgment."

Adopted.

Senator Sullivan 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:

Allen of Pocahontas, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Neal, Quigley, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—30.

The nays were:

Hammill—1.

Absent or not voting:

Adams, Allen of Jefferson, Balluff, Chase, Cowles, Fitchpatrick, Francis, Hoyt, Legel, McColl, McManus, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Stuckslager, Webber—19.

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. 3, a bill for an act to repeal Section Five Thousand Twenty-eight-a (5028-a) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the State of Iowa.

Passed on file.

House File No. 167, a bill for an act to amend the law as it appears in Chapter Forty-two (42) of the acts of the Thirty-third (33d) General Assembly, relating to the publication of the proceedings of city and town councils.

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

House File No. 52, a bill for an act to amend the law as it appears in Sections Thirteen Hundred Forty-seven-a (1347-a) and Thirteen Hundred Forty-eight (1348) of the Supplement to the Code, 1907, relating to peddlers' tax.

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

House File No. 297, a bill for an act to amend Sections Four Hundred (400) and Four Hundred Two (402) of the Code relating to the removal of county seats and the county records.

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

#### THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools 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.

Further consideration of the bill was postponed.

#### REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 101, a bill for an act to repeal Sections 2634-b, 2634-c, and 2634-d, Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be referred to the Appropriations Committee with the recommendation that the bill do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

So the bill was referred to the Committee on Appropriations.

#### INTRODUCTION OF BILLS.

By Senator Bennett, Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa.

*Whereas*, Doubts have arisen as to the legality of the ordinances, resolutions, and rules of health of the incorporated town of Lenox, Iowa, which have been adopted since January 31, 1898, in that the same were not regularly read at three separate meetings, of the council, nor on

three different days, nor was the rule allowing ordinances to be passed at the same meeting of the council properly observed and suspended, nor were the yeas and nays duly recorded as required by law, nor were the minutes of the meetings of the council properly kept, nor were all of the ordinances properly signed by the mayor and recorder, nor were they all printed as required by law; therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. All of the acts of the council of the incorporated town of Lenox, Iowa, since January 31, 1898, in the passage, adoption and publication of the ordinances and rules of health of said town, and all acts of the council of said town of Lenox, under the terms of said ordinances and rules of health, be, and the same are hereby legalized and declared to be as valid as if all the provisions of the laws of the state relating to the passage, adoption, signing, and the publication thereof had been duly and fully observed, and as if such ordinances, resolutions, and rules published as provided by the statutes of Iowa, and the yeas and nays recorded as required by law, and the rule allowing the passage of ordinances been properly observed and suspended, and all ordinances been properly signed and published. Providing, however, that nothing in this act shall in any manner affect any pending litigation.

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

Senator De Wolf filed the following motions:

"I move to reconsider the vote by which Senate File No. 247 was passed."

"I move to reconsider the vote by which Senate File No. 247 passed to its third reading."

"I move to reconsider the vote by which Senate File No. 248 was passed."

"I move to reconsider the vote by which Senate File No. 248 passed to its third reading."

"I move to reconsider the vote by which Senate File No. 249 was passed."

"I move to reconsider the vote by which Senate File No. 249 passed to its third reading."

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator De Wolf.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Byerly, Campbell of Ida, Chapman, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Enger, Felt, Fletcher, Fourt, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykooztz, Greene, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Huff, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Lenoeker, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Moore, Neal, Newell, Odendahl, Olson, Patterson, Penn, Perkins, Pickford, Quigley, Ripley, Ritter, Robbins, Rowles, Russell, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, White of Iowa, Whitney, Wilson, Zeller—124.

Absent:

Balluff, Bybee, Campbell of Webster, Chase, Cowles, Dixon, Edmunds, Escher, Finlayson, Fitchpatrick, Fraley, Francis, Griggs, Hayes, Hoyt, Hunt, Huntley, Leach, Legel, Linnan, Lounsberry, Lund, McManus, Milton, Murtagh, O'Connor, Parshall, Proudfoot, Ream, Sammis, Saunders, Stipe, Webber, White of Benton—34.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Black, Boettger, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hazen, Koontz, Kull, Lenocker, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Odendahl, Olson, Penn, Quigley, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Townsend, White of Iowa, Wilson—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Campbell of Ida, Collin, Cousins, Cunningham, Dawson, Felt, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, McColl, Newell, Patterson, Pickford, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—40.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Crist, Daniels, Dewey, Enger, Fourt, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Jacobson, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Robbins, Savage, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—39.

Those paired were:

Bauman, Byerly, Fry, Johnson, Krebill, Moore, Perkins, Ripley, Shane, Taylor—10.

Absent:

Balluff, Bybee, Campbell of Webster, Chase, Cowles, Dixon, Edmunds, Escher, Finlayson, Fitchpatrick, Fraley, Francis, Griggs, Hayes, Hoyt, Hunt, Huntley, Leach, Legel, Linnan, Lounsberry, Lund, McManus, Milton, Murtagh, O'Connor, Parshall, Proudfoot, Ream, Sammis, Saunders, Stipe, Webber, White of Benton—34.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Bennett of Taylor moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Dunnegan moved that the Senate do now adjourn until 10:00 o'clock tomorrow morning.

Carried.

The Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 21, 1911.

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

Prayer was offered by Rev. J. S. Coffin of Leon, Iowa.

On request of Senator Wilson, leave of absence was granted Senator Parshall for the day.

On request of Senator Van Law leave of absence was granted Senator Saunders for the day.

On request of Senator Savage, Senator Hoyt was granted leave of absence for the day.

On request of Senator Savage, leave of absence was granted Senator Adams for the day.

## PETITIONS AND MEMORIALS.

Senator Hammill presented a remonstrance of citizens of Malvern, Iowa, against the passage of House File No. 297.

Referred to Committee on Judiciary.

Senator Taylor presented a remonstrance of the board of supervisors of Appanoose county against the establishment of a state highway and drainage commission.

Referred to Committee on Highways.

Senator Taylor presented a petition of citizens of Moulton, Iowa, favoring the passage of House File No. 79, enlarging the work of the state agricultural college and the establishing of short courses.

Referred to Committee on Agriculture.

Senator Chapman presented a petition of citizens of Cedar county favoring the five mile limit law, etc.

Referred to Committee on Suppression of Intemperance.

Senator Chase presented a remonstrance of druggists of Senatorial District No. 37 against the passage of Senate File No. 137.

Referred to Committee on Pharmacy.

Senator Crow presented a remonstrance of citizens of Crawford county against the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Balluff presented a remonstrance of citizens of Scott county against the proposed uses of money derived from hunters' licenses.

Referred to Committee on Fish and Game.

Senator Balluff presented a remonstrance of citizens of Scott county against the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented a petition of teachers of Clinton, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator Ames presented a remonstrance of citizens of Malvern, Iowa, protesting against the passage of House File No. 297.

Referred to Committee on Judiciary.

Senator Balkema presented a remonstrance of citizens of O'Brien County against the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator De Wolf presented a petition of citizens of Tama and Grundy Counties against the passage of the prohibitory amendment.

Referred to Committee on Constitutional Amendments and Suffrage.

#### INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 291, a bill for an act to provide additional support for the wardens of the reformatory at Anamosa and the state penitentiary at Fort Madison, to furnish each deputy warden with house, water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing Sections Fifty-seven Hundred Seventeen (5717) and Fifty-seven Hundred Eighteen (5718) of the Code and the law as found in Sections Fifty-six Hundred Sixty-nine-a (5669-a), Fifty-seven Hundred Sixteen

(5716) and Fifty-seven Hundred Eighteen-a Twenty-eight (5718-a28) of the Supplement to the Code, 1907.

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 concurred in Senate Substitute Amendment to House File No. 218, in which the concurrence of the House was asked:

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 183, a bill for an act to amend the law relating to fraternal beneficiary associations, additional to Chapter Nine (9) of Title Nine (IX) of the Code.

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:

Concurrent Resolution relative to adjournment from Friday February 24th, to Friday, March 3d, 1911, at 10:00 A. M.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested:

House File No. 6, a bill for an act relative to the recovery of interest in real estate when spouse failed to join in conveyance.

C. R. BENEDICT,  
*Chief Clerk.*

INTRODUCTION OF BILLS.

By Senator Taylor, Senate File No. 292, a bill for an act to appropriate the sum of One Hundred Sixty-four and 22-100 Dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account

of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military service performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers Infantry, in the month of May, A. D. Eighteen Hundred and Sixty-four.

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

By Senator Allen of Pocahontas, Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

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

By Senator Allen of Pocahontas, Senate File No. 294, a bill for an act providing for a librarian of state institutions, defining the duties of the office and making an appropriation for salary and expenses.

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

By Senator Allen of Pocahontas, Senate File No. 295, a bill for an act to provide for the payment of traveling expenses of members of the board of control of state institutions, its secretary and other employes and agents, and repealing the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-five (2727-a5) of the Supplement to the Code, 1907.

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

By Senator Balluff, Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds, therefor.

*Whereas*, At a regular meeting of the Board of Supervisors of Scott County, Iowa, on October 4, 1910, a petition was presented by the Board of Health of the city of Davenport, Iowa, asking said Board of Supervisors

to submit to the legal voters of said county at the election on November 8, 1910, the following measure:

"Shall Scott County erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases?" and,

*Whereas*, The following resolution was unanimously adopted by said Board of Supervisors at said regular meeting on October 4, 1910.

*Resolved*, That the following measure be submitted to the voters at the general election to be held November 8, 1910, and that the County Auditor be, and he is hereby instructed to prepare the necessary ballots for the submission of such proposition\* to the electors of the county: "Shall Scott County erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases at a cost not to exceed Twenty Thousand (\$20,000.00) Dollars for the hospital and land and pay for same in bonds of \$100.00 or multiple thereof, bearing not to exceed six per cent interest and running from one to ten years?" and,

*Whereas*, At the said general election held on November 8, 1910, the following proposition was placed on the special ballot:

"Shall the following public measure be adopted?

"Shall Scott County erect and maintain a hospital for tuberculosis, diphtheria, scarlet fever and other contagious diseases at a cost not to exceed Twenty Thousand Dollars (\$20,000.00) for the hospital and land and pay for same in bonds of \$100.00 or multiple thereof, bearing not to exceed six per cent interest and running from one to ten years?" and,

Yes	
No	

*Whereas*, The said Board of Supervisors did on the 14th day of November, 1910, canvass the returns of said election on said proposition, and that nine thousand five hundred thirty-four (9534) votes were cast on said proposition of which six thousand four hundred thirty-four (6434) voted "Yes" and three thousand one hundred (3100) voted "No" and,

*Whereas*, Following the said canvass of the vote on said proposition, due notice as required by law that said proposition had been duly adopted and was in full force and effect, was published the required length of time in the Davenport Daily Times of Davenport, Iowa; and,

*Whereas*, Said petition presented to said Board of Supervisors was not signed by 200 resident free-holders of Scott County, Iowa, nor did it name a place in said county for its location; and,

*Whereas*, The ninety day notice in a newspaper in said county, and the posting of said notice in each township of said county as required by Section 1, Chapter 26 of the Laws of the Thirty-third General Assembly was not given, but,

*Whereas*, The voters of Scott County were fully informed on said proposition as it had been thoroughly discussed by all the newspapers in such county and the necessity of such a hospital had been publicly urged at numerous times long prior to said election; and,

*Whereas*, Doubts have arisen as to the sufficiency and legality of said petition, and of the sufficiency and legality of the notice of said election; therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the said petition to said Board of Supervisors of Scott County, Iowa, the omission to give the ninety days notice in a newspaper and the omission to post a notice in each township of said county, and all the acts and proceedings of said Board of Supervisors of Scott County, Iowa, concerning the said petition, notice and proposition voted on and all acts and proceedings of said Board of Supervisors prior or subsequent to said election whether herein particularly specified or not had and done with reference to said proposition of the erection and maintenance of said hospital, and the issuance of bonds therefor, are all and each of them legalized and validated as fully and completely as though the law had in all things been technically and fully complied with in every respect, and all resolutions passed or to be passed, and said bonds when issued shall be the valid and binding obligations of said Scott County, Iowa.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Davenport Democrat and Leader, a newspaper published in Davenport, Iowa, and the Register and Leader, a newspaper published in Des Moines, Iowa, without expense to the state.

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

#### HOUSE MESSAGES CONSIDERED.

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities and towns have heretofore changed the name or names of certain platted streets.

Passed on file.

House File No. 183, a bill for an act to amend the law relating to fraternal beneficiary associations, additional to Chapter Nine (9) of Title Nine (1X) of the Code.

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

House Concurrent Resolution relative to adjournment from Friday, February 24th to Friday, March 3rd, 1911, at 10 A. M.

Passed on file.

House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to

the Code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance and to enact a substitute therefor.

## REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 216, a bill for an act to amend Section 1642 and Section 1643, of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa, 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 Judiciary, to whom was referred House File No. 116, a bill for an act relative to the time of payment of county fees into the county treasury by clerks of the District Court, County Auditors and County Recorders, 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 Judiciary, to whom was referred Senate File No. 258, a bill for an act to amend the law as it appears in Section Three Thousand Four Hundred and Forty-seven-c (3447-c) of the Supplement to the Code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the fore-

closures of mortgages may be brought, 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. 258.

A BILL

For an Act to Repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and Enacting a Substitute Therefor Relating to the Foreclosure of Real Estate Mortgages and Fixing the Time Within Which Certain Actions for the Foreclosure of Mortgages May be Brought.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section 3447-c of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

No action shall be maintained to foreclose any real estate mortgage which was executed prior to January 1, 1890, unless the same is brought within one year after the taking effect of this act, provided this section shall not apply in case the record of such mortgage or any extension thereof shall show that such debt is not yet more than ten years past due, which fact may be shown within one year from the taking effect of this act by the holder of the debt, noting on the margin of the record of such mortgage in the Recorder's office any extension of the debt secured, such notation to be witnessed by the Recorder and entered upon the index of mortgages in the name of the mortgagor and mortgagee; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78) Acts of the Thirty-third General Assembly relating to the removal of officers for misfeasance, malfeasance or non-feasance in office, 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 Judiciary, to whom was referred Senate File No. 255, a bill for an act making the estates of non-resident



insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals, 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 Judiciary, to whom was referred Senate File No. 193, a bill for an act making it necessary to publish notice before selling or exchanging bonds of any county, city (including cities acting under special charter and those acting under Title 5, Ch. 14-c of Code Supplement of 1907, and acts amendatory thereto) town or school, 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 striking from the 4th line thereof the words "of Code Supplement of" and substitute therefor the words "Supplement to the Code."

Amend Section 1 by striking out the words "of the Code Supplement of" as they appear in the fourth and seventh lines thereof, and substitute therefor the words "Supplement to the Code"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Senator Allen of Pocahontas moved that the Senate reconsider the vote by which House File No. 6 passed the Senate and the vote by which it passed to its third reading.

Carried.

Senator Allen of Pocahontas moved that House File No. 6 be re-referred to the Committee on Judiciary.

Carried.

So House File No. 6 was re-referred to the Committee on Judiciary.

#### THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Cowles 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Chase, De Wolf, Garrett, Hoyt, McManus, Parshall, Sammis, Saunders, Smith of Mitchell, Webber—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 Cowles Senate File No. 159, a bill for an act authorizing cities and towns including cities under special charter to make publication of official notices, ordinances and other official publications in newspapers printed in a foreign language, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—35.

The nays were:

Ames, Chase, Francis—3.

Absent or not voting:

Adams, Allen of Pocahontas, Chapman, Hoyt, Hunter, McManus, Malmberg, Parshall, Sammis, Saunders, Smith of Mitchell, 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 Balluff Senate File No. 164, a bill for an act to amend Section 227 of the Code, relating to the division of the state into judicial districts and increasing the number of district judges in the seventh district, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Balluff moved that the substitute be substituted for the original bill.

Adopted.

Senator Sullivan offered the following amendment and moved its adoption:

“I move to amend Section 3 of the substitute for Senate File No. 164 by striking out all after the word “on” in the third line thereof, and substituting the following “the day now provided by law:”

Adopted.

Senator Balluff 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber, White, Wilson—37.

The nays were:

Francis, Malmberg, Smith of Mitchell—3.

Absent or not voting:

Adams, Allen of Pocahontas, Chase, Hoyt, Hunter, McManus, Parshall, Sammis, Saunders, 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 Allen of Jefferson, Senate File No. 238, a bill for an act to repeal the law as it appears in Section Three Thousand Four Hundred Forty-five (3445) of the Code relating to actions by or against legal representatives 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 Allen of Jefferson moved the adoption of the following amendments:

Amend Section 1 so that the same shall read as follows:

Section 1. Section Three Thousand Four Hundred Forty-five (3445) of the Code is hereby repealed and the following enacted in lieu thereof: Amend the bill by striking therefrom all of Section 2.

Adopted.

The bill as amended was read for information.

Senator Allen of Jefferson moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Francis, Hammill, Hoyt, Hunter, Larrabee, McCulloch, McManus, Parshall, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager—16.

Senator Allen of Jefferson offered the following amendment to the title of Senate File No. 238, and moved its adoption.

I move to amend the title by striking therefrom the words "the law as it now appears in", in line one of such title.

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 McColl Senate File No. 218, a bill for an act to amend Chapter 170 of the acts of the Thirty-third General Assembly, in relation to the powers and duties of the state board of education, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator McColl moved that the substitute be substituted for the original bill.

Adopted.

Senator McColl moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Gates, Hammill, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber—31.

The nays were:

Smith of Shelby, White—2.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Francis, Garrett, Gilliland, Hoyt, Hunter, Jewell, Larrabee, McCulloch, McManus, Parshall, Sammis, Saunders, Savage, Wilson—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 Senator Neal, Senate File No. 297, 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.

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

By Senator Brown, Senate File No. 298, a bill for an act to authorize the removal of the Soldier's and Sailor's Monument in Des Moines, Iowa, and the erection of the same upon the site provided by the City of Des Moines adjacent to the east bank of Des Moines river between Locust and Walnut Streets in said city, and making an appropriation to defray the expense thereof.

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

By Senator Cowles, Senate File No. 299, a bill for an act to legalize certain warrants of the City of Burlington.

*Whereas*, The City of Burlington, hitherto during the year 1909 A. D., did contract for grading, paving and for grading divers streets and for the construction of divers sewers, and,

*Whereas*, The City of Burlington levied assessments against the owners of property benefitted by said paving, grading, and sewers, in proportion to the benefits conferred, and,

*Whereas*, Said assessments were not equal in amount to the price which said City of Burlington had contracted should be paid for said paving, grading and sewers, and,

*Whereas*, Said City of Burlington became liable and indebted to the contractors, who constructed said paving, grading and sewers, for the difference between the contract price and the total amount of assessments levied against the owners of property benefitted by said paving, grading, and sewers; and,

*Whereas*, The difference between said contract price and said total amount of special assessments was One Hundred and Twenty-two Thousand Dollars (\$122,000.00); and,

*Whereas*, The City of Burlington did issue warrants in the sum of One Hundred and Twenty-two Thousand Dollars (\$122,000.00) to said contractors to evidence said indebtedness representing the difference between

the contract price and the amount of special assessments levied against owners of benefitted property; and,

*Whereas*, Said contractors completed their work on aforementioned paving, grading, and sewers in full compliance with specifications and have fully performed all their promises in said contracts; and,

*Whereas*, The City of Burlington has been and now is enjoying the use and benefit of the aforementioned street improvements, which were and are well worth the total price the city contracted should be paid; and,

*Whereas*, Doubts have been raised questioning the legality of the warrants issued to pay the city's share of the contract price of the aforementioned warrants on the ground that they were issued in excess of the statutory limit of indebtedness, now therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Acts of Council Legalized. That the acts of the City Council of the City of Burlington in issuing warrants in the sum of One Hundred and Twenty-two Thousand Dollars (\$122,000.00) during the year of 1909 A. D., to pay the city's share of the contract price for the paving of certain streets, the grading of certain streets, and the construction of sewers, be and the same are hereby legalized the same as though the law had in all respects been complied with.

Sec. 2. Warrants Legalized. The warrants in the sum of One Hundred and Twenty-two Thousand Dollars (\$122,000.00) issued by the Council of the City of Burlington to pay the city's share of the cost of the aforementioned street improvements and sewers are hereby legalized and declared to be valid, legal, and subsisting obligations of the City of Burlington, the same as though the law had in all respects been complied with.

Sec. 3. Pending Litigation. Nothing in this act shall affect any pending litigation.

Sec. 4. 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, and the Burlington Hawkeye, a paper published at Burlington, Iowa, without expense to the state.

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

Senator De Wolf asked unanimous consent to withdraw motions filed by him on yesterday to reconsider the votes by which Senate Files Nos. 247, 248 and 249 passed the Senate and by which they passed to their third reading.

Consent granted.

Senator Sullivan asked unanimous consent to have 400 extra copies of Senate File No. 62 printed.

Consent granted.

On request of Senator Taylor leave of absence was granted Senator Proudfoot for the balance of the day.

THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 51, a bill for an act defining the duties of school boards and county boards of education when school buildings are destroyed or are condemned by a local board of health, additional to title Thirteen (XIII.) Chapter Fourteen (14) of the Code of 1897, with report of committee recommending passage, was taken up, considered, and the report of the committee, adopted.

The bill was read for information.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Ham-mill, Jewell, McColl, Mattes, Neal, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, Wilson.—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocohontas, Allen of Jefferson, Ames, Brown, Crow, DeWolf, Hoyt, Hunter, Larrabee, Legel, McCulloch, Mc-Manus, Malmberg, Parshall, Proudfoot, Sammis, Saunders, Sav-age, Smith of Mitchell, Taylor, 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 Chapman, House File No. 96, a bill for an act to repeal section Twenty-five hundred Ninety-six-a (2596-a) of the 1907 Supplement to the Code as amended by Chapter One Hundred Sixty-three (163) of the Acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs 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 Chapman moved the adoption of the following amendments:

Amend by inserting a comma after the word "dentist" in the sixth line of section 2 of the printed bill, and following the comma insert the words: "who is personally known to such person, firm or corporation," and a comma to follow the word "corporation."

Adopted.

Senator Chapman 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:

Ames, Balkema, Balluff, Chapman, Chase, Cowles, Dunnegan, Francis, Garrett, Gates, Hammill, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Ream, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law, Webber, White Wilson.  
—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Clarkson, Crow, DeWolf, Fitchpatrick, Gilliland, Hoyt, Hunter, Larrabee, McManus, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Spaulding.—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On the motion of Senator Van Law, House File No. 116, a bill for an act to amend the law as it appears in Section Four Hundred Seventy-eight (478) of the Code of 1897 relative to fees collected by the county auditor, 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 reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Wilson.—30.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Chase, Cowles, Hoyt, Hunter, Jewell, Larrabee, McManus, Parshall, Proudfoot, Sammis, Saunders, Savage, Smith of Mitchell, Webber, 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 Bennett, Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa, with report of committee recommending passage, was taken up, considered and the report of the committee, adopted.

The bill was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson.—38.

The nays were :

None.

Absent or not voting :

Adams, Allen of Jefferson, Hoyt, Hunter, Jewell, Legel, McManus, Parshall, Proudfoot, Sammis, Saunders, Savage.—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Francis called up for consideration House concurrent resolution relative to adjournment.

Senator Hammill moved to amend by fixing the time of the recess from Saturday, February 25, until Tuesday, March 7 at 2 o'clock p. m.

Senator Allen of Pocahontas moved to amend the amendment by fixing the time of the recess from Friday, February 24, until Tuesday, March 7.

Adopted.

Senator Clarkson moved to amend the motion as amended by providing that the Senate convene at 10:00 o'clock a. m., Tuesday,

Adopted.

The motion as amended was adopted.

The House concurrent resolution as amended was concurred in.

#### INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 300, a bill for an act to repeal Section Thirteen Hundred Ten (1310), of the Code, relating to assessment for taxation of moneys, credits, annuities, bank notes and stock, and to enact a substitute therefor, and to repeal all acts or parts of acts in conflict herewith.

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

By Senator Van Law, Senate File No. 301, a bill for an act to amend Section Three Thousand Thirty-eight (3038) of the Code, relative to care and propagation of fish.

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

By Senator Jewell, Senate File No. 302, a bill for an act to amend the law as it appears in Chapter One Hundred Fifty-five (155) of the laws of the Thirty-third (33) General Assembly, relative to care and propagation of fish.

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

By Senator Mattes, Senate File No. 303, a bill for an act repealing Section One Hundred Twenty-five (125) of the Supplement to the Code, 1907, relating to the printing and binding of the reports of State Departments and enacting a substitute therefor.

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

The president announced as teller on the part of the Senate Senator Savage and as assistant teller, Senator DeWolf.

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

The Senate proceeded to the House chamber under the direction of the Sergeant-at-Arms.

#### 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Dunlap, Dunnegan, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenocker, Linnan, Louns-

berry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, Odendahl, Olson, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—144.

Absent:

Adams, Balluff, Cowles, Downey, Edmunds, Hoyt, Huntley, Leach, O'Connor, Parshall, Proudfoot, Sammis, Saunders, Stipe—14.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator De Wolf of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Bauman, Black, Boettger, Clarkson, Crow, Dabney, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Lenocker, Linnan, McCullough, of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Odendahl, Olson, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—47.

Those voting for Horace E. Deemer were:

Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brockway, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Crist, Daniels, Dewey, Dixon, Enger, Finlay-

son, Fourt, Fraley, Francis, Fulton, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, Kulp, Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Neal, Robbins, Savage, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—50.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousin, Cunningham, Dawson, Felt, Fitchpatrick, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Pickford, Ripley, Russell, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—40.

Absent:

Adams, Balluff, Cowles, Downey, Edmunds, Hoyt, Huntley, Leach, O'Connor, Parshall, Proudfoot, Sammis, Saunders, Stipe—14.

Those paired were:

Byerly, De Wolf, Fry, Harding, Moore, Perkins, Shane—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Schee of O'Brien moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Savage moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 22, 1911.

Senate met in regular session at 10 o'clock, A. M., President Pro-tem James A. Smith, presiding.

Prayer was offered by Rev. James Willard Counterline of Des Moines, Iowa.

## PETITIONS AND MEMORIALS.

Senator Van Law presented a petition of John W. Justice of Johnson county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented three petitions of teachers of Clinton, Iowa, favoring life validation of teachers' certificates and teachers' pensions.

Referred to Committee on Schools.

Senator Stuckslager presented a petition of citizens of Linn county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Adams presented a petition of citizens of Fayette county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Fitchpatrick presented a petition of citizens of Ames, Iowa, favoring the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator White presented a petition of the commercial club of Marengo favoring a revision of the tax laws.

Referred to Committee on Ways and Means.

Senator Bennett presented a petition of citizens of Adams county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Chase presented a remonstrance of druggists of the Thirty-seventh Senatorial District against Senate File No. 173.

Referred to Committee on Public Health.

Senator Chase presented a remonstrance of citizens of Webster City, Iowa, against the establishment of a public service commission.

Referred to Committee on Judiciary.

Senator Sammis presented a remonstrance of citizens of Malvern, Iowa, against the passage of House File No. 297.

Referred to Committee on Judiciary.

Senator Sammis presented a petition of citizens of Cherokee county favoring the commerce counsel law.

Referred to Committee on Railroads.

Senator Larrabee presented a petition of citizens of Calhoun county favoring appropriations for county fairs.

Referred to Committee on Appropriations.

Senator Hoyt presented a petition of citizens of Buchanan county favoring appropriations for short course extension.

Referred to Committee on Appropriations.

Senator Hoyt presented a petition of citizens of Delaware county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Larrabee presented a petition of citizens of Fort Dodge, Iowa, favoring the passage of Senate File No. 163.

Referred to Committee on Railroads.

Senator Proudfoot presented a petition of teachers of Warren county favoring teachers' pensions.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Van Law (By request), Senate File No. 304, a bill for an act making an appropriation for Beulah Straub, on account of injuries received by her at the Iowa Soldiers' Home at Marshalltown.



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

By Senator Van Law (By request) Senate File No. 305, a bill for an act creating the office of juvenile commissioner, defining his duties and powers, providing for a deputy and providing for publication and reports, the examination of probation officers, and the listing of those who have passed examination satisfactorily, and appointment of probation officers.

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

By Senator Neal, Senate File No. 306, a bill for an act making an appropriation for the railroad commission on account of deficit in the traveling and expense fund.

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

By Senator Neal, Senate File No. 307, a bill for an act making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the Interstate Commerce Commission.

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

By Senator Neal, Senate File No. 308, a bill for an act to make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa Railroad Commission in the cases before the Interstate Commerce Commission involving general advance in rates.

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

By Senator Neal, Senate File No. 309, a bill for an act making an appropriation to enable the State Railroad Commission to investigate and prepare cases affecting Iowa Intrastate rates.

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

By Senator Brown (By Request) Senate File No. 310, a bill for an act to create a Legislative Commission to examine the subject of the administration of the public health of the state 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 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. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 53, a bill for an act to amend Section Five Thousand Five Hundred and Eighteen (5518) of the Code, relating to forfeiture of bail.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 to repeal Section Three Hundred Thirty-five (335) of the Code, as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33d) General Assembly, and to enact a substitute therefor; 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. 98, a bill for an act to repeal Section Two Thousand Six Hundred Twenty-eight (2628) of the Code, relating to the Board of Educational Examiners, 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. 214, a bill for an act to amend Section One Hundred Thirty-nine (139) of the laws of the Thirty-third General Assembly, 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 passed the following bill in which the concurrence of the Senate is asked:

House File No. 331, a bill for an act legalizing and curing the acts and proceedings of the Incorporated Town of Charlotte and the Town Council of said Incorporated Town, in the County of Clinton and State of Iowa, in relation to the establishment, erection, maintenance, and extension of a system of waterworks in said Town, and the issuance of warrants of said Town and in the payment thereof, and authorizing the Town Council of said Town to issue bonds for the purpose of taking up and paying its floating indebtedness represented by said warrants.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate Substitute amendments in which the concurrence of the House was asked:

House File No. 80, a bill for an act fixing the place of bringing suit against companies or corporations furnishing surety bonds 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. 38, a bill for an act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907, relating to the time when actions may be brought on judgments in Courts of Record.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGE CONSIDERED.

House File No. 80, a bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa.

Passed on file.

House File No. 38, a bill for an act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907, relating to the time when actions may be brought on judgments in courts of record.

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

Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

Passed on file.

Substitute for Senate File No. 53, a bill for an act to amend Section Five Thousand Five Hundred Eighteen (5518) of the Code, 1897, of the state of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant.

Passed on file.

House File No. 141, a bill for an act to repeal Section Three Hundred Thirty-five (335) of the Code as amended by Chapter Twenty (20) of the acts of the Thirty-third (33) General Assembly, relating to the selection of jury lists, and to enact a substitute therefor.

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

House File No. 98, a bill for an act to repeal Section Two Thousand Six Hundred Twenty-eight (2628) of the Code, relating to the Board of Educational Examiners and to enact a substitute therefor.

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

House File No. 214, a bill for an act to amend Section One of Chapter One Hundred Thirty-nine (139) of the laws of the Thirty-third General Assembly, relating to the sale of intoxicating liquors by permit holders.

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

House File No. 331, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte, and

the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection, maintenance, and extension of a system of waterworks in said town, and the issuance of warrants of said town and in the 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 said warrants.

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

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the state food and dairy commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 172, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred and Ninety-nine-a31 (4999-a31) of the Supplement to the Code, 1907, relating to food standards, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 237, a bill for an act empowering boards of county

supervisors to appropriate money for educational purposes in relation to tuberculosis in man and animals, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By striking out all of Section 2, and changing "Section 3" to read "Section 2," and when so amended the bill do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Senator Gates, from the Committee on Commerce and Retail Trade, submitted the following report:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred Senate File No. 147, a bill for an act repealing Chapter One Hundred Thirty-one (131) Acts of the Thirty-second General Assembly, and enacting a substitute therefor, relating to exposing and offering for sale of paint, turpentine, or linseed oil, and providing a penalty for the mislabeling thereof, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

CHARLES GATES,  
*Chairman.*

Senator Gates moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 169, a bill for an act making appropriations 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 amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 169.

A BILL

For an Act Making Appropriation for Additional Improvements and Land at the Iowa State Fair and Exposition Grounds.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That there is hereby appropriated to the Iowa Department of Agriculture, out of any money in the state treasury not otherwise appropriated, the sum of eighty-five thousand dollars (\$85,000.00) for the following purposes:

For the purchase of additional land and lots....	\$ 12,000.00
For building for exhibits of farm implements, machinery, vehicles, etc.....	65,000.00
For sanitary toilets .....	8,000.00
Total .....	\$ 85,000.00

Sec. 2. All moneys appropriated by this act shall be drawn from the state treasury upon warrants issued by the state auditor upon order of the state board of agriculture.

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.

JOSEPH L. MATTES,  
*Chairman.*

Substitute read first and second time.

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 150, a bill for an act appropriating Eighty-seven Dollars and Fifty Cents (87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice, beg leave to report they have had the same under consideration and recommend the same do pass as amended by the Committee on Claims.

JOSEPH L. MATTES,  
*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 241, a bill for an act providing for an appropriation of fifteen hundred dollars (\$1500.00) per year for five years, for the maintenance of the Iowa Lakeside Laboratory on West Okoboji Lake, in Dickinson County, Iowa, and placing same under the State Board of Education, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOSEPH MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Chase, 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 File No. 64, a bill for an act to define who may hold office in the State of Iowa, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

D. C. CHASE,  
*Chairman.*

Ordered passed on file.

Senator Stuckslager, 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. 176, a bill for an act to amend Section One (1) of Chapter Sixty-one (61) of the laws of the Thirty-third General Assembly as an additional to Title Five (5) of the Code and relating to pensions for disabled and retired firemen, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code and relating to making sewer and street improvements, and the kinds of materials to be used therein, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "fifth and seventh" in line three, Section One and inserting in lieu thereof the words "fourth and sixth"; and when so amended the bill do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 101, a bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assess-



ments therefor, and the repeal of Chapter Fifty-three (53) of the acts of the Thirty-third General Assembly, 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 Cities and Towns, to whom was referred Senate File No. 177, a bill for an act amending Section Six Hundred Forty-three (643) of the Code, 1897, relating to the qualifications of municipal officers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 31, 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 benefitted thereby, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled House File No. 10, a bill for an act to repeal Paragraph Twenty-nine (29) of Section Two Hundred Ninety-six (296) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the fees collected and paid to the county by the Clerk of the District Court.

Also:

House File No. 71, a bill for an act making it unlawful for cities and towns, including cities acting under special charter and under the commission plan, or counties, to contract with persons, firms or corporations for the discovery of property not listed or assessed for taxation as required by law, and to repeal the law as it appears in Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d), and Fourteen Hundred Seven -e (1407-e) of the Supplement to the Code, 1907.

Adopted.

House File No. 211, a bill for an act to confirm the title of John A. Jasinsky to the Southeast quarter of the Southwest quarter of Section No. 14, Township No. 84, North, Range No. 29, West 5th P. M., Greene County, Iowa, and authorizing the issuance of a patent therefor.

Also:

House File No. 67, a bill for an act to prohibit the exhibition of deformed, idiotic and abnormal persons, and providing penalties for the violation thereof.

Also:

House File No. 50, a bill for an act amending Section Eighteen Hundred Thirty-nine-1 (1839-1) of the Supplement to the Code, 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies.

Also:

House File No. 97, a bill for an act to amend Section Twenty-five Hundred Eighty-nine-b (2589-b) of the Supplement to the Code of 1907, relating to the practice of pharmacy.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate Substitute Amendment:

Concurrent Resolution relative to adjournment from Friday, February 24th, to Friday, March 3, 1911.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

The hour having arrived for Special Order No. 1, on motion of Senator Parshall Joint Resolution No. 1, ratifying the amendment to the constitution of the United States, proposed as by Congress, as the 16th amendment thereto, relative to laying and collecting a tax on income, was taken up for consideration.

Senator Adams moved that the Joint Resolution be referred to the Committee on Judiciary.

On this motion a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Balluff, Bennett, Brown, Chapman, Cowles, Gilliland, Hammill, Hoyt, McColl, McCulloch, Mattes, Proudfoot, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Webber—20.

The nays were:

Allen of Pocahontas, Balkema, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, McManus, Malmberg, Neal, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Taylor, White, Wilson—25.

Absent or not voting:

Ames, Legel, Parshall, Saunders, Van Law—5.

So the Senate refused to refer the Joint Resolution to the Committee on Judiciary.

Senator Clarkson offered the following amendment and moved its adoption:

“I move to amend the Joint Resolution by striking out the words: ‘Be it resolved by the Senate and the House of Representatives of the state of Iowa’, found in lines 20 and 21, and insert in lieu therefor the following: ‘Be it resolved by the General Assembly of the state of Iowa.’”

Adopted.

Senator Clarkson moved that the rules be suspended, 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Amés, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Sullivan Taylor, Van Law, Webber, White, Wilson—45.

The nays were:

Savage, Spaulding, Stuckslager—3.

Absent or not voting:

Legel, Smith of Shelby—2.

So the Joint Resolution having received a constitutional majority, was declared to have passed the Senate and its title agreed to.

The President announced that as President of the Senate he had signed in the presence of the Senate House Files Nos. 67, 71, 10, 97, 50 and 211.

#### 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. 173, 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 insecticides and fungicides by persons other than registered pharmacists, 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 Hunter 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. 38, a bill for an act to amend Section 1854 of the Code, 1897, relating to deposits in savings banks, beg leave to report that they have had the same under consideration and recommend the same be indefinitely postponed.

ROBERT HUNTER,  
*Chairman.*

Senator Hunter moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Banks and Banking, to whom was referred House File No. 53, a bill for an act relating to deposits in banks or trust companies, beg leave to report that they have had the same under consideration and recommend that the same do pass.

ROBERT HUNTER,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Banks and Banking, to whom was referred Senate File No. 234, a bill for an act to repeal Section 1881 of the Code, and to enact a substitute therefor relating to the report by the Auditor of State to the Governor on the condition of banks, beg leave to report that they have had the same under consideration and recommend the same do pass.

ROBERT HUNTER,  
*Chairman.*

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Sullivan, Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18, (254-a-18) of the Supplement to the Code, 1907, relating to probation officers.

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

By Senator Francis, Senate File No. 312, a bill for an act amending the law as it appears in Section Four Hundred and Seventy-nine (479) of the Supplement to the Code, 1907, relating to the salary of county auditors.

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

By Senator Francis, Senate File No. 313, a bill for an act amending Chapter Two Hundred and Fifty-eight (258) of the acts of the Thirty-third General Assembly, relating to an appropriation of One Thousand Dollars (\$1,000.00), to aid in the construction of a dam in Dickinson county, Iowa.

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

By Senator Francis, Senate File No. 314, a bill for an act to authorize cities and towns to levy a tax to improve public waters and the public banks and shores thereof.

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

By Senator Francis, Senate File No. 315, a bill for an act to permit township trustees, city and town councils and boards of directors of incorporated cemetery associations, having the custody and control of any cemetery in the state, to levy a tax on cemetery lots, and providing for the collection of the tax and for the sale of lots upon which the tax has not been paid, and for the control of cemetery funds.

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

By Senator Francis, Senate File No. 316, a bill for an act amending the law as it appears in Section Two Thousand Seven Hundred and Twenty-seven-A-Fifty-nine (2727-A-59), A-Sixty-two (a-62) and A-Sixty-six (a-66), of the Supplement to the Code, 1907, relating to the care and control by the board of control of private hospitals and patients therein.

Read first and second time and referred to Committee on Board of Control and Its Institutions.

HOUSE MESSAGE CONSIDERED.

House Concurrent Resolution relative to adjournment.

Senator Francis moved that the Senate insist upon the Senate amendments.

Carried.

Senator Francis moved the appointment of a Conference Committee.

Carried.

The Chair appointed as such Conference Committee on the part of the Senate, Senators Francis, Hammill, Stuckslager and Clarkson.

## INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 317, a bill for an act relating to the regulation of the methods of procedure in the superior and district courts of the state of Iowa and in the Supreme court of the state.

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

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## JOINT CONVENTION.

The Joint Convention was called to order by President Protem Smith, 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harvey, Hayes, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage,

Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Harding, Hazen, Huntley, Taylor of Union—4.

President Smith announced the Joint Convention duly organized, with a quorum of members present.

President Smith then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCulloch of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brockway, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Cowles, Daniels, Dewey, Dixon, Finlayson, Fourt, Fraley, Francis, Fulton, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, Kulp, Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—55.



Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Felt, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—44.

Those voting for Henry Wallace were:

Edmunds—1.

Those paired were:

Crist, Enger—2.

Absent:

Harding, Hazen, Huntley, Taylor of Union—4.

President Smith announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Beebe of Franklin moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 23, 1911.

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

Prayer was offered by Rev. S. D. McFadden of Des Moines, Iowa.

## PETITIONS AND MEMORIALS.

Senator Hoyt presented a petition of the W. C. T. U. of Hopkington, Iowa, favoring a resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Hoyt presented a petition of citizens of Delaware county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Ames presented a petition of citizens of Tama county, favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Gates presented a remonstrance of citizens of Malvern, Iowa, against House File No. 297.

Referred to Committee on Judiciary.

Senator Wilson presented a petition of teachers of Clinton, Iowa, favoring life validation of teachers' certificates:

Referred to Committee on Schools.

## INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 318, a bill for an act to provide for the commission form of school government of certain school districts and the adoption thereof by special elec-

tion; also providing for the election of members of the citizens school board in such districts and defining the powers of said commission and board.

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

By Senator Dunnegan, Senate File No. 319, a bill for an act to repeal Chapter Ninety-three (93) of the acts of the Thirty-third General Assembly, relating to road districts and restoring the law as it existed prior to the enactment of said chapter.

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

#### 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. 65, a bill for an act to amend Section Two Thousand Four Hundred Forty-eight (2448) of the Supplement to the Code, 1907, relating to the sale of intoxicating liquors.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker on part of the House appoints as conference committee on House Concurrent Resolution relative to adjournment, Representative Dewey of Guthrie, Representative Moore of Linn, Representative Johnson of Mitchell, Representative Ripley of Hancock.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts and the state teachers college.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 117, a bill for an act to amend the law as it appears in Section Four Hundred Seven (407)

of the Supplement to the Code, 1907, authorizing the Board of Supervisors of a county to transfer any surplus in the bond fund raised under Section Four Hundred Three (403) of the Supplement to the Code, 1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

C. R. BENEDICT,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Smith of Shelby, Senate File No. 320, a bill for an act authorizing the curator of historical collections to collect and disseminate information regarding birds, fish and other wild animal life in Iowa, and appropriating Five Thousand Dollars (\$5,000.00) annually out of the Fish and Game protection fund therefor.

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

By Senator Hunter, Senate File No. 321, a bill for an act to repeal Section Twenty-two (22) of Chapter One Hundred Eighteen (118), acts of the Thirty-third General Assembly, and to enact a substitute therefor, relating to the subject of waters, water courses, levees, drains and drainage districts.

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

Senator Bennett offered the following resolution and moved its adoption.

Resolved: That the custodian is hereby instructed to have the carpet in the Senate chamber thoroughly cleaned during the coming vacation.

Adopted.

#### HOUSE MESSAGES CONSIDERED.

House Concurrent Resolution relative to adjournment: The Speaker on the part of the House appoints as Conference Committee on House Concurrent Resolution relative to adjournment:

Representative Dewey of Guthrie, Representative Moore of Linn, Representative Johnson of Mitchell, Representative Ripley of Hancock.

Passed on file.

House File No. 251, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts, and the state teachers' college.

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

House File No. 65, a bill for an act to prohibit treating to intoxicating drinks, including wine and beer, in saloons or other public places.

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

Substitute for Senate File No. 117, a bill for an act creating Section Four Hundred and Seven-a (407-a) of the Supplement to the Code, authorizing the board of supervisors of a county to transfer any surplus bond fund, raised under Section Four Hundred and Three (403) of the Supplement to the Code, after payment of all bonds, to the bridge fund of said county.

Passed on file.

#### REPORTS OF COMMITTEES

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 271, a bill for an act to legalize the incorporation of the town of Grandview, Louisa county, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year nineteen hundred (1900) 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 Judiciary to whom was referred Senate File No. 288, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection, maintenance, and extension of a system of waterworks 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 said warrants, beg leave to report they have had the same under consideration and recommend th. same do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your committee on Judiciary to whom was referred Senate File No. 268, a bill for an act to amend the law as it appears in Section Five Thousand Seventy-eight (5078) of the Code relating to nuisances and abatement thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your committee on Judiciary, to whom was referred House File No. 297, a bill for an act to amend the law as it appears in Section Four Hundred (400) of the Supplement to the Code, 1907, and to amend Section Four Hundred two (402) of the Code relating to the removal of county seats and county records, beg leave to report they have had the same under consideration and recommend the same be amended as follows

Amend Section 1, by striking from the fifth line thereof, the word "forty" and inserting in lieu thereof the word "fifty."

Amend Section 1, by striking out the period after the word "town" as it appears at the close of said section, and insert in lieu thereof a comma, and add thereto the following words:

"and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits of the then existing county seat does not exceed one mile."

Amend Section 2 by striking out the period after the word "town" as it appears at the close of said section, and insert in lieu thereof, a comma, and add thereto the following words:

"and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits

of the then existing county seat does not exceed one mile," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 44, a bill for an act to repeal Section Two Thousand one hundred fifty nine (2159) of the Code relating to telegraph and telephone lines 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. 44.

A BILL

For an Act to repeal Section Two Thousand One Hundred Fifty-nine (2159) of the Code relating to telegraph and telephone lines and to enact a substitute therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section two thousand one hundred fifty-nine (2159) of the Code is hereby repealed and the following enacted in lieu thereof: "Such telegraph, telephone, or other pole lines shall not be so constructed as to incommode the public in the use of any road or the navigation of any stream and the line of poles with anchors, braces, or guy posts shall not extend farther than six (6) feet into the highway on all public roads on which same may be constructed.

"It shall be the duty of the owner of said telegraph, telephone or other pole lines to ascertain the location of such highway line and to arrange the poles, anchors, braces and guy posts accordingly. If the character of the country for any reason will not permit the establishment and construction of such telegraph, telephone or other pole lines as above provided, it shall be the duty of the board of supervisors in such county in which such conditions exist, upon application to them therefor, by resolution to establish the location of such telegraph, telephone or other pole lines and the manner of construction thereof on any public highway on which the same may be constructed, and when so amended the bill do pass.

NICHOLAS BALKEMA,  
*Chairman.*

Substitute read first and second time.

Adopted.

Senator Smith of Mitchell, from the Committee on Ways and Means, submitted the following report:

MR. SPEAKER—Your Committee on Ways and Means to whom was referred House File No. 47, a bill for an act to amend the law as it appears in Chapter 8, title 2 of the Supplement to the Code, 1907, in reference to the census, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,  
*Chairman.*

Adopted.

Senator Larrabee, from the Committee on Labor, submitted the following report:

MR. PRESIDENT—Your Committee on Labor, to whom was referred Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-10 (499-a10), of the Supplement to the Code, relating to protection against fire and providing a penalty, beg leave to report they have had the same under consideration and recommend the same do pass.

FREDERIC LARRABEE,  
*Chairman.*

Ordered passed on file.

Senator Adams, from the Committee on Schools, submitted the following report.

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 267, a bill for an act to repeal Sections Twenty-six Hundred Thirty-four-d (2634-d) and Twenty-six hundred Thirtyfour-h (2634-h) of the Supplement to the Code, relative to the renewal of state certificates, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Beginning with the seventh word of the seventh line of Section Two of the printed bill, strike out the sentence ending in the eighth line of the printed bill, as follows: "and such evidence of professional growth as said board may require."

Also that the word "may" in the ninth line of Section Two, being the fifth word, be stricken out, and the word "shall" substituted therefor, and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 21, a bill for an act to amend Sections 2754, 2808, 2812-f, Supplement to the Code, 1907, and Sections 2760, 2780, 2811, Code 1897, and to repeal Section 2810, of the Code, 1897, and Sections 2757, 2768, 2769, Supplement 1907, and to enact substitutes therefor, abolishing the office of School Treasurer and providing that the county treasurer shall perform the duties of said officer, beg leave to report they have had the same under consideration and recommend the same be amended as follows:



That Senate File No. 21 be and the same is hereby amended by striking out all of Section three (3) of said bill and inserting the following in lieu thereof:

"The funds in the hands of the county treasurer belonging to any school corporation in said county shall be paid out on warrants drawn by the secretary and countersigned by the president of the school board of said school corporation, and in no other way. When a warrant drawn and countersigned as above provided is presented to the county treasurer for payment and cannot be paid for want of funds, said treasurer shall endorse on said warrant the following, "Not paid for want of funds' and the date of presentation, and sign it; and thenceforth it shall draw interest at the rate of five per cent. He shall keep a record of the date, number and amount of the warrants presented and endorsed for non-payment, which shall be paid in the order of such presentation. He shall issue calls for outstanding warrants at any time he may have sufficient funds on hand for which such warrants were issued; shall give notice to what number of warrants the funds will extend, or the number or other description of said warrants which will be paid, by posting a written notice in the treasurer's office, and at the expiration of thirty days from the date of posting such notice, interest on the warrants so named shall cease; and when any warrant which draws interest is paid, he shall endorse upon it the date and the amount of interest allowed. Every warrant paid or otherwise taken up shall be cancelled and not re-issued."

Also by striking out the words, "civil township in which the corporation is located," in Section Eight, on page Five of the original Bill and substituting in lieu thereof the words, "school corporation," and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled House File No. 80, a bill for an act fixing the place of bringing suit against companies or corporations furnishing surety bonds in the State of Iowa.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator McManus, Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. Additional to Title V of the Code, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator McManus moved that the substitute be substituted for the original bill.

Adopted.

Senator McManus moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—41.

The nays were:

Proudfoot, Smith of Mitchell—2.

Absent or not voting:

Bennett, Francis, Larrabee, Parshall, Quigley, Sammis, Saunders—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 Hammill, House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools of Iowa, with report of committee recommending passage, was taken up and considered.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend House File No. 28 my striking out all of Section One and substituting the following in lieu thereof:

Section 1. Any person of school age, who is a resident of a school corporation not offering a four-year high school course and who has completed the course of study offered by such school corporation shall be permitted to attend any high school that will receive him, provided the average cost of tuition allowed shall not exceed the average cost of tuition in the nearest high school, under the conditions and provisions of Section two (2) of this Act.

Senator Smith of Shelby offered the following amendment to the amendment and moved its adoption:

I move to strike out all of the amendment from and including the word "provided".

The amendment to the amendment was lost.

The amendment offered by Senator Hammill was adopted.

Senator Clarkson offered the following amendment:

I move to amend by adding the following as Section 4: But nothing in this act shall be construed so as to prevent the board of directors of the district in which such high school is located from determining and fixing the charge which may be made for tuition in such cases.

The amendment was lost.

The bill as amended was read for information.

Senator Hammill 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—41.

The nays were:

Quigley—1.

Absent or not voting:

Allen of Pocahontas, Cowles, Larrabee, McCulloch, Sammis, Schrup, Smith of Mitchell, Taylor—8.

Senator Adams offered the following amendment to the title and moved its adoption:

“I move to amend the title by substituting the words “four years” in place of the words “the accredited”, as the same appears in the third line of the title.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and the title as amended agreed to.

The President announced that he had in his possession a communication from the Board of Railroad Commissioners, which was read.

Senator Hammill moved that the communication be laid upon the table.

Senator Ames moved as a substitute that the communication be printed in the Journal and referred to the Committee on Appropriations.

Senator Clarkson raised the point of order that the motion to lay upon the table was not open to amendment.

The President ruled the point of order well taken.

Senator Gilliland moved as a substitute that the further consideration of the matter be deferred until tomorrow, A. M.

Senator Hammill raised the point of order that the motion was not in order.

The President ruled the point of order well taken.

On the motion of Senator Hammill a roll call was demanded.

The ayes were:

Adams, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Garrett, Hammill, Hoyt, Legel, Mattes, Neal, Proudfoot, Saunders, Savage, Spaulding, Stuckslager, Sullivan, Taylor, Webber, Wilson—25.

The nays were:

Allen of Jefferson, Ames, Balkema, Fitchpatrick, Francis, Gates, Gilliland, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Parshall, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Van Law, White—20.

Absent or not voting:

Allen of Pocahontas, Dunnegan, Sammis, Schrup, McManus—5.

So the communication was laid upon the table.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the Conference Committee Report, adopted the amendment recommended by the committee and adopted the House Concurrent Resolution as amended relative to adjournment.

C. R. BENEDICT,  
Chief Clerk.

Senator Allen of Jefferson offered the following Resolution and moved its adoption:

*Whereas*, Major Alexander Brown, a distinguished lawyer and citizen of VanBuren County, Iowa, and an active member of the Senate of the Nineteenth General Assembly of Iowa, departed this life at his home in Keosauqua, Iowa, on the 10th day of August, 1910; therefore be it

*Resolved*, that a committee of three be appointed by the President of the Senate to prepare and submit resolutions commemorating the life, character and public services of the deceased.

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Wilson, Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78), acts of the Thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend the bill by striking out the word "all" as the same appears in line 6 of the bill and insert in lieu thereof the word "any" and to strike out the word "officers" as the same ap-

pears in line 7 of said bill and insert in lieu thereof the word "officer."

Adopted.

Further consideration of the bill was postponed.

HOUSE MESSAGES CONSIDERED.

House Concurrent Resolution: Report of Conference Committee relative to adjournment.

Senator Francis called up for consideration the report of Conference Committee relative to adjournment.

MR. PRESIDENT—We, your conference committee to whom was referred the matter of the disagreement relative to adjournment, beg leave to report that we have had the matter under advisement and recommend the following:

First, we recommend that the Senate recede from its substitute amendment.

Second, we recommend that the con-current resolution be amended so that it will read "when adjournment is had Saturday, February 25th, it will be to re-convene Monday, March 6th, at 10 o'clock a. m.," and when the con-current resolution is so amended we recommend that the same be concurred in.

Respectfully submitted,

H. K. DEWEY,

A. C. RIPLEY,

EARNEST R. MOORE,

K. J. JOHNSON,

*Conferees on the Part of the House.*

L. E. FRANCIS,

JOHN HAMMILL,

W. C. STUCKSLAGER,

JOHN T. CLARKSON,

*Conferees on the part of the Senate.*

Adopted.

Senator Francis moved that the report of the Conference Committee be adopted and the Senate recede from its substitute amendment to the House Concurrent Resolution.

Carried.

Senator Francis moved that the amendment proposed by the Conference Committee be adopted.

Carried.

Senator Francis moved that the Senate concur in the Concurrent Resolution as amended.

Carried.

#### REPORTS OF COMMITTEES

Senator J. H. Allen from the Committee on Agriculture, submitted the following report:

MR. PRESIDENT—Your Committee on Agriculture, to whom was referred Senate File No. 183, a bill for an act to encourage the dairy industry in the state of Iowa, to aid in providing instruction in practical scientific dairying and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Appropriations for further consideration, and with the recommendation that the same do pass.

J. H. ALLEN,  
*Chairman.*

Senator Allen moved that the report of the committee be adopted.

Adopted.

So the bill was referred to the Committee on Appropriations.

The President announced that as President of the Senate he had signed in the presence of the Senate House File No. 80.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright,

Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunngham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hickenlooper, Hogan Hoyt, Huff Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stucklager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Beebe, Hazen, Huntley, Taylor of Union—4.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Escher, Fletcher, Garritt, Gilbert, Greene, Griggs, Hamilton, Hayes, Koontz, Krebill, Kull, Leach Legel, Lenocker, Linnan, McCullough of Dubuque,



McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Beans, Bennett, Bowman, Brady, Brockway, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Enger, Finlayson, Fourt, Fraley, Francis, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, Kulp, Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Proudfoot, Robbins, Saunders, Savage, Shane, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—58.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Felt, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Spaulding, Stillman, Stoddard—42.

Those voting for Henry Wallace were:

Edmunds—1.

Those paired were:

Bascom, Ellis—2.

Absent:

Beebe, Hazen, Huntley, Taylor—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

O'Connor of Chickasaw moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Conventon read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Allen of Jefferson moved that the Senate do now adjourn until 10 o'clock tomorrow morning.

Senator Clarkson moved as an amendment that the Senate do now adjourn until 9 o'clock tomorrow morning.

Amendment adopted.

Motion as amended prevailed.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, FEBRUARY 24, 1911.

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

Prayer was offered by Rev. P. S. Irvin of Chariton, Iowa.

On request of Senator Savage, leave of absence was granted Senator Stuckslager for today and tomorrow.

## PETITIONS AND MEMORIALS.

Senator Legel presented a petition of teachers of Nora Springs, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator Schrup presented a remonstrance of 11,000 citizens of Dubuque County against any further legislation against the liquor traffic.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented a remonstrance of citizens of Malvern, Iowa, protesting against the passage of House File No. 297.

Referred to Committee on Judiciary.

Senator Mattes presented a petition of citizens of Sac County favoring the five-mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Wilson presented a petition of teachers of Clinton, Iowa, favoring the teachers' pension bill.

Referred to Committee on Schools.

Senator Wilson presented a petition of teachers of Clinton, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator McColl presented a petition of teachers of Audubon, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator DeWolf presented a remonstrance of citizens of Black Hawk County against the resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Hammil presented a petition of teachers of Mason City favoring bill for the validation for life of teachers' certificates.

Referred to Committee on Schools.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Balkema presented a memorial resolution of Sioux County Farmers' Institute favoring the extension of Short Courses in the state.

Referred to Committee on Agriculture.

#### INTRODUCTION OF BILLS.

By Senator White, Senate File No. 322, a bill for an act to amend Section Thirteen Hundred Thirty-three-d (1333-d) of the Supplement to the Code relating to taxing of insurance corporations.

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

By Senator Dunnegan, Senate File No. 323, a bill for an act to make appropriation for the purpose of improving certain roads leading to the State Hospitals for the Insane at Clarinda, Iowa, Mount Pleasant, Iowa, and Independence, Iowa.

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

By Senator Ream, Senate File No. 324, a bill for an act to provide for the appointment of additional election boards in certain election precincts.

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

#### REPORTS OF COMMITTEES.

Senator Gilliland from the Committee on Judiciary submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 253, a bill for an act to regulate the hours of engineers and firemen operating stationary boilers and engines beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 299, a bill for an act to legalize certain warrants of the city of Burlington, 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 Judiciary, to whom was referred Senate File No. 287, a bill for an act empowering the Governor and Secretary of State to execute quit-claim deed conveying to grantees of Christian Flicht all of the right, title and interest of the state of Iowa in Lot Five (5) of Section one (1), Township Seventy-three (73) North of Range Two (2) West of the Fifth (5th) P. M., 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 Gilliland from the Committee on Judiciary returned to the Senate House File No. 331.

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 99, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505) and Twenty-five Hundred and Eight, (2508) of the Supplement to the Code, 1907, in reference to the inspection of petroleum products, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167) of the Acts of the Thirty-third General Assembly relating to the practice of optometry, and for the creation of a Board of Examiners in optometry, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 283, a bill for an act to amend Section Four Thousand Nine Hundred Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code, relative to preserving the public health, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House File No. 248,, a bill for an act to amend the law as it appears in Chapter Sixteen-D (16-D) of the Supplement to the Code, 1907, relative to graduate and registered nurses, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Wilson, Senate File No. 288, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the Town Council of said incorporated town, in the county of Clinton and State of Iowa, in relation to the establishment, erection, 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 said warrants, with report of committee recommending passage, was taken up, and the report of the committee adopted.

Senator Wilson asked unanimous consent that House File No. 331, be taken up for consideration in place of Senate File No. 288, the two bills being identical.

Consent granted.

The bill was read for information.

Senator Wilson 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 :

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Taylor, Van Law, Webber, White, Wilson.—33.

The nays were :

None.

Absent or not voting :

Adams, Allen of Pocahontas, Ames, Chapman, Chase, Cowles, DeWolf, Francis, Larrabee, McCulloch, McManus, Mattes, Proudfoot, Smith of Mitchell, Spaulding, Stuckslager, Sullivan.—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to .

Senator Webber asked unanimous consent to have Senate File No. 193 dropped from the calendar and from further consideration by the Senate.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Garrett, Senate File No. 271, a bill for an act to legalize the incorporation of the Town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances and resolutions, and Acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year Nineteen Hundred (1900), with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Garrett moved that the rules be suspended, the bill be considered engrossed, which motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, Van Law, Webber, White, Wilson.—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Brown, Chapman, Chase, Francis, Gilliland, Larrabee, McColl, McManus, Ream, Spaulding, Stuckslager, Sullivan.—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 Proudfoot, Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-A-fourteen (5718-A-14) of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole.

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

By Senator Spaulding, Senate File No. 326, a bill for an Act to amend the law as it appears in Chapter Seventeen-a (17-a), Title XIII of the Supplement to the Code, 1907, relative to salaries and appropriations for the state library and the historical department.

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

#### THIRD READING OF BILLS.

On motion of Senator White, House File No. 47, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two



(2) of the Supplement to the Code, 1907, in reference to the census, with report of the committee recommending passage, was taken up and considered.

The bill was read for information.

Senator White moved the 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson.—41.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Francis, Larrabee, McManus, Neal, Sammis, Stuckslager, Sullivan.—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Cowles, from the committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 266, a bill for an act to make an appropriation for the farmer's institute of Benton 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 be indefinitely postponed.

LAMONTE COWLES,  
*Chairman.*

Senator Cowles moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the insane at Independence, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

LAMONTE COWLES,  
*Chairman.*

Adopted.

Senator Cowles moved that the report be referred to the Committee on Appropriations.

Carried.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 123, a bill for an act appropriating the sum of Twelve Hundred Dollars (\$1200.00) to be paid to Charles Haskell in settlement of damages sustained by him for quarantine for his cattle, established under the direction of the State Veterinarian, beg leave to report they have had the same under consideration and recommend the same do pass.

LAMONTE COWLES,  
*Chairman.*

Senator Cowles moved that the bill be referred to the Committee on Appropriations.

Carried.

So the bill was referred to the Committee on Appropriations.

#### THIRD READING OF BILLS.

On motion of Senator Hoyt, Senate File No. 150 a bill for an act appropriating Eighty-seven Dollars and Fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice, with report of committee recommending the adoption of a substitute and passage, was taken up and considered.

The substitute was read for information.

Senator Hoyt moved that the substitute be substituted for the original bill.

Adopted.

Senator Hoyt moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson.—44.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Chase, Larrabee, McManus, Sammis, Stuckslager.—6.

So the bill having received a two-thirds majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Cowles, Senate File No. 299, a bill for an act to legalize certain warrants of the City of Burlington, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson.—40.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Ames, Chapman, Chase, Jewell, Legel, McManus, Ream, Savage, 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 Wilson, the Senate resumed the consideration of Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78,) Acts of the Thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

Senator Sammis offered the following amendment and moved its adoption.

“I move to amend Senate File No. 201 by striking out the word “township” in the 5th line of Section one of the printed bill.

Senator Sullivan offered the following amendment to the amendment :

“I move to amend the amendment proposed by Senator Sammis by inserting the words after the word “township” “except constables.”

Amendment to the amendment was lost.

On the amendment proposed by Senator Sammis, a roll call was demanded.

The ayes were :

Adams, Ames, Balluff, Brown, Clarkson, Cowles, Francis, Gates, Hunter, Legel, McCulloch, Malmberg, Parshall, Quigley, Sammis, Saunders, Savage, Schrup, Spaulding, Sullivan, Taylor, Webber, White.—23.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Chase, Crow, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Jewell, Larrabee, McColl, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Van Law.—19.

Absent or not voting :

Chapman, DeWolf, Hoyt, McManus, Mattes, Ream, Stuckslager, Wilson.—8.

So the amendment was adopted.

Senator Adams offered the following amendment and moved its adoption.

I move to amend Senate File No. 201 by striking out Sub-division 7 of the bill.

Amendment was lost.

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:

Allen of Jefferson, Ames, Balkema, Bennett, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Mattes, Neal, Parshall, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber. Wilson—31.

The nays were:

Adams, Malmberg, Sammis, Savage, Sullivan, White—6.

Absent or not voting:

Allen of Pocahontas, Balluff, Brown, Chapman, Hoyt, Legel, McColl, McCulloch, McManus, Quigley, Ream, Schrup, Stuckslager.—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 concurred in Senate amendment to House File No. 96, a bill for an act to repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the Supplement to the Code, 1907, as amended by Chapter One Hundred and Sixty-three (163) of the Acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs 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 amendment to Joint Resolution No. 1, in which the concurrence of the House was asked:

House Joint Resolution No. 1 ratifying the amendment to the constitution of the United States proposed by congress as the sixteenth amendment thereto, relative to laying and collecting a tax on income.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches 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 House was asked:

Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of 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 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 Sixteen (16) of Chapter One Hundred Eighteen (118) of the Acts of the Thirty-third General Assembly of Iowa relating to levees, ditches, drains, water courses and drainage ditches, and to amend the law as it appears in Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and all acts amendatory thereto relating to the powers and duties of township trustees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 262, a bill for an act concerning the Commission Plan of government in certain cities, additional to Chapter Fourteen-C (14-C) Title Five (5) of the Supplement to the Code, 1907, and Chapter Sixty-four (64) of the laws of the Thirty-third (33d) 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. 40, a bill for an act to grant power to cities having a population of thirty thousand or over and organized under Chapter Fourteen-c (14-c), of Title Five (5), of the Supplement to the Code, 1907, and amendments thereto, to assume exclusive charge, custody, and control of all trees and shrubbery and the planting and maintenance thereof on the public streets and to provide for the payment of the costs 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. 155, a bill for an act to amend Section Fifty-nine Hundred and Ninety-nine-a-1 (4999-a-1), of the Supplement to the Code, relative to closets and privies.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvements of water fronts in special charter cities, and conferring additional powers upon such cities, (additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Gilliland, House File No. 297, a bill for an act to amend Sections Four Hundred (400) and Four

Hundred Two (402) of the Code relating to the removal of county seats and the county records, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Gilliland moved the adoption of the following amendments:

Amend Section 1, by striking from the fifth line thereof, the word "forty" and inserting in lieu thereof the word "fifty."

Lost.

Amend Section 1, by striking out the period after the word "town," as it appears at the close of said section, and insert in lieu thereof a comma, and add thereto the following words:

"and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits of the then existing county seat does not exceed one mile."

Adopted.

Amend Section 2, by striking out the period after the word "town" as it appears at the close of said section, and insert in lieu thereof, a comma, and add thereto the following words:

"and, provided further, that the provisions hereof shall not apply when the distance between the limits of the proposed county seat and the limits of the existing county seat does not exceed one mile.

Adopted.

Senator Gilliland asked unanimous consent to insert the words "where one is already located," before the word "and" as the same appears in the first line of the amendment to Section One proposed by the committee.

Consent granted.

Senator Gilliland asked unanimous consent to insert the words "where one is already located" before the word "and" as the same appears in the first line of the amendment to Section Two proposed by the committee.

Consent granted.

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 :

Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Webber, Wilson.—35.

The nays were :

Balkema, Larrabee, Malmberg—3.

Absent or not voting :

Adams, Ames, Brown, Chapman, Chase, Hoyt, McColl, Quigley, Spaulding, Stuckslager, Taylor, White—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 Allen of Jefferson, Senate File No. 327, a bill for an act to amend Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the Secretary of the State Board of Health.

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

Senator Wilson asked unanimous consent that Senate File No. 288 be indefinitely postponed, being identical with House File No. 297, which passed the Senate.

Consent granted.

So Senate File No. 288 was indefinitely postponed.

#### REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report :

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 297, 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, 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 "Seventy-five (75)" in the sixth (6) line of Section One (1) and inserting in lieu thereof the words and figures "Fifty (50)," and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Senator C. G. Saunders, from the Committee on Railroads, submitted the following report:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 136, a bill for an act to amend Section 2091-a of the Code Supplement, 1907, designating the statutes which are made up under Chapter 5, Title 10 of said Code Supplement relative to trolley or electric railways, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 132, a bill for an act to amend Section 2089 of the Code Supplement, 1907, relating to liability of the Board of Directors of Railway companies receiving taxes voted in their aid under the provisions of Chapter 5, Title 10 of said Code Supplement, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 94, a bill for an act providing that all common carriers operating trains within the State of Iowa, and conveying live stock shall provide a car equipped with sleeping berths or bunks for the persons in charge of such live stock, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the Committee.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 133, a bill for an act to amend Section 2090 of the Code Supplement, 1907, relative to the forfeiture of taxes voted in aid of railroads under the provisions of Title 10, Chapter 5, of said Code Supplement, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,  
*Chairman.*

Adopted.

Also :

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 236, a bill for an act to better railroad passenger service; and defining what passenger service is reasonable, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 134, a bill for an act to repeal Section 2088 of the Code Supplement, 1907, relative to issuing tax certificates by county treasurers on the payment of any taxes voted under the provision of Chapter 5, Title 10, of said Code Supplement, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,  
*Chairman.*

Adopted.

Also :

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 135, a bill for an act to amend Section 1611 of the Code, relative to the issuance of bonds by railway or street railway companies in aid of their location, construction and equipment, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved that the report of the Committee be adopted.

Adopted.

So the bill was indefinitely postponed.

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. 202, a bill for an act to amend Section Two Thousand Four Hundred Eighty-two (2482,) Supplement to the Code, 1907, relating to the expense of mine inspectors, 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.

#### INTRODUCTION OF BILLS.

By Senator Brown, Senate File No. 328, a bill for an act requiring the labeling of all packages, barrels or casks in which gasoline is sold, and providing a penalty for the violation thereof.

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

#### REPORTS OF COMMITTEE.

Senator Sullivan, from the Committee on Printing, submitted the following report:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Senate File No. 166., a bill for an act to amend Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to the selection of official newspapers, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Judiciary.

JOHN B. SULLIVAN,  
*Chairman.*

Adopted.

So the bill was referred to the Committee on Judiciary.

Also:

MR. PRESIDENT—Your Committee on Printing, to whom was referred Senate File No. 175, a bill for an act to provide for regulating the amount and cost of printing and binding to be done for the State of Iowa, when

the same is to be paid for from special appropriation, beg leave to report they have had the same under consideration and recommend the same do pass.

JOHN B. SULLIVAN,  
*Chairman.*

Ordered passed on file.

On request of Senator Savage leave of absence was granted Senator Hoyt for the balance of the day and also tomorrow.

#### THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 57, a bill for an act to amend Section Two Thousand Three Hundred Eighty-four (2384) of the Code relating to the payment of an attorney's fee in actions brought under said section, with report of committee recommending amendments and passage, was taken up and considered and the report of the committee, adopted.

Senator Sammis moved the adoption of the following amendment:

Amend the title so that the same shall read as follows:

“A bill for an act to amend Section Two Thousand Three Hundred Eighty-four (2384) of the Code relating to the payment of attorneys' fee in prosecutions for nuisances.”

Further consideration of the bill was postponed.

The Journals of Tuesday, Wednesday and Thursday were taken up, corrected and approved.

Senator Francis asked unanimous consent to have 400 extra copies of Senate File No. 260 printed.

Consent granted.

Senator Sullivan offered the following Concurrent Resolution which was laid over under the rules:

#### CONCURRENT RESOLUTION.

A resolution authorizing the Governor to appoint an honorary commission of five citizens of this state to investigate the nature and scope of the Panama Exposition, to be held at San Francisco, California, in the year Nineteen Hundred and Fifteen, and report to the Thirty-fifth General Assembly as to the desirability of the State of Iowa making an exhibition therein and the expense of the same.

*Whereas*, the congress of the United States has designated the city of San Francisco, California, as the place for holding a great International Exposition in the year Nineteen Hundred and Fifteen, to com-

memorate the opening and completion of the Panama Canal, and said congress has called upon the president of the United States to invite the nations of the world to participate in such exposition; and,

*Whereas*, it may be that the State of Iowa will desire to exhibit her resources and advantages at such exposition; therefore be it

*Resolved* by the Senate, the House concurring, that the governor is hereby authorized to appoint an honorary commission composed of five citizens of this state, with power to investigate the nature and scope of the said exposition and to report to the Thirty-fifth General Assembly the desirability of the state of Iowa making proper exhibit of the resources and advantages of this state at such exposition, together with the nature and character of such proposed exhibit, and the reasonable expenses to be connected therewith.

Senator Sammis moved that when the Senate adjourn, it to be until 1:30.

Carried.

Senator Sammis moved that the further consideration of Senate Files Nos. 4, 5 and 6, be made a special order for Tuesday, March 7, at 10 o'clock A. M.

Carried.

The President announced that as President of the Senate he had signed in the presence of the Senate House File No. 116.

Senator Sammis moved the reconsideration of vote by which the time of adjournment was fixed to 1:30 this afternoon.

Carried.

The motion that when the Senate adjourn it be until 1:30 this afternoon was lost.

#### HOUSE MESSAGES CONSIDERED.

House File No. 96, a bill for an act to repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the 1907 Supplement to the Code as amended by Chapter One Hundred Sixty-three (163) of the acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs and to enact a substitute therefor.

Passed on file.

House Joint Resolution No. 1, a joint resolution ratifying the Sixteenth Amendment to the Constitution of the United States.

Passed on file.

House File No. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches and drains.

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

Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health.

Passed on file.

Substitute for House File No. 34, a bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter One Hundred Eighteen (118) of the Acts of the Thirty-third General Assembly of Iowa, relating to levees, ditches, drains, water courses and drainage districts, and to amend the law as it appears in Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and all Acts mandatory thereto relating to the powers and duties of township trustees.

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

House File No. 262, a bill for an act regulating the Commission Plan of government in certain cities, additional to Chapter Fourteen-c (14-c) of the Supplement to the Code and Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly.

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

House File No. 40, a bill for an act to grant power to cities and towns and cities acting under special charters to assume exclusive charge, custody, and control of all trees and shrubbery, and the planting and maintenance thereof, on the public streets and to provide for the payment of the cost thereof.

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

House File No. 155, a bill for an act to amend Section Forty-nine Thousand and Ninety-nine-a1 (4999-a1) of the Supplement to the Code of 1907, relative to water closets or privies.

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

House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

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

Substitute for Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital.

The president announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator DeWolf.

Passed on file.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Bruce, Bybee, Bybert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hickenlooper, Honey, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunne-gan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Lar-rabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Me-



Cleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sainmis, Sater, Saunders, Savage, Schee, Schrup, Shane, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller.—146.

Absent:

Brown of Wright, Dunlap, Fletcher, Hazen, Hoyt, Huntley, Lund, McCullough of Dubuque, McManus, Shankland, Stuckslager, Taylor of Union—12.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, De Wolf of Grundy.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, Downey, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hayes, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—46.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Cowles, Daniels, Dewey, Dixon, Enger, Finlayson, Fourt, Francis, Fulton, Gilliland, Harding, Harvey, Hicklenooper, Hogan, Hunt, Jacobson, Lounsberry, McCleery, Mc-

Coll, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Proudfoot, Robbins, Saunders, Shane, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Sullivan, Van Camp, Van Law, Whitney, Zeller—53.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Beebe, Brockway, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Felt, Fitchpatrick, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Sherman, Spaulding, Stillman, Stoddard—41.

Those voting for Henry Wallace were:

Edmunds—1.

Those paired were:

Ames, Crist, De Wolf, Hamilton, Savage—5.

Absent:

Brown of Wright, Dunlap, Fletcher, Hazen, Hoyt, Huntley, Lund, McCullough of Dubuque, McManus, Shankland, Stuckslager, Taylor of Union—12.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Kull of Howard moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the chamber and resumed its sitting.

Senator Bennett moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Senator Clarkson moved to amend by making the adjournment until 10 o'clock tomorrow morning.

Amendment adopted.

Motion as amended adopted.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER.

DES MOINES, IOWA, FEBRUARY 25, 1911.

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

Prayer was offered by the Rev. H. G. Rice of Albia, Iowa.

On request of Senator Clarkson leave of absence was granted Senator Sammis for the day.

On request of Senator Clarkson leave of absence was granted Senator Wilson for the day.

On request of Senator Garrett leave of absence was granted Senator Crow for the day.

On request of Senator Garrett leave of absence was granted Senator Gates for the day.

On request of Senator Ames leave of absence was granted Senator Francis for the day.

On request of Senator Balluff leave of absence was granted Senator Smith of Shelby for the day.

On request of Senator Jewell leave of absence was granted Senator Bennett for the day.

On request of Senator Hammill leave of absence was granted Senator De Wolf for the day.

On request of Senator Gilliland, Senator Van Law was excused for the day.

## REPORTS OF COMMITTEES.

Senator Sammis, from the Committee on Corporations, submitted the following report:

MR. PRESIDENT—YOUR Committee on Corporations, to whom was referred Senate File No. 29, a bill for an act relating to the issuing of capital stock, and the duty of the Executive Council in fixing value, beg leave to report they have had the same under consideration and recommend the same do pass.

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Sammis (By request), Senate File No. 329, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

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

By Senator Chase, Senate File No. 330, a bill for an act providing that contributory negligence shall not operate as a bar to a recovery in negligence cases.

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

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 53, a bill for an act to amend Section Five Thousand Five Hundred and Eighteen (5518) of the Code, relating to forfeiture of bail.

Also:

Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

Also:

Senate File No. 117, a bill for an act to amend the law as it appears in Section Four Hundred Seven (407) of the Supplement to the Code, 1907, authorizing the board of supervisors of a county to transfer any surplus in the bond fund raised under Section Four Hundred Three (403) of the Supplement to the Code, 1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

Also:

Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State hospital.

Also:

Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 Senate File No. 53, a bill for an act to amend Section Fifty-five Hundred and Eighteen (5518) of the Code, relating to forfeiture of bail.

Also:

Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.

Also:

House File No. 96, a bill for an act to repeal Section Twenty Five Hundred Ninety Six-A (2596-A) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Sixty Three (163) of the Acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs and to enact a substitute therefor.

Also:

House File No. 331, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation of the establishment, erection, maintenance, and extension of a system of waterworks in said town, and the issuance of warrants of said town and 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 said warrants.

Also:

House File No. 297, a bill for an act to amend the law as it appears in Section Four Hundred (400) of the Supplement to the Code, 1907, and to

amend Section Four Hundred Two (402) of the Code relating to the removal of county seats and the county records.

Also:

House Joint Resolution No. 1, a joint resolution ratifying the amendment to the constitution of the United States proposed by Congress as the Sixteenth amendment thereto, relative to laying and collecting a tax on income.

Also:

House File No. 116, a bill for an act relative to the time of payment of county fees into the county treasury by clerks of the district court, county auditors and county recorders.

Also:

Senate File No. 117, a bill for an act to amend the law as it appears in Section Four Hundred Seven (407) of the Supplement to the Code, 1907, authorizing the Board of Supervisors of a county to transfer any surplus in the bond fund raised under Section Four Hundred Three (403) of the Supplement to the Code, 1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

Also:

Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital.

Also:

Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health.

ED. P. MALMBERG,  
*Chairman Senate Committee...*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

## INTRODUCTION OF BILLS.

By Senator Francis (By request), Senate File No. 331, a bill for an act making an appropriation to 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.

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. 284, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the State and County treasuries.

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. 219, a bill for an act to amend Section Five Thousand Seventy-one (5071) of the Code, relating to the unlawful wearing of badges.

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. 11, 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 the payment 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 to House File No. 297, a bill for an act to amend the law as it appears in Section Four Hundred (400) of the Supplement to the

Code, 1907, and to amend Section Four Hundred Two (402) of the Code relating to the removal of county seats and the county records.

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:

Concurrent Resolution relative to the appointment of sub-committee from the Committee on Board of Control; the duties of such sub-committee shall be to visit the various institutions under the management of the State Board of Control.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 24, a bill for an act to repeal sub-division Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican war or the War of the Rebellion or of the widow of such soldier or sailor.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 247, a bill for an act to amend 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.

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:

Senate File No. 220, a bill for an act providing for registration of farm names.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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 One (1) of Chapter Thirty-one (31) of the acts of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 30, a bill for an act to repeal Section Two Thousand Three Hundred Eighty-three (2383) of the Code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 76, 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. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), Acts of the Thirty-third (33d) General Assembly of Iowa, relating to Tax Levy for Park purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 85, a bill for an act to repeal Section One Thousand Three Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the taxation of national, state and savings banks, and loan and trust companies.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

On motion of Senator Saunders, Senate File No. 258, a bill for an act to amend the law as it appears in Section Three Thousand Four Hundred and Forty-seven-c (3447-c) of the Supplement to the Code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosures of mortgages may be brought, with report of committee recommending the adoption of a 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 offered the following amendment and moved its adoption:

I move to amend the substitute by striking out the first two lines of Section One, and inserting in lieu thereof the following:

“Section One. The law as it appears in Section Three Thousand Four Hundred Forty-seven-c (3447-c), of the Supplement to the Code, 1907, is hereby amended so that the same shall read as follows:”

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:

Adams, Ames, Balluff, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Saunders, Savage, Spaulding, Sullivan, Taylor, White—28.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Chapman, Cowles, Crow, De Wolf, Francis, Gates, Hoyt, Hunter, McManus, Parshall, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Webber, Wilson—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 125, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment, 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 be reported to the Senate with the recommendation that it be referred to the Committee on Appropriations, with the further recommendation that it do pass.

SUBSTITUTE FOR SENATE FILE NO. 125.

A bill for an Act to Create an Employer's Liability Commission and make appropriation therefor.

*Whereas*, the industrial conditions of this state, in common with other states of the United States, have out-grown the common law and statutory remedies heretofore given to employees in this state for injuries incident to their employment, and which in most instances must be borne by the workmen who are the least able to sustain the same; and

*Whereas*, many of the great important industries of the state are a necessity and the hazards of employment great and are annually increasing, and the employees are required to carry the burden of the increased hazards; and,

*Whereas*, in many instances the employers of labor are in constant menace of the prosecution of cases which cause great waste of energy, time and money which does not reach those to whom it properly belongs; and,

*Whereas*, many of the states of this union are now investigating the proper means and methods of providing just compensation to be paid employees when injured in the performance of their duties in the industries of necessity and which are hazardous; and, believing that it will redound to the uplift and development of the industries of the State of Iowa to place upon the cost of production, the maintenance and payment for injuries received by workmen while engaged in their employment in hazardous work and in industries of necessity; therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That the Commission of seven (7) persons is hereby created to be known as the Employer's Liability Commission to be constituted and appointed as hereinafter provided.

Sec. 2. The Governor shall appoint within twenty (20) days after this Act takes effect, seven (7) persons as members of said Commission who shall be citizens of Iowa, three (3) employers of labor, three (3) employees known to represent the interests of workmen and one disinterested person. The Commission shall elect its own Chairman and shall have the power to fill any vacancy that may occur in its membership, provided, however, the vacancy shall be filled by a person of the same qualification as the person whose vacancy he fills. The majority of the members of the Commission shall constitute a quorum.

Sec. 3. Said Commission shall investigate the problems of industrial accidents and especially the present condition of the law of liability for injuries or death suffered in the course of industrial employment as well in this state as in other states, and shall inquire into the most equitable and effectual method of providing compensation for losses suffered and it shall as far as practicable co-operate with the Commission of other states for like purposes. It shall, on or before the 15th day of September, 1912, report its conclusions with a draft of such bill or bills as may be deemed appropriate to the Governor, who shall at once publish said report and draft of bill or bills, who shall transmit said report to the 35th General Assembly for action thereon.

Sec. 4. The Commission shall meet at the call of the Chairman and appoint and elect a Secretary. It shall cause a record to be made and kept of its proceedings. It shall have power to employ such clerks and assistants as may be necessary in addition to the Secretary and shall fix their compensation, and may incur such other expenses as are properly incident to the work of the Commission. The members of the Commission shall be paid at the rate of Five Dollars (\$5.00) per diem while actually engaged in the work of such Commission and re-imbursed for their actual expenses incurred in the work of said Commission.

Sec. 5. The sum of Eight Thousand Dollars (\$8,000.00) or so much thereof as may be necessary, is hereby appropriated for the expense of the Commission and other expenses herein contemplated, and the Auditor of State is hereby authorized to draw a warrant for the foregoing amount or any part thereof in payment of any expenses, charges or disbursements authorized by this Act on order of the Commission signed by its Chairman, attested by its Secretary and approved by the Governor. The Executive Council is hereby authorized and empowered to provide all necessary printing for said Commission.

Sec. 6. When the report by said Commission shall have been filed with the Governor as heren contemplated, their duties as such shall cease and their term of office terminate.

Sec. 7. 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.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Adopted.

So the bill was referred to the Committee on Appropriations.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 276, a bill for an act to repeal Section 491 of the Code, providing for the appointment and qualification of deputies and other assistants to the County Treasurer, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted:

So the bill was indefinitely postponed.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 187, a bill for an Act to repeal Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, relating to the election of County Officers and enacting in lieu thereof the following, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 118, a bill for an Act to repeal Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, relating to the election of County Officers and enacting in lieu thereof the following, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 38, a bill for an Act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907, relating to the time when actions may be brought on judgments in courts of record, 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 Judiciary, to whom was referred Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18 (254-a-18) of the Supplement to the Code, 1907, relating to probation officers, 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 Judiciary, to whom was referred Senate File No. 212, a bill for an act to legalize the incorporation of the town Kiron, Crawford County, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town, 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 Judiciary, to whom was referred House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-B (3447-B) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the recovery of interest in real state when spouse failed to join in conveyance, 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:

"Provided, that the repeal of said Section shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time when such repeal takes effect; but the proceedings in such cases shall be conformed to the provisions of said repealed Section as far as consistent," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 195, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public. (Additional to Section Twenty-nine Hundred and Forty-two (2942) 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 by striking out the period after the word "public" in the second line thereof, and inserting in lieu thereof a comma, and also amend the title by striking out the parenthesis marks surrounding the last sentence of the title, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor, 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 the words "or to be passed" appearing in the fourteenth line thereof, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 109, a bill for an act relating to the burden of proof as to contributory negligence, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Senator Adams, from the Committee on Board of Control and its institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Board of Control, to whom was referred Senate File No. 225, a bill for an act to transfer the control and management of the College for the Blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education; and amending the law as it appears in Section 2727-a-8 of the Supplement to the Code, 1907, and amending Chapter 170 of the law as it appears in the acts of the Thirty-third General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

On request of Senator Spaulding, leave of absence was granted him for the remainder of the day.

On request of Senator Adams, leave of absence was granted Senator Allen of Jefferson for the day.

#### THIRD READING OF BILLS.

On motion of Senator Mattes, Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Mattes 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:

Adams, Ames, Balluff, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Spaulding, Sullivan, Taylor, White—30.

The nays were:

None.



Absent or not voting :

Twenty.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On motion of Senator Balluff, Senate File No. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Balluff moved the adoption of the following amendment:

Amend Section 1 by striking therefrom the words "or to be passed" appearing in the fourteenth line thereof.

Adopted.

Senator Balluff 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 :

Adams, Allen of Pocahontas, Ames, Balluff, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Spaulding, Sullivan, Taylor, White—31.

The nays were :

None.

Absent or not voting :

Allen of Jefferson, Balkema, Bennett, Chapman, Cowles, Crow, De Wolf, Francis, Gates, Hoyt, McManus, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Webber, 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 Sullivan, Senate File No. 195, a bill for an act to legalize acknowledgments of instruments in writing, heretofore taken by notaries public; (additional to Section Twenty-nine Hundred and Forty-two (2942) of the Code,) with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balluff, Brown, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Spaulding, Sullivan, Taylor, White—30.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Balkema, Bennett, Chapman, Chase, Cowles, Crow, De Wolf, Francis, Gates, Hoyt, McManus, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Weber, Wilson—20.

Senator Sullivan moved the adoption of the following amendment to the title of the bill, recommended by the committee.

Amend the title by striking out the period after the word "public" in the second line thereof, and inserting in lieu thereof a comma, and also amend the title by striking out the parenthesis marks surrounding the last sentence of the title.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and the title as amended was agreed to.

Senator Hammill moved that Senate File No. 21 be made a Special Order for Wednesday, March 8th, 1911, at 10 o'clock, A. M.

Carried.

On request of Senator Proudfoot leave of absence was granted him for the day.

On request of Senator Savage leave of absence was granted him for the day.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 332, a bill for an act providing for the protection and safety of persons employed in or being about the construction, repairing, alteration or removal of buildings, bridges, viaducts, and other structures, providing means for the enforcement of said act, for recovery of damages by persons injured by a failure to comply with its provisions and providing penalties for violations of its provisions.

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

#### THIRD READING OF BILLS.

On motion of Senator Garrett, Senate File No. 287, a bill for an act empowering the governor and secretary of state to execute quit-claim deed conveying to the grantees of Christian Fritch all of the right, title and interest of the state of Iowa in lot five (5) of section one (1), Township seventy-three (73), north of range two (2), west of the fifth (5th) P. M., with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Garrett moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balluff, Brown, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Taylor, White—26.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Balkema, Bennett, Chapman, Chase, Cowles, Crow, De Wolf, Francis, Gates, Hoyt, McManus, Proudfoot, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, Wilson—24.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

REPORTS OF COMMITTEES.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate File No. 2, a bill for an act to amend the law as it appears in Chapter Eleven (11) Title Twelve (12) of the Supplement to the Code, 1907, relating to the inspection of petroleum products, and to amend said Chapter so as to include specifically gasoline for power, illuminating and heating purposes, 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 the law as it appears in Chapter Eleven (11) Title Twelve (12) of the Supplement to Code, 1907, relating to the inspection of petroleum products, and to amend said Chapter so as to include specifically gasoline for power, illuminating and heating purposes.

*Be It Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Two Thousand Five Hundred and Three (2503), Two Thousand Five Hundred and Four (2504), Two Thousand Five Hundred and Five (2505), Two Thousand Five Hundred and Six (2506), Two Thousand Five Hundred and Seven (2507), Two Thousand Five Hundred and Eight (2508), Two Thousand Five Hundred and Nine (2509), Two Thousand Five Hundred and Nine-a (2509-a), are hereby made to apply specifically to gasoline for power, illuminating and heating purposes as fully as if the same were specifically included and set out in each of the foregoing sections, excepting only that the test for gasoline for power, illuminating and heating purposes shall be as follows: The test shall be the "Baume" Gravity Test, with a standard hydrometer used for testing gasoline. The gasoline shall be tested when at a temperature of 60 degrees Fahrenheit and when so tested, the inspector shall label over his official signature and date, the barrel or package holding the same tested — degrees "Baume" gravity.

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.

G. W. McCULLOCH,  
*Chairman.*

Substitute read first and second time.

Adopted.

Also.

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate File No. 328, a bill for an act requiring the labeling of all packages, barrels or casks in which gasoline is sold, and providing a penalty for the violation therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

G. W. McCULLOCH,  
*Chairman.*

Adopted.

The President announced that as President of the Senate he had signed in the presence of the Senate Senate File No.'s 198, 117, 165, 53, also House File No.'s 96, 297 and 331, also House Joint Resolution No. 1.

#### INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 333, a bill for an act to amend the law as it appears in Section Two Thousand, Eight Hundred Eighty-one-L (2881-L) of the Supplement to the Code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives.

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

By Senator Gilliland, Senate File No. 334, a bill for an act to repeal Sections One Hundred Ninety-three (193) and One Hundred Ninety-four (194) of the Code, and to enact a substitute therefor, providing for an increase in the number of judges in the Supreme Court of Iowa, and providing for a division of said court into sections, and to amend Section Ten Hundred Sixty-six (1066) of the Supplement to the Code, 1907, in reference to the selection of the chief justice of said court.

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

#### HOUSE MESSAGES CONSIDERED.

House File No. 284 a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code of 1897, and enacting a substitute therefor relating to the keeping of and accounting for public funds, in the state and county treasuries.

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

Senate File No. 219, a bill for an act to amend Section Five Thousand Seventy-one (5071) of the Code, relating to the unlawful wearing of badges.

Passed on file.

Senate File No. 11, 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.

House File No. 297, a bill for an act to amend Sections Four Hundred (400) and Four Hundred Two (402) of the Code relating to the removal of county-seats and the county records.

Passed on file.

#### HOUSE CONCURRENT RESOLUTION.

*Whereas*, Bills and other matters are now pending before the Board of Control Committees of the House and Senate, the determination of which by such Committees makes it advisable that members of the said Committees visit the institutions under the management of the Board of Control and ascertain certain facts:

*Therefore Be it Resolved* by the House and the Senate concurring, that there be appointed by the Speaker of the House and the President of the Senate from the Committees on Board of Control, sub-committees whose duty it shall be, at the earliest possible date, to visit the various institutions under the jurisdiction and management of the State Board of Control, and report their findings and recommendations to the proper Committees of the General Assembly.

Referred to the Committee on Board of Control and Its Institutions.

Senate File No. 24, a bill for an act to repeal subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of an honorably discharged Union soldier or sailor of the Mexican war or the war of the rebellion or the widow of such soldier or sailor.

Passed on file.

House File No. 247, a bill for an act to amend Section Four Thousand Nine Hundred and Ninety-nine-a-Thirty-one (4999-a31) of the Supplement to the Code, 1907, relating to food standards.

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

Senate File No. 220, a bill for an act providing for registration of farm names.

Passed on file.

Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the acts of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

Passed on file.

House File No. 30, a bill for an act to repeal Section Two Thousand Three Hundred Eighty-three (2383) of the Code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.

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

House File No. 76, a bill for an act to amend Section 1400-f 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. 283, a bill for an act to amend the law as the same appears on Section One (1) of Chapter Fifty-seven (57), acts of the Thirty-third (33d) General Assembly of Iowa, relating to tax levy for park purposes.

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

House File No. 85, 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.

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

#### INTRODUCTION OF BILLS.

By Senator McColl, Senate File No. 335, a bill for an act defining duties of the state food and dairy commissioner under the pure food law, regulating appointment of assistants, providing

for compensation and expenses of assistants, defining food and the term "misbranded", and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

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

By Senator Gilliland, Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, both collateral and direct, and repealing the law as it appears in Chapter Four (4), of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the acts of the Thirty-third (33) General Assembly and to enact a substitute therefor.

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

#### THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors, with report of committee recommending passage, was taken up, considered, and the report of the committee, adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to strike out the comma following the word "therefor" as appears in line 6 of the bill and insert therefor a period, and strike out the words "which bills" as appear in lines six and seven and substitute the following, "The bills for current expense."

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:

Adams, Allen of Pocahontas, Brown, Chase, Clarkson, Dunne-gan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Jewell, Lar-rabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Par-shall, Quigley, Ream, Saunders, Sullivan, Taylor, White—26.



The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Cowles, Crow, De Wolf, Francis, Hoyt, Hunter, McManus, Proudfoot, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law, Webber, Wilson—24.

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.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 117, a bill for an act to amend the law as it appears in Section Four Hundred Seven (407) of the Supplement to the Code, 1907, authorizing the Board of Supervisors of a County to transfer any surplus in the bond issue raised under Section Four Hundred Three (403) of the Supplement to the Code, 1907, after payment of all bonds and interests, to the particular fund or funds on account of which the bonds were issued.

Also.

Senate File No. 100, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital, for the State Penitentiary, and for the Cherokee State Hospital.

Also.

Senate File No. 198, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the State Board of Health.

Also.

Senate File No. 53, a bill for an act to amend Section Five Thousand Five Hundred and Eighteen (5518) of the Code, relating to forfeiture of bail.

Also.

Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code relating to the sale, giving

away, or having in one's possession obscene literature and articles of indecent or immoral use.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

The President announced as a committee to prepare suitable resolutions commemorative of the life, character and public service of the late Major Alexander Brown, Senators Allen of Jefferson, Clarkson, Allen of Pocahontas.

The President announced as teller on the part of the Senate, Senator Adams, and as assistant teller, Senator Sullivan.

Senator Clarkson moved that the Senate take a recess until 11:50 o'clock.

Carried.

Senate took a recess.

The President called the Senate to order.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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, Ames, Bascom, Beans, Beebe, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Crist, Cunningham, Dabney, Daniels, Dawson, Dixon, Downey, Dunnegan, Edmunds, Enger, Escher, Felt, Fletcher, Fourt, Fry, Fulton, Garrett, George, Gilbert, Gilliland, Goodykoontz, Greene, Halgrims, Hamilton, Hammill, Harding, Hickenlooper, Huff, Hunt, Hunter, Hutchins, Jacobs, Jewell, Johnson, Koontz, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Linnan, Lounsberry, McColl, McCulloch of Wayne, Malinberg, Mattes, Miller of Bremer, Milton, Moore, Newell, Oden-dahl, Parshall, Quigley, Ream, Ritter, Robbins, Russell, Saunders,

Schee, Shane, Smith of Adams, Stillman, Stipe, Sullivan, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Whitney, Zeller—89.

**Absent:**

Allen of Jefferson, Balkema, Balluff, Bauman, Bennett, Black, Brockway, Bruce, Byerly, Cousins, Cowles, Crow, Dewey, DeWolf, Dunlap, Ellis, Finlayson, Fitchpatrick, Fraley, Francis, Gates, Griggs, Grout, Harvey, Hayes, Hazen, Hogan, Hoyt, Huntley, Jacobson, Klay, Krebill, Lenoeker, Lund, McCleery, McCullough of Dubuque, McManus, Miller of Dubuque, Murtagh, Neal, O'Connor, Olson, Patterson, Penn, Perkins, Pickford, Proudfoot, Ripley, Rowles, Sammis, Sater, Savage Schrup Shankland, Sherman, Skinner, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stoddard, Stuckslager, Taylor of Union, Van Camp, Van Law, Webber, Wilson—69.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Adams of Fayette, and as assistant teller, Senator Sullivan of Polk.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Clarkson, Dabney, Downey, Dunnegan, Fletcher, Garrett, Gilbert, Green, Kull, Leach, Linnan, Miller of Bremer, Milton, Oden Dahl, Parshall, Quigley, Ream, Ritter, Taylor of Appanoose, Townsend, White of Benton, White of Iowa—22.

Those voting for Horace E. Deemer were:

Adams, Beans, Bowman, Brady, Brown of Decatur, Campbell of Ida, Chapman, Chase, Daniels, Fourt, Fulton, Gilliland, Harding, Hickenlooper, Hunt, McColl, McCulloch of Wayne, Malmberg, Mattes, Robbins, Saunders, Smith of Adams, Sullivan, Whitney, Zeller—25.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Brown of Wright, Campbell of Webster, Collin, Felt, Fry, George, Goodykoontz, Halgrims, Hammill, Hutch-

ins, Jacobs, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Russell, Schee, Stillman—19.

Those voting for Henry Wallace were:

Edmunds—1.

Those paired were:

Ames, Bascom, Beebe, Boettger, Bybee, Crist, Cunningham, Dawson, Dixon, Enger, Escher, Hamilton, Huff, Hunter, Jewell, Koontz, Legel, Moore, Neal, Shane, Stipe—21.

Absent:

Allen of Jefferson, Balkema, Balluff, Bauman, Bennett, Black, Brockway, Bruce, Byerly, Cousins, Cowles, Crow, Dewey, DeWolf, Dunlap, Ellis, Finlayson, Fitchpatrick, Fraley, Francis, Gates, Griggs, Grout, Harvey, Hayes, Hazen, Hogan, Hoyt, Huntley, Jacobson, Klay, Krebill, Lenoeker, Lund, McCleery, McCullough of Dubuque, McManus, Miller of Dubuque, Murtagh, Neal, O'Connor, Olson, Patterson, Penn, Perkins, Pickford, Proudfoot, Ripley, Rowles, Sammis, Sater, Savage, Schrup, Shankland, Sherman, Skinner, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stoddard, Stuckslager, Taylor of Union, Van Camp, Van Law, Webber, Wilson—69.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Senator Chapman of Cedar moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Motion prevailed.

Journal of Joint Convention read and approved.

The Senate returned to the Chamber and resumed its sitting.

The President announced that as President of the Senate he had signed in the presence of the Senate, House File No. 47.

#### INTRODUCTION OF BILLS.

By Senator Sullivan, by request, Senate File No. 337, a bill for an act to enable minors between the ages of Sixteen (16) and Twenty-one (21) years to contract for life, health or accident insurance.

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

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg from the Joint Committee on Enrolled Bills, submitted the following report and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report they have examined and find correctly enrolled House File No. 47, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2) of the Supplement to the Code, 1907, in reference to the census.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned until Monday, March 6th, 1911, at 10 o'clock  
A. M.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 6, 1911.

Senate met pursuant to adjournment at 10 o'clock A. M., President Clarke presiding.

Prayer was offered by Rev. W. H. Larrick of Woodward, Iowa.

On request of Senator Adams leave of absence was granted Senator McCulloch for the day.

On request of Senator Ream leave of absence was granted Senator Legel for the day.

On request of Senator Clarkson leave of absence was granted Senator Sammis for the day.

On request of Senator Mattes leave of absence was granted Senator Allen of Pocahontas for the day.

On request of Senator Hammill leave of absence was granted Senator De Wolf for the day.

On request of Senator Quigley leave of absence was granted Senator Crow for the day.

On request of Senator Ames leave of absence was granted Senator Francis for today and tomorrow.

On request of Senator Adams leave of absence was granted Senator Wilson for the day.

On request of Senator Proudfoot leave of absence was granted Senator Taylor for the day.

On request of Senator Bennett leave of absence was granted Senator Jewell for the day.

On request of Senator Fitchpatrick leave of absence was granted Senator Smith of Mitchell for the day.

On request of Senator Hunter leave of absence was granted Senator Hoyt for the day.

On request of Senator Garrett Senator Chapman was excused for today and tomorrow.

## PETITIONS AND MEMORIALS.

Senator Proudfoot presented a petition of teachers of Clarke county favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of teachers of Des Moines favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Van Law presented a petition of teachers of Gilman, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Garrett presented a petition of teachers of Muscatine, Iowa, favoring teachers' pensions.

Referred to Committee on Schools.

Senator Ames presented a remonstrance of citizens of Tama county against the establishment of the office of state highway engineer.

Referred to Committee on Highways.

Senator Adams presented a petition of teachers of Council Bluffs, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Webber presented a petition of teachers of Ottumwa, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Neal presented a petition of teachers of Ringgold county favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Balluff presented a petition of citizens of Davenport, Iowa, favoring the commerce council bill.

Referred to Committee on Railroads.

Senator Van Law presented a petition of citizens of Iowa favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Spaulding presented a petition of teachers of Montezuma, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator Spaulding presented a petition of citizens of Poweshiek county favoring bounty on wolves.

Referred to Committee on Agriculture.

Senator Spaulding presented a petition of citizens of Poweshiek county favoring the debtors' exemption bill.

Referred to Committee on Ways and Means.

Senator Spaulding presented a petition of teachers of What Cheer, Iowa, favoring life validation of teachers' certificates.

Referred to Committee on Schools.

Senator Webber presented a petition of teachers of Eldon, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of citizens of Valley Junction, Iowa, favoring Senate File No. 163.

Referred to Committee on Railroads.

Senator Neal presented a petition of teachers of Riverside, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of citizens of Des Moines, Iowa, favoring Senate File Nos. 264 and 282.

Referred to Committee on Mines and Mining.

Senator Stuckslager presented a petition of citizens of Linn county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Spaulding presented a petition of citizens of Poweshiek county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 338, a bill for an act to define and punish contributory delinquence.



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

By Senator White, Senate File No. 339, 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 at railway stations.

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

By Senator Sullivan, Senate File No. 340, a bill for an act to amend Section Two Thousand and Seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of railways for negligence or wrongs of employees.

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

By Senator Gilliland, Senate File No. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-A (2348-A) of the Supplement to the Code, 1907, relating to bounties.

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

By Senator Gilliland, (by request), Senate File No. 342, a bill for an act to provide for the reorganization of the Supreme Court of Iowa, for the appointment and election of additional judges, and other purposes.

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

#### THIRD READING OF BILLS.

On motion of Senator Larrabee, Senate File No. 237, a bill for an act empowering boards of county supervisors to appropriate money for educational purposes in relation to tuberculosis in man and animals, 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: By striking out all of Section 2, and changing Section 3 to read as Section 2.

Adopted.

The bill was read for information.

Senator Larrabee moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Clarkson, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White—28.

The nays were:

Chase, Garrett, Quigley—3.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Francis, Hoyt, Jewell, Legel, McCulloch, McManus, Malmberg, Sammis, Smith of Mitchell, 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 Van Law, Senate File No. 173, 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 insecticides and fungicides by persons other than registered pharmacists, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders offered the following amendment and moved its adoption:

"I move to amend by inserting after the word 'poison' in the sixth line of the printed bill the words 'and its poisonous contents, correctly and conspicuously stated in conformity with the national insecticide act of June, 1910.'"

Adopted.

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:

Adams, Allen of Jefferson, Ames, Balluff, Chase, Clarkson, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl; Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber—28.

The nays were:

Savage—1.

Absent or not voting:

Allen of Pocahontas, Balkema, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Francis, Hoyt, Jewell, Legel, McCulloch, McManus, Quigley, Sammis, Smith of Mitchell, Taylor, White, 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 Balluff, House File No. 53, a bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the code of 1897 relating to deposits in 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.

Further consideration of the bill was postponed.

On motion of Senator Hunter, Senate File No. 234, a bill for an act to repeal Section Eighteen Hundred and Eighty-one (1881) of the code and to enact a substitute therefor relating to the report by the auditor of state to the governor of the condition of banks, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

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:

Adams, Allen of Pocahontas, Ames, Balluff, Bennett, Chase, Clarkson, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hun-

ter, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Webber, White—31.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Balkema, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Francis, Hoyt, Jewell, Legel, McCulloch, McManus, Sammis, Smith of Mitchell, 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.

#### 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. 375, a bill for an act legalizing the acts of the stockholders and officers of the Boone County Agricultural Society, of Boone County, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 281, a bill for an act to amend Title Five (V) Chapter Fourteen (14) of the Code and amendments thereto, relating to Park Commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive, of the Code and amendments thereto, and enacting 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. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (5) of the Sup-

plement to the Code, 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first 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. 132, a bill for an act to amend the law as it appears in Section Six Hundred Fifty-two (652) Supplement to the Code, 1907, relating to the appointment of a Health Physician by the mayors of cities and towns.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Bennett Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167) of the acts of the Thirty-third General Assembly relating to the practice of optometry, and for the creation of a board of examiners in optometry, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett offered the following amendment and moved its adoption:

Amend by substituting the following for Section 2:

Sec. 2. Section 13 of Chapter 167 of the Acts of the Thirty-third (33d) General Assembly is hereby repealed and the following enacted in lieu thereof: "All unappropriated funds arising under this Act, shall be accounted for and turned into the State Treasury on June Thirtieth of each year, except the sum of Five Hundred Dollars (\$500.00), which shall be placed to the credit of the Optometry fund, by the State Treasurer, to defray current expenses of the Board of Optometry Examiners."

The bill as amended was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, Mc-

Culloch, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuck-slager, Sullivan, Van Law, Webber—34.

The nays were:

None.

Absent or not voting:

Balkema, Chapman, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Mattes, Sammis, Smith of Mitchell, Taylor, White, 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 Neal, Senate File No. 297, 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, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Neal moved the adoption of the following amendment:

By striking out the words and figures "Seventy-five (75)" in the sixth (6) line of Section One (1) and inserting in lieu thereof the words and figures "Fifty (50)".

Adopted.

The bill as amended was read for information.

Senator Neal moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber—31.

The nays were:

None.

Absent or not voting :

Balkema, Brown, Chapman, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Mattes, Quigley, Sammis, Smith of Mitchell, Stuckslager, Taylor, White, 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 Sullivan, Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a 18 (254-a 18) of the supplement to the code, 1907, relating to probation officers, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White—32.

The nays were :

None.

Absent or not voting :

Balkema, Chapman, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Taylor, 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 Ames, Senate File No. 225, a bill for an act to transfer the control and management of the College for the Blind at Vinton from the board of control of state institutions to the state board of education and granting all of the powers held by the board of control of this institution to the state board of education; and amending the law as it appears in Section Two

Thousand Seven Hundred Twenty-seven-a eight (2727-a 8) of the supplement to the code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the acts of the Thirty-third General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ames 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Van Law, Webber—29.

The nays were:

None.

Absent or not voting:

Chapman, Cowles, Crow, DeWolf, Francis, Gilliland, Hoyt, Jewell, Larrabee, Legel, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Sullivan, Taylor, White, Wilson, Balkema, McManus—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 Brown, Senate File No. 2, a bill for an act to amend the law as it appears in Chapter Eleven (11), Title Twelve (12), of the supplement to the code, 1907, relating to the inspection of petroleum products, and to amend said chapter so as to include specifically gasoline for power, illuminating and heating purposes, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute bill was read for information.

Senator Brown moved that the substitute be substituted for the original bill.

Adopted.



Senator McCulloch moved that Section 2, the publication clause be stricken out.

Adopted.

The bill as amended was read for information.

Senator Brown moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sticklslager, Sullivan, Van Law, Webber, White—36.

The nays were:

None.

Absent or not voting:

Balkema, Chapman, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Sammis, Smith of Mitchell, 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 Brown, Senate File No. 328, a bill for an act requiring the labeling of all packages, barrels or casks in which gasoline is sold, and providing a penalty 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 Brown moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chase, Dunnegan, Fitchpatrick, Garrett, Gates,

Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Mattes, Neal, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White—33.

The nays were:

None.

Absent or not voting:

Balkema, Chapman, Clarkson, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Malmberg, Parshall, Sammis, Smith of Mitchell, Taylor, 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 Bennett, House File No. 248, a bill for an act to amend the law as it appears in Chapter Sixteen-D (16-d) of the supplement to the code, 1907, relative to graduate and registered nurses, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders offered the following amendment and moved its adoption:

Amend the bill by striking out all after the word "nurse" in the ninth line of Section 2 of the original bill, and by changing the "comma" to a "period" after the word nurse in the ninth line of said section.

Adopted.

The bill as amended was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Francis, Hoyt, Jewell, Legel, McManus, Parshall, 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 agreed to.

#### HOUSE MESSAGES CONSIDERED.

House File No. 375, a bill for an act legalizing the acts of the stockholders and officers of the Boone County Agricultural Society of Boone County, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its re-incorporation.

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

House File No. 281, a bill for an act to amend Title Five (V), Chapter Fourteen (14) of the code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the code and amendments thereto, and enacting substitutes therefor.

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

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-H (679-h) of Chapter Two-A (2-A), Title Five (5), of the supplement to the code, 1907, relative to the board of police and fire commissioners in certain cities of the first class.

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

House File No. 132, a bill for an act to amend the law as it appears in Section Six Hundred Fifty-two (652), supplement to the code, 1907, relating to the appointment of a health physician by the mayors of cities and towns.

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

## INTRODUCTION OF BILLS.

By Senator Balluff, Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixten (916) of Chapter Thirteen (13), Title Five (5), of the code relating to the approval of plats of additions to cities or towns, by city and town councils.

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

By Senator Clarkson, Senate File No. 344, a bill for an act to repeal Section Twenty-eight hundred Two (2802) supplement to the code, 1907, and enact a substitute therefor relative to the adjustment of the assets and liabilities between school corporations.

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

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

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Sullivan.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balluff, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Crist, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Enger, Felt, Fitchpatrick, Fraley, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hutchins, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of

Fayette, Lenocker, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Russell, Saunders, Savage, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Townsend, Van Law, Webber, White of Benton, White of Iowa, Whitney, Zeller—118.

Absent:

Balkema, Bascom, Bybee, Chapman, Cowles, Crow, De Wolf, Edmunds, Ellis, Escher, Finlayson, Fletcher, Fourt, Francis, Goodykoontz, Harvey, Hayes, Huntley, Hoyt, Jacobs, Jacobson, Jewell, Johnson, Klay, Leach, Legel, Linnan, McManus, Moore, Patterson, Penn, Robbins, Rowles, Sammis, Sater, Schee, Smith of Mitchell, Taylor of Appanoose, Van Camp, Wilson—40.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Sullivan of Polk.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Byerly, Clarkson, Dabney, Downey, Dunnegan, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Lenocker, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Quigley, Ream, Ritter, Schrup, Taylor of Union, Townsend, Webber, White of Benton, White of Iowa—34.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Bennett, Bowman, Brady, Brown of Decatur, Campbell of Ida, Chase, Daniels, Dewey, Dixon, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Lounsberry, McColl, McCulloch of Wayne, Malmberg, Mattes, Pickford, Proudfoot, Saun-

ders, Shane, Skinner, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Law, Whitney—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Felt, Fitchpatrick, Fraley, Fry, Gates, George, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Ripley, Russell, Shankland, Sherman, Spaulding, Stillman, Stoddard—32.

Those paired were:

Beans, Black, Boettger, Brockway, Crist, Cunningham, Dawson, Harding, McCleery, Perkins, Savage, Stephenson, Zeller—13.

Absent:

Balkema, Bascom, Bybee, Chapman, Cowles, Crow, De Wolf, Edmunds, Ellis, Escher, Finlayson, Fletcher, Fourt, Francis, Goodykoontz, Harvey, Hayes, Huntley, Hoyt, Jacobs Jacobson, Jewell, Johnson, Klay, Leach, Legel, Linnan, McManus, Moore, Patterson, Penn, Robbins, Rowles, Sammis, Sater, Schee, Smith of Mitchell, Taylor of Appanoose, Van Camp, Wilson—40.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Allen of Jefferson, the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Hunter moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 7, 1911.

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

Prayer was offered by Father J. F. Nugent of Des Moines, Iowa.

On request of Senator Savage leave of absence was granted Senator Hoyt for the day.

## PETITIONS AND MEMORIALS.

Senator Hammill presented a petition of teachers of Alexander, Iowa, favoring Senate File 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of teachers of Des Moines, Iowa, favoring Senate File 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of teachers of Des Moines, Iowa, favoring Senate File 77.

Referred to Committee on Schools.

Senator Jewell presented a petition of teachers of Ossian, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Dunnegan presented a petition of teachers of Shenandoah, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Smith of Mitchell presented a petition of citizens of Worth county favoring appropriations for short course extension.

Referred to Committee on Appropriations.

Senator Smith of Shelby presented a remonstrance of citizens of Cass county protesting against proposed highway legislation.

Referred to Committee on Highways.

Senator Garrett presented a petition of teachers of Tabor, Iowa, favoring Senate File Nos. 69 and 77.

Referred to Committee on Schools.

Senator Van Law presented a petition of citizens of Black Hawk county favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

Senator Legel presented a petition of teachers of Nashua, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Wilson presented a petition of teachers of Clinton, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

#### 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. 90, a bill for an act to amend the law as the same appears in Section 1304 of the 1907 Supplement to the Code, relating to the exemption of property from taxation, 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. 90.

A Bill for an Act to amend the law as the same appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Paragraph Two (2) of the law as it appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, is hereby amended by striking from said Section and repealing the following words, found in lines 14, 15 and 16 of Paragraph Two (2) thereof:

“provided, however, that real estate owned by an educational institution of this state as part of its endowment fund shall not be taxed.”

And substituting therefor the following words:

“Real Estate to the extent of not to exceed one hundred sixty (160) acres in any civil township, owned by any educational institution of this



state as a part of its endowment fund, shall not be taxed," and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

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

#### INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-B (2538-B) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

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

By Senator Hammill, Senate File No. 346, a bill for an act authorizing the executive council to pay costs taxed to or incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

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

By Senator Schrup, Senate File No. 347, a bill for an act making it unlawful to obstruct public highways and defining such obstructions, and providing for the removal thereof.

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

#### REPORTS 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. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine a-thirty-five (4999-a-35) of Chapter ten-B (10-B) of the Supplement of the Code, 1907, relating to pure drugs and the misbranding thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend by inserting the letter "a" prior to the figure 35 in the second line of the first section of the bill, and when so amended the bill do pass.

GEORGE McCULLOCH,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House File No. 214, a bill for an act to amend Section One of Chapter One Hundred Thirty-nine (139) of the laws of the Thirty-third General Assembly, 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 as amended do pass.

GEORGE McCULLOCH,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate File No. 230, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (6) of Title Twelve (12) of the Code, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend by inserting in the 15th line of Section One of the original bill, after the word "pharmacist", being the fifth word of said line, the word "dentist" and a comma following; and insert in the printed form in the bill as No. 5 of said form, the words: "Dentist duly licensed under the laws of the State of Iowa, and have my office in the town of . . . ." and when so amended the bill do pass.

GEORGE McCULLOCH,  
*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. 228, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used 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. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n) Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the Department of Agriculture and the salary of the Secretary.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 Chapter 62 of the Acts of the Thirty-third General Assembly relating to pensions to be paid to 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 Senate is asked:

House File No. 29, a bill for an act to repeal Section Five Thousand One Hundred Nineteen (5119) of the Code, relating to vagrants, 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:

Substitute for Senate File No. 164, a bill for an act to amend the law as it appears in Section Two Hundred Twenty-seven (227), Supplement to the Code, 1907, relating to the division of the state into Judicial districts, and increasing the number of District Judges in the Seventh 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:

Substitute for Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, 1897, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the Council of said town under

date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

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. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds.

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. 75, 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.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 228, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used therein.

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

House File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n) Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the Department of Agriculture and the salary of the secretary.

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

House File No. 267, a bill for an act to amend Chapter 62 of the acts of the Thirty-third General Assembly relating to pensions to be paid to policemen.

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

House File No. 29, a bill for an act to repeal Section Five Thousand One Hundred Nineteen (5119) of the Code, relating to vagrants, and enacting a substitute therefor.

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

Substitute for Senate File No. 164, a bill for an act to amend the law as it appears in Section Two Hundred Twenty-seven (227), Supplement to the Code, 1907, relating to the division of the State into judicial districts, and increasing the number of district judges in the Seventh district.

Passed on file.

Substitute for Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, 1897, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

Passed on file.

Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

Passed on file.

Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the board of directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds.

Passed on file.

Senate File No. 75, 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.

## THIRD READING OF BILLS.

On motion of Senator McManus, Senate File No. 172, 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-A31) of the Supplement to the Code, 1907, relating to food standards, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator McManus moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Bennett, Brown, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, Jewell; Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber, White, Wilson—29.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Chapman, Chase, Clarkson, Cowles, Crow, Francis, Gilliland, Hoyt, Larrabee, McColl, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Taylor—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 Ames Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds, was taken up and considered.

Senator Ames moved that the Senate concur in the following House amendment:

Amended by striking out of the preamble the words beginning with the word "chapter" in the Fourth line thereof and ending with the word "Iowa" inclusive in the Sixth line of said preamble and that there be in-

serted in lieu thereof the words and figures, "Sections 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."

Strike out Section 2 and insert in lieu thereof:

Section 2. The said board of directors are hereby authorized to pay the said warrants so legalized by the issuance of school building bonds of the said school district in an amount sufficient therefor, and such bonds shall be issued in the general form provided by law for School Building Bonds and which said bonds, when issued, shall be and are hereby declared to be legal and valid as though all the requirements of the law contained in the said Sections 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, had been fully complied with and the said law had remained in full force and effect.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Jefferson, Ames, Balluff, Bennett, Brown, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—29.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balkema, Chapman, Chase, Clarkson, Cowles, Crow, Francis, Hoyt, Hunter, Larrabee, McColl, McManus, Proudfoot, Ream, Sammis, Saunders, Savage Smith of Mitchell Taylor—21.

So the House amendments having received a constitutional majority, were declared concurred in.

On motion of Senator Sullivan, Senate File No. 14, a bill for an act to amend Section 277 of the Code, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district, was taken up and considered.

Senator Sullivan moved that the Senate concur in the following House amendment:

Amend by striking out the words "the second secular day of January, 1915" in the last line of Section 3, and inserting in lieu thereof the following:

"On the first day of January after their election."

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

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Adams, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Francis, Hoyt, McColl, Proudfoot, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Taylor—17.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Fitchpatrick, Senate File No. 75, 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 was taken up and considered.

Senator Fitchpatrick moved that the Senate concur in the following House amendment:

Strike out all of Section One (1) and insert in lieu thereof the following:

All instruments in writing executed by any corporation prior to July 4th, 1909, conveying, encumbering, or affecting real estate including releases, satisfaction of mortgages, judgments, or any other liens by entry of such release or satisfaction upon the page or pages where such lien appears recorded or entered, where the corporate seal of such corporation has not been affixed or attached thereto, and which are otherwise legally and properly executed, are hereby declared legal, valid and binding, the



same as though the corporate seal had been attached or affixed thereto; provided this act shall not abate, or in any manner affect actions pending prior to the taking effect hereof.

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

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Ames, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Francis, Hoyt, McColl, Proudfoot, Saunders, Savage, Taylor—15.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Brown, Senate File No. 169, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition Grounds, with report of Committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute bill was read for information.

Senator Brown moved that the substitute be substituted for the original bill.

Adopted.

Senator Brown moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Cowles, De Wolf, Dunnegan, Fitchpatrick, Gates,

Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Mattes, Neal, Parshall, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, White, Wilson—33.

The nays were:

Adams, Chase, Garrett, McCulloch, Malmberg, Webber—6.

Absent or not voting:

Chapman, Clarkson, Crow, Francis, Hoyt, Proudfoot, Quigley, Ream, Saunders, Schrup, 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 Stuckslager, Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965), and relating to making sewer and street improvements, and the kinds of materials to be used therein, 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:

By striking out the words "Fifth and Seventh" in line three, Section One and inserting in lieu thereof the words "fourth and sixth."

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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Clarkson, Cowles, Crow, Francis, Hoyt, Hunter, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Taylor—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The hour having arrived for Special Order No. 1, on motion of Senator Sammis, Senate File No. 57, a bill for an act to amend Section Two Thousand Three Hundred Eighty-four (2384) of the Code relating to the payment of an attorney's fee in actions brought under said section, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Shelby offered the following amendments and moved their adoption:

I move to amend Senate File No. 57 by substituting for Section One (1) the following:

Section 1. That Section Two Thousand Three Hundred and Eighty-four (2384) of Chapter Six (6) of the Code is hereby amended as follows:

1. Strike out the word "shall" in the Fifth (5) line of said Section One, substituting therefor the word "may."
2. By inserting after the words "Attorneys fee" at the beginning of the Sixth (6) line of said Section the words "in the discretion of the Court."

Senator Sammis demanded a roll call on the amendment.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Chase, Clarkson, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hunter, Jewell, Larrabee, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law—20.

The nays were:

Adams, Ames, Balkema, Balluff, Cowles, DeWolf, Garrett, Gates, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Schrup, Sullivan, Webber, White, Wilson—23.

Absent or not voting:

Chapman, Crow, Francis, Hoyt, Saunders, Savage, Taylor—7.

So the amendment was declared lost.

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:

Adams, Ames, Balkema, Balluff, Chase, Cowles, DeWolf, Dunne-  
gan, Fitchpatrick, Garrett, Gates, Hunter, Legel, McManus, Malm-  
berg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup,  
Stuckslager, Sullivan, Webber, White, Wilson—27.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Brown, Clark-  
son, Gilliland, Hammill, Jewell, Larrabee, McColl, McCulloch,  
Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding,  
Van Law—17,

Absent or not voting:

Chapman, Crow, Francis, Hoyt, Saunders, Taylor—6.

So the bill having received a constitutional majority was de-  
clared to have passed the Senate and its title agreed to.

Senator Sammis moved the adoption of the following committee  
amendment:

Amend the title so that the same shall read as follows:

"A bill for an act to amend Section Two Thousand Three  
Hundred Eighty-four (2384) of the Code, relating to the payment  
of attorneys' fee in prosecutions for nuisances."

Adopted.

So the bill having received a constitutional majority was de-  
clared to have passed the Senate and its title as amended agreed to.

The hour having arrived for Special Order No. 2, on motion of  
Senator Sammis, Senate File No. 56, a bill for an act to amend  
Section Two Thousand Four Hundred Six (2406) of the Code  
Supplement, 1907, relative to the taxing of an attorney's fee in

actions brought thereunder, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee was adopted.

The bill was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Brown, Chase, Cowles, DeWolf, Fitchpatrick, Garrett, Gates, Hunter, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Stuckslager, Sullivan, Webber, White, Wilson—28.

The nays were:

Allen of Jefferson, Bennett, Clarkson, Gilliland, Hammill, Jewell, Larrabee, McColl, Neal, Proudfoot, Smith of Shelby, Spaulding, Van Law—13.

Absent or not voting:

Allen of Pocahontas, Chapman, Crow, Dunnegan, Francis, Hoyt, Saunders, Smith of Mitchell, Taylor—9.

Senator Sammis moved the adoption of the following committee amendment:

Amend the title so that the same shall read as follows:

"A bill for an act to amend Section Two Thousand Four Hundred Six (2406) of the Supplement to the Code, 1907, relative to the taxing of an attorney's fee in actions brought to enjoin nuisances."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

The hour having arrived for Special Order No. 3, on motion of Senator Sammis, Senate File No. 58, a bill for an act to repeal Section Two Thousand Four Hundred and Twenty-nine (2429) of the Code, relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate

nuisances, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Jefferson moved that the further consideration of the bill be postponed and be made a special order for 10:30 tomorrow morning.

Carried.

Senator Smith of Shelby moved that when we adjourn it be until 9 o'clock tomorrow morning.

Carried.

Senator Sammis moved that the vote by which Senate File Nos. 56 and 57 passed the Senate be reconsidered and that this motion be laid on the table.

Senator Clarkson moved that the further consideration of the motion to reconsider and lay on the table be deferred until 10:30 tomorrow morning.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Sullivan.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Fry, Fulton, Garrett, Gates,, George, Gilbert, Gilliland, Goodykoontz, Greene,

Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—151.

Absent:

Crow, Francis, Hoyt, Huntley, Jacobson, Leach, Saunders—7.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Sullivan of Polk.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Fulton, Gilliland, Harding, Hickenlooper, Hogan, Hunt, Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Proudfoot, Robbins, Shane, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—52.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brockway, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Enger, Felt, Fitchpatrick, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Spaulding, Stillman, Stoddard—44.

Those paired were:

Dawson, Hayes, Savage—3.

Absent or not voting:

Crow, Francis, Hoyt, Harvey, Huntley, Jacobson, Leach, Saunders—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

#### INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 348, a bill for an act in relation to fences and other structures erected to annoy, and provide for the abatement thereof as nuisances.

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



By Senator Adams, Senate File No. 349, a bill for an act to amend Chapter Two Hundred Twenty-seven (227) of the acts of the Thirty-third General Assembly, amendatory of Section Five Thousand Two Hundred Eighty-nine (5289 of the Code, relating to the sufficiency of indictments and the waiver of objections thereto.

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

By Senator Van Law, Senate File No. 350, a bill for an act to fix the place for bringing actions for the recovery of any premium, assessment or rates for insurance, or upon any note or other written evidence or obligation for the payment thereof.

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

By Senator Allen of Jefferson, Senate File No. 351, a bill for an act to amend Section Two Hundred Fifty-four-a Fourteen (254-a 14) of the Supplement to the Code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts.

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

Senator Brown moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 8, 1911.

Senate met in regular session at 9 o'clock a. m., President Clarke presiding.

Prayer was offered by Rev. E. A. Moore of Shelby, Iowa.

## PETITIONS AND MEMORIALS.

Senator Spaulding presented a remonstrance of doctors of Grinnell, Iowa, protesting against Senate File No. 108.

Referred to Committee on Public Health.

Senator McColl presented a petition of teachers of Exira, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Ames presented a petition of citizens of Luzerne, Iowa, favoring the Oregon Plan.

Referred to Committee on Elections.

Senator Malmberg presented a petition of citizens of Jasper County, favoring increased bounties on wolves.

Referred to Committee on Agriculture.

Senator Clarkson presented a petition of citizens of Monroe County, favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Clarkson presented a petition of citizens of Monroe County, favoring a resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Hunter presented a petition of teachers of Sioux City, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Cowles presented a petition of druggists of Des Moines County, favoring Senate Files Nos. 56, 57 and 58.

Referred to Committee on Judiciary.

Senator Gilliland presented a petition of teachers of Persia, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Legel presented a petition of teachers of Ionia, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Malmberg presented a petition of teachers of Monroe, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Sullivan presented a petition of teachers of Des Moines, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Allen of Pocahontas presented a petition of citizens of Cedar County, favoring the commerce counsel law.

Referred to Committee on Railroads.

Senator Webber presented a petition of citizens of Ottumwa, Iowa, favoring good roads legislation.

Referred to Committee on Highways.

#### INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 352, a bill for an act to amend Section 1087-a-1 of the Supplement of 1907 to the Code, relating to the nomination of officers by primary election.

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

By Senator Chase, Senate File No. 353, a bill for an act to amend Chapter Two-a (2-a) of the Supplement to the Code, Sections Nineteen Hundred eighty-nine-a-3 (1989-a-3) and Nineteen Hundred Eighty-nine-a-6 (1989-a-6) by providing for a personal notice and additional appeals in drainage cases.

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

By Senator Dunnegan, Senate File No. 354, a bill for an act authorizing and directing the Board of Railroad Commissioners to show on all official railroad maps issued by them certain established and defined river to river highways extending across the State of Iowa from east to west; further designating them on said maps by their accepted names.

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

By Senator Ames, Senate File No. 355, a bill for an act to amend the law as it appears in Section Twenty-Three Hundred Forty-one-a (2341-a) of the Supplement to the Code, 1907, relating to the registration of stallions.

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

By Senator Legel, Senate File No. 356, a bill for an act to legalize all the elections of the town of Floyd, in the county of Floyd, State of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

*Whereas*, in the elections of the members of the town council and other town officers in and for the town of Floyd, in the county of Floyd, state of Iowa, held since the passage and going into effect of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly of the State of Iowa, no notice has been taken of said act, but said elections inadvertently have been held and members of the town council and other town officers nominated and elected without reference thereto, but in accordance with the statutes previously existing in relation to such elections, and as if the said statutes were still in full force and effect and unrepealed and unamended; and

*Whereas*, at a town election so held on the last Monday in March, A. D. 1908, E. A. Kenyon and J. C. Lindsay were duly elected as councilmen, and at a town election so held on the last Monday in March, A. D. 1909, C. H. Gutches and F. L. Morse were duly elected as councilmen, and at a town election so held on the last Monday in March, A. D. 1910, George H. Jackson was duly elected mayor, C. N. Barney was duly elected

clerk, W. H. Staebler was duly elected treasurer, L. A. Beattie was duly elected assessor, and Robert Hanf and Charles Knowlton were duly elected members of the town council of said town; and

*Whereas*, the said persons have duly qualified and have filled the offices to which they were respectively elected and performed the duties thereof, and as such officers and councilmen have performed divers official acts; and

*Whereas*, the town council of said town has acted and proceeded in all matters as if the said persons so elected as councilmen had been legally elected and were legally entitled to membership therein, and said town council so composed in whole or in part of said persons has undertaken to pass various ordinances and resolutions and to perform other official acts; and

*Whereas*, doubts have arisen as to the legality of all of the ordinances, resolutions, and amendments to ordinances and resolutions, passed by the said council of the town of Floyd, and as to the legality of all of its acts and proceedings and those of the said town officers elected as aforesaid; now therefore

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That all of the elections of the town of Floyd, in the county of Floyd, State of Iowa, held since the passage of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly, of the State of Iowa, and all of the acts performed and proceedings held or undertaken, and all of the ordinances and resolutions, or amendments thereto, passed by the town council of said town of Floyd and all the official acts of the town officers of said town acting as such officers performed or undertaken since the passage of the said act, and not in contravention of the laws of the state, are hereby legalized and declared to be valid and binding the same as if the said act had not been passed and the law had been in all respects strictly complied with in the elections of said town officers and members of said town council.

Sec. 2. That all of the persons before named elected as aforesaid as officers and councilmen of the said town are hereby declared to have been duly and legally elected and to be now legally acting as such, and the terms of office of said officers and councilmen, and each of them, shall continue as hereinafter provided.

Sec. 3. That on the last Monday in March, A. D. 1912, there shall be held an election in said town of Floyd at which there shall be elected a mayor, treasurer, assessor, and five councilmen at large as provided in Chapter Twenty-six of the Acts of the Thirty-second General Assembly and the councilmen so elected shall compose the town council and be the successors of the six councilmen now in office and shall at their first meeting appoint a clerk as provided by Section Seven of said Chapter Twenty-six. That the present town officers and councilmen of the said

town shall continue to hold office as such, but only until their successors are elected, or appointed and qualified in the year 1912, as herein provided. That thereafter all of the town officers and councilmen of the town of Floyd shall be elected or appointed biennially as now provided by law.

Sec. 4. Nothing in this Act shall affect any pending litigation.

Sec. 5. This act, being deemed of immediate importance, shall be in force and effect from and after its publication in the Des Moines Register and Leader, a newspaper published at Des Moines, Iowa, and the Charles City Daily Intelligencer, a newspaper published at Charles City, Iowa; said publication to be without expense to the state.

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

By Senator Cowles, Senate File No. 357, 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 Cowles, Senate File No. 358, a bill for an act to amend the law as it appears in Section Eight Hundred Twenty-five (825) of the Code of 1897.

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

By Senator Adams, Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court.

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

#### REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 183, a bill for an act to encourage the dairy industry of the State of Iowa, to aid in providing instruction in practical, scientific dairying, 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 from Section Four the words and figures "two thousand dollars (\$2,000.00)," and inserting therein the words and figures "fifteen

hundred dollars (\$1,500.00)," and when so amended that the bill be recommended for passage.

JOSEPH MATTES,  
*Chairman.*

Adopted.

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. 262, a bill for an act to amend Section 4999-a-38 of Chapter 10-B of the 1907 Code Supplement, relating to the enforcement of the Pure Drug laws, 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. 262.

A BILL

For an act repealing Section Four Thousand Nine Hundred Ninety-nine a-38 (4999-a-38), of Chapter Ten-B (10-B), of the Supplement to the Code, 1907, and enacting a substitute therefor, relating to the enforcement of the Pure Drug Laws.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Nine Hundred Ninety-nine-a-thirty-eight (4999-a-38), of Chapter Ten-B (10-B), of the Supplement to the Code, 1907, is hereby repealed, and the following enacted in lieu thereof:

"It is hereby made the duty of the pharmacy commissioners to enforce the provisions of this act, and for the purpose of enabling them to perform this duty, the sum of one thousand dollars (\$1,000) annually, or so much thereof as may be deemed necessary, is hereby appropriated from the funds in the state treasury not otherwise appropriated.

To further enable the state board to enforce the provisions of this act, any chemical analysis deemed necessary by them shall upon request be performed by the chemist now provided for in Section Four Thousand Nine Hundred Ninety-nine-a-17 (4999-a-17), of Chapter Ten-A (10-A), of the Supplement to the Code, 1907, and when so amended the bill be referred to Committee on Appropriations.

G. W. McCULLOCH,  
*Chairman.*

Senator McCulloch moved the adoption of the report of the committee.

Adopted.

So the bill was referred to Committee on Appropriations.

THIRD READING OF BILLS.

On motion of Senator Chapman, Senate File No. 60, a bill for an act to repeal Section 3376 of the Code Supplement of 1897, re-

lating to the election of a surviving spouse to take under the will of the deceased, and to enact a substitute therefor, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Further consideration of the bill was postponed on account of special order.

The hour having arrived for Special Order No. 1, on motion of Senator Hammill, Senate File No. 21, a bill for an act to amend Sections Twenty-seven Hundred and Fifty-four (2754), Twenty-eight Hundred and Eight (2808), and Twenty-eight Hundred and Twelve-f (2812-f), Supplement to the Code, 1907, and Sections Twenty-seven Hundred and Sixty (2760), Twenty-seven Hundred and Eighty (2780) and Twenty-eight Hundred and Eleven (2811), Code 1897, and to repeal Section Twenty-eight Hundred and Ten (2810), Code 1897, and Sections Twenty-seven Hundred and Fifty-seven (2757), Twenty-seven Hundred and Sixty-eight (2768) and Twenty-seven Hundred Sixty-nine (2769), Supplement to the Code, 1907, and to enact substitutes therefor, abolishing the office of school treasurer and providing that the county treasurer shall perform the duties of said officer, 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 committee amendments.

That Senate File No. 21 be and the same is hereby amended by striking out all of Section Three (3) of said bill and inserting the following in lieu thereof:

"The funds in the hands of the county treasurer belonging to any school corporation in said county shall be paid out on warrants drawn by the secretary and countersigned by the president of the school board of said school corporation, and in no other way. When a warrant drawn and countersigned as above provided is presented to the county treasurer for payment and cannot be paid for want of funds, said treasurer shall endorse on said warrant the following, 'Not paid for want of funds' and the date of presentation, and sign it; and thenceforth it shall draw interest at the rate of five per cent. He shall keep a record of the date, number and amount of the warrants presented and endorsed for non-payment, which shall be paid in the order of such presentation. He shall issue calls for outstanding warrants at any time he may have sufficient funds on hand for which such warrants were issued; shall give notice to what number of warrants the funds will extend, or the number or other de-



scription of said warrants which will be paid, by posting a written notice in the treasurer's office, and at the expiration of thirty days from the date of posting such notice, interest on the warrants so named shall cease; and when any warrant which draws interest is paid, he shall endorse upon it the date and the amount of interest allowed. Every warrant paid or otherwise taken up shall be cancelled and not re-issued.

Also by striking out the words, "civil township in which the corporation is located," in Section Eight, on page five of the original bill and substituting in lieu thereof the words, "school corporation," and when so amended the bill do pass.

Adopted.

The bill as amended was read for information.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section 2 by inserting in line 4 and following the word "custody" the following, "and shall deposit the same in a bank if any there be in the district from which the taxes have been collected."

Further consideration of the bill was postponed on account of Special Order No. 1.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican War, of the War of the Rebellion or of the widow of such soldier or sailor.

Also:

Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the Acts of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

Also:

Senate File No. 182, a bill for an act to legalize the purchase of lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the council of said town under

date of October 22, 1910 and the warrants issued for payment for the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

Also:

Senate File No. 75, 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.

Also:

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, 1897, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth District.

Also:

Senate File No. 164, a bill for an act to amend the law as it appears in Section Two Hundred Twenty-seven (227), Supplement of the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of District Judges in the Seventh District.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to four-year high schools of Iowa.

Also:

Senate File No. 24, a bill for an act to repeal Subdivision Seven (7), of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican War or the War of the Rebellion or of the widows of such soldier or sailor.

Also:

Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the Acts, of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

Also:

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, 1897, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth District.

Also:

Senate File No. 164, a bill for an an act to amend the law as it appears in Section Two Hundred Twenty-seven (227), Supplement to the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of judges in the Seventh District.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Substitute for Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

C. R. BENEDICT,  
*Chief Clerk.*

The hour having arrived for Special Order No. 2, Senator Sammis called up for consideration the motion offered by him on yesterday to reconsider the vote by which Senate Files Nos. 56 and 57 passed the Senate and to lay the motion to reconsider on the table.

Senator Gilliland requested that the motion to reconsider and to lay on the table be divided and that a separate vote be taken on each.

The president ruled that the motion was not divisible.

Senator Clarkson moved that the motion to reconsider the vote by which Senate Files Nos. 56 and 57 passed the Senate and to lay this motion on the table be postponed until after the disposition of Special Order No. 2 on Senate File No. 58.

On the motion to postpone Senator Sullivan demanded a roll call.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Clarkson, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law—20.

The nays were:

Adams, Ames, Balluff, Chapman, Chase, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—27.

Absent or not voting:

Balkema, Brown, Hoyt—3.

So the motion to postpone was declared lost.

Senator Sammis moved the previous question.

On the question "Shall the main question be now put?", the previous question was ordered.

On the motion to reconsider the vote by which Senate Files Nos. 56 and 57 passed the Senate and to lay this motion on the table, a roll call was demanded.

The ayes were:

Adams, Ames, Balluff, Chapman, Chase, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hoyt, Legel, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—27.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Clarkson, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law—19.

Absent or not voting:

Balkema, Brown, McCulloch, Taylor—4.

So the motion to lay on the table prevailed.

## INTRODUCTION OF BILLS.

By Senator Proudfoot, Senate File No. 360, a bill for an act to repeal Sections 1822, 1823, 1824 and 1825 of the Code, to enact substitutes therefore, and to amend Chapter Nine (9), Title Nine (9) of the Code as amended, relating to fraternal beneficiary societies, orders and associations.

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

By Senator Crow, Senate File No. 361, a bill for an act to establish and maintain a State Normal school at Denison, Iowa, for the education and preparation of teachers for the common schools of Iowa, and providing for the transfer of certain property to the State of Iowa for the use of said school.

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

By Senator De Wolf, Senate File No. 362, a bill for an act to provide for examination and license of plumbers and the regulating of installation and enforcement thereof.

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

## REPORTS OF COMMITTEES.

Senator Stuckslager, 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. 217, a bill for an act authorizing cities and towns acting under special charter to change the names of streets and provide for the filing of same with the county officers, 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 the said county officers shall change the recorded plat as provided in said ordinance and inserting in lieu thereof the words "which shall be entered of record in the recorder's office and a reference made on the margin of the original plat referring to the record of such change of names.

W. C. STUCKSLAGER,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate No. 179, a bill for an act to repeal Section Six Hundred and Ninety-four-a (694-a) Supplement to the Code, 1907, and to enact a substitute therefor, relative to appropriations by cities and towns including special charter cities and cities under commission plan, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the Laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities, (additional to Chapter Fourteen (14) of Title Five (5) of the Code, relating to cities under special charter,) 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. 220.

A BILL

For an Act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvements of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (5) of the Code, relating to cities under special charter.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Any city acting under special charter may establish a levee improvement commission to consist of the mayor, who shall be its chairman, the commissioner of the board of public works, and not more than three other persons to be appointed by the mayor with the approval of the city council. The appointive members shall be residents and qualified electors of the city, and shall hold no other official position in the city, and no member shall receive any salary for his services as a member of such commission. Their term of office shall be fixed by ordinance and shall not exceed six years. Before entering upon their office the appointive members shall each execute a bond in favor of the city in the penal sum

of Two Thousand dollars (\$2,000.00), with approved fidelity company, surety for the faithful performance of their duties. The expense of this bond shall be paid out of the levee improvement fund.

Sec. 2. The levee improvement commission shall have full charge and supervision of all improvements of the water front along any river within the corporate limits of the city. It shall have exclusive charge and control of the levee improvement fund and of all moneys derived from the sale of bonds issued by the city council for the purpose of carrying on the work of making water front improvements. It shall pay out of these funds only for the purposes named. The city treasurer shall be the treasurer of the levee improvement commission. He shall keep the levee improvement funds and the moneys derived from the sale of bonds for water front improvements in a separate and distinct fund from which he shall pay no money except upon the order of the levee improvement commission signed by its chairman and secretary, and countersigned by the commissioner of the board of public works.

Sec. 3. This act being deemed of immediate importance shall be in force and effect after its publication in the Register and Leader and The Des Moines Capital, newspapers published in Des Moines, Iowa, without expense to the state, and when so amended the bill do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### THIRD READING OF BILLS.

Special Order No. 2, Senate File No. 58, a bill for an act to repeal Section Two Thousand Four Hundred and Twenty-nine (2429) of the Code relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate nuisances.

Senator Clarkson offered the following amendment and moved its adoption:

I move to strike out Sections One and Two of the bill and substitute the following:

Section 1. In all cases where it is claimed any person has violated the law within the provisions of Title Twelve (12), Chapter Six (6), of the Code, 1897, and acts amendatory thereof, it shall be unlawful to settle or offer to settle with such person directly or indirectly by refraining or offering to refrain from the bringing of an action upon the payment of money, thing of value of other consideration.

Sec. 2. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not

less than One Hundred (\$100.00) Dollars, and not more than Three Hundred (\$300.00) Dollars.

Further consideration of the bill was postponed.

REPORTS OF COMMITTEE.

Senator Stuckslager, 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. 281, a bill for an act to amend Title Five (5) Chapter Fourteen (14) of the Code and amendments thereto relating to Park Commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive, of the Code, and amendments thereto, and enacting substitutes therefor, 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 Cities and Towns, to whom was referred Senate File No. 217, a bill for an act conferring upon cities and towns the power to regulate the telephone business, and to fix the price or rate of charge for the use of telephones and for the telephone service to the same extent as they now have power to regulate the business and fix the price of supplying heat, water, gas, electric light, or electric power, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Judiciary.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Judiciary.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 63, a bill for an act repealing Section 725, and enacting a substitute therefor, relating to the regulation and control of gas, water, light, power, telephones and street railways, and empowering cities to regulate and fix the rent for water, gas, electric light or power, telephone service and street railway fares, and requiring annual reports from individuals or private corporations operating public service utilities, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Judiciary.

W. C. STUCKSLAGER,  
*Chairman.*



Senator Stuckslager moved the adoption of the report of the committee.

**Adopted.**

So the bill was referred to the Committee on Judiciary.

HOUSE MESSAGE CONSIDERED.

Substitute for Senate File No. 66, a bill for an act to amend Section Four Hundred Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

Passed on file.

INTRODUCTION OF BILLS.

By Senator Savage, Senate File No. 363, a bill for an act to amend Section Eighteen Hundred Eighty-nine (1889) of the Supplement to the Code, 1907, enlarging the powers of trust companies.

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

By Senator Adams, Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.

*Whereas*, in pursuance to a certificate of purchase issued by the school fund commissioner of Fayette County, Iowa, to Jacob Hoover, the state of Iowa issued a patent to the said Jacob Hoover for the following described land, to-wit: The west half of the southwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa, containing 80 acres, and

*Whereas*, Jacob Hoover on November 28, 1868, made, executed and delivered to Jacob W. Hoover a warranty deed to the west half of the northwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa, and

*Whereas*, it appears that the certificate of purchase issued by the school fund commissioner of Fayette County, Iowa, to Jacob Hoover for the west half of the southwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa, was an error and the description should have been the west half of the northwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa, and

*Whereas*, under and by authority of said contract, Jacob Hoover entered into, took possession and continued in the peaceable possession of the west half of the northwest quarter above described, until November 28, 1868, and

*Whereas*, Jacob W. Hoover under and by virtue of the deed from Jacob Hoover, entered into, took possession and became the owner thereof, and as such owner has been in the peaceable adverse possession of said property last herein described, ever since, and

*Whereas*, by reason of the mistake in the title to the west half of the northwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Patent. That the governor of the state of Iowa and the secretary of state are hereby authorized and directed to issue to the said Jacob W. Hoover a patent, in the usual form, to the west half of the northwest quarter of Section 33, Township 95, North Range 8, West of the Fifth Principal Meridian, Fayette County, Iowa, and deliver the same to the said Jacob W. Hoover.

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

By Senator Smith of Mitchell, Senate Joint Resolution No. 5, approving estimate of cost, plans and specifications for an addition to the wing to the hospital at the state university.

Joint Resolution approving estimate of cost, plans and specifications for an addition to the wing to the hospital, and authorizing the erection of said addition.

*Whereas*, the State Board of Education has submitted to the Thirty-fourth General Assembly of the State of Iowa, estimate of cost, plans and specifications for the erection of an addition to the wing to the hospital, to be completed and erected under the provisions of Chapter One Hundred and Eighty-three (183) of the Acts of the Thirty-third General Assembly, and

*Whereas*, said estimate 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 erection of an addition to the wing of the hospital, at a cost not to exceed Twenty-five Thousand Dollars (\$25,000.00) submitted to the General Assembly of Iowa for approval, are hereby approved, and the Board of Education is hereby authorized to erect said addition to the wing to the hospital at Iowa City, Iowa, as provided in this resolution.

Sec. 2. This act being deemed of immediate importance, shall take effect and be in force from and after the date of its publication in the Register and Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

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

Senator Sammis moved that when the Senate adjourn it be until 9:30 o'clock tomorrow morning.

Senator Hunter moved as an amendment that when the Senate adjourn it be until 1:30 this afternoon.

Amendment lost.

Senator Clarkson moved as an amendment to the motion offered by Senator Sammis that when the Senate adjourn it be until 9:00 o'clock tomorrow morning.

Adopted.

Motion as amended prevailed.

Senator De Wolf moved that Senate File No. 183 be made a special order for Friday at 10:00 o'clock, A. M.

Carried.

Senator Chapman moved that Senate File No. 60 be made a special order for 10 o'clock tomorrow morning.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dünegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates,

George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—155.

Absent:

Brady, Brockway, Huntley—3.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Bybee, Campbell of Ida, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Francis, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Proudfoot, Robbins, Saunders, Savage, Shane, Skinner, Smith of Adams, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—54.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Spaulding, Stillman, Stoddard—44.

Those paired were:

Jacobs, Koontz, Miller of Bremer, Smith of Decatur—4.

Absent or not voting:

Brady, Brockway, Huntley, McColl—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Sater of Des Moines the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Senate File No. 75, a bill for an act legalizing certain instruments of writing heretofore exe-

cuted by corporations conveying, encumbering or affecting real estate that have been executed without the attaching or affixing of the corporate seal thereto.

Also :

Senate File No. 182, a bill for an act to legalize the purchase of lots One (1) and Two (2) in Block Nine (9) in the Town of Montezuma, Iowa, and the contract therefor made by the Council of said town under date of October 22, 1910 and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

The President announced that as President of the Senate in the presence of the Senate he had signed substitutes for Senate File Nos. 164 and 14, and Senate File Nos. 75, 182, 67, 24 and 28.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican War or the War of the Rebellion or of the widow of such soldiers or sailors.

Also :

Senate File No. 67, a bill for an act to amend Section One (1) of Chapter Thirty-one (31) of the Acts of the Thirty-third General Assembly relating to the burial of indigent soldiers and sailors and their wives and widows.

Also :

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, 1897, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth District.

Also :

Senate File No. 164, a bill for an act to amend the law as it appears in Section Two Hundred Twenty-seven (227) Supplement of the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the Seventh district.

Also :

Senate File No. 182, a bill for an act to legalize the purchase of Lots One (1) and Two (2) in Block Nine (9) in the town of Montezuma, Iowa, and the contract therefor made by the Council of said town under date of October 22, 1910 and the warrants issued for payment of the purchase price in the total sum of One Thousand Seven Hundred Fifty Dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

Also :

Senate File No. 75, 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.

ED. P. MALMBERG,

*Chairman.*

Adopted.

Senator Chapman moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 9, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. C. H. Purmont of Des Moines, Iowa.

On request of Senator Mattes leave of absence was granted Senator Chapman for today and tomorrow.

## PETITIONS AND MEMORIALS.

Senator Chase presented a petition of teachers of Whitten, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Ream presented a petition of teachers of Mahaska county favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Van Law presented a petition of Gen. Sheridan Post No. 452, G. A. R., favoring an appropriation for an addition to the Iowa Soldiers' home.

Referred to Committee on Appropriations.

Senator Francis presented a remonstrance of citizens of Kosuth county against proposed road legislation.

Referred to Committee on Highways.

Senator Brown presented a petition of teachers of Mount Ayr and Leroy favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Ames presented a petition of teachers of Toledo, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Crow presented a remonstrance of citizens of Crawford county against further liquor legislation.

Referred to Committee on Suppression of Intemperance.



Senator Mattes presented a remonstrance of citizens of Sac county against House File No. 100.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Fitchpatrick, Senate File No. 365, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a9 (1989-a9) of the Supplement to the Code, 1907, relating to interest on warrants drawn upon drainage funds.

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

By Senator Cowles, Senate File No. 366, a bill for an act to amend Section Four Thousand Eight Hundred Twenty-three (4823) of the Code, 1897, pertaining to malicious mischief and trespass.

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

By Senator Neal, Senate File No. 367, a bill for an act to amend Section Two Hundred and Ninety-seven (297), of the Code, relating to the salaries of clerks of the district courts, in counties having a population between fifteen thousand and twenty-five thousand.

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

By Senator Taylor, Senate File No. 368, a bill for an act to repeal the law as it appears in Section Fourteen Hundred and Eighty-three (1483) of the Supplement to the Code of 1907, relative to establishment and width of roads.

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

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 284, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code and enacting a substitute therefor, relating

to the keeping of an accounting for public funds in the State and County Treasuries, 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 Judiciary, to whom was referred House File No. 375, a bill for an act legalizing the acts of the stockholders and officers of the Boone County Agricultural Society, of Boone County, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation, 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 Judiciary, to whom was referred House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1), of the Supplement to the Code, relative to water closets or privies, 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 Judiciary, to whom was referred Senate File No. 346, a bill for an act authorizing the Executive Council to pay costs taxed to or incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided, 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 Judiciary, to whom was referred Senate File No. 349, a bill for an act to amend Chapter Two Hundred Twenty-seven (227) of the Acts of the Thirty-third General Assembly, amendatory of Section Five Thousand Two Hundred Eighty-nine (5289) of the Code, relating to the sufficiency of indictments and the waiver of objections thereto, 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 Judiciary, to whom was referred Senate File No. 229, a bill for an act to amend Sections 1643 and 1645 of the Code, and amendatory of Chapter 2 of Title II of the Code, and to provide for the control and disposition of property of extinct religious societies in this state, 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 so as to read as follows: A bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 363, a bill for an act to amend Section Eighteen Hundred Eighty-nine (1889) of the Supplement to the Code, 1907, enlarging the powers of trust companies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 348, a bill for an act in relation to fences and other structures erected to annoy, and provide for the abatement thereof as nuisances, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 301, a bill for an act to amend Section Three Thousand Thirty-eight (3038) of the Code, relating to contracts for the payment of interest, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Ways and Means.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

**Adopted.**

So the bill was referred to the Committee on Ways and Means.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 29, a bill for an act to repeal Section Five Thousand One Hundred Nineteen (5119) of the Code, relating to vagrants, and enacting a substitute 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 Judiciary, to whom was referred Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court, 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 Judiciary, to whom was referred Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), Acts of the Thirty-third General Assembly, 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 indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 330, a bill for an act providing that contributory negligence shall not operate as a bar to a recovery in negligence cases, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 204, a bill for an act to establish six (6) miles of macadamized highway for experimental purposes in Fremont County, State of Iowa, and providing for an appropriation to cover the expense of same, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House File No. 14, a bill for an act to repeal Section One Thousand Five Hundred Sixty-nine of the Code, 1907, and to enact a substitute therefor relating to passing of vehicles, including automobiles on the public highway, beg leave to report they have had the same under consideration and recommend the same do pass.

N. BALKEMA,  
*Chairman.*

Ordered passed on file.

Adopted.

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. 69, a bill for an act to repeal Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, in relation to employing assistance to discovering of property not listed or assessed as required by law and making it unlawful for cities and

towns or counties to make tax ferret contracts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 161, a bill for an act relating to the care, construction and repair of bridges, and providing for a bridge fund, and for a tax levy by cities and towns for bridge fund purposes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 79, a bill for an act pertaining to the assessment and collection of a collateral inheritance tax, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 217, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with county auditor, 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 amendment: By striking out the words "and the said county officers shall change the recorded plat as provided in said ordinance" and inserting in lieu thereof the words "which shall be entered of record in the recorder's office and a reference made on the margin of the original plat referring to the record of such changing of names.

Adopted.

Senator Hunter moved the adoption of the following amendment: Amend the enacting clause so that the same will read: "Be it enacted by the General Assembly of the State of Iowa."

Adopted.

The bill as amended was read for information.

Senator Hunter moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Legel, McManus, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law—33.

The nays were:

None.

Absent or not voting:

Chase, Crow, Dunnegan, Francis, Hoyt, Jewell, Larrabee, McColl, McCulloch, Parshall, Saunders, Savage, Stuckslager, Sullivan, Webber, White, 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 Cowles, Senate File No. 230, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (VI) of Title Twelve

(XII) of the Code, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Cowles moved the adoption of the following committee amendment:

Amend by inserting in the 15th line of Section One of the original bill, after the word "pharmacist", being the 5th word of said line, the word "dentist" and a comma following; and insert in the printed form in the bill as No. 5 of said form, the words: "Dentist duly licensed under the laws of the State of Iowa and have my office in the town of....."

Adopted.

Senator Clarkson moved that the further consideration of the bill be deferred until tomorrow morning immediately following the disposition of Special Order No. 2.

Carried.

The President announced he had the following communication on his desk, which was read:

DES MOINES, IOWA, MARCH 9, 1911.

*To the Members of the Senate of the Thirty-fourth General Assembly:*

GENTLEMEN: When Governor Carroll demanded my resignation as a member of the board of control of state institutions, and threatened to remove me forthwith, unless I complied with his demands, he at the same time made certain charges against my business integrity, and my moral character as a member of the board of control which have not yet been investigated and their truth or falsity established.

I would therefore request that a special committee of not more than five members of the Senate, be appointed by the President of the Senate with power to call and examine witnesses under oath, relative to the charges preferred against me by Governor Carroll, that the investigation may be open to the public, and that it shall be free from political bias and legal technicalities, with a sincere desire to ascertain the truth, the whole truth and nothing but the truth.

I desire also that this committee be authorized to thoroughly investigate the conditions existing at the Industrial school for Girls at Mitchelville, prior to and following my enforced resignation, the cause of the escapes and open rioting at the school and the necessity for the erection of steel cells at this state institution and the reason for sending girls back to the counties from which they came to be delivered to the jailer of the county, a condition heretofore unknown.



Also to make a thorough investigation of the reasons that induced the board of control to ask for the resignation of Superintendent H. E. Kirschner, of the State Sanitorium for the treatment of tuberculosis at Oakdale, and why he was allowed to continue as Superintendent, after his resignation was requested.

These are all questions in which the people of Iowa are interested and they should know all the facts before passing final judgment on these matters, pregnant with so much for good or ill, to the welfare of our state.

Having given twelve of the best years of my life as a member of the board of control of state institutions, with great pecuniary sacrifice to myself, and with an ambition to make our state institutions worthy of our people, and at the same time better the condition of every ward of the state, while guarding with all the ability I could command the best interests of the tax payers, I am surely not asking too much in thus requesting that the truth or falsity of the charges made against me be established, by an unprejudiced committee of Senators.

Conscious of my own rectitude as a state officer in the discharge of every duty, and courting the fullest investigation of all the charges that have been made against me, I trust that the Senate will comply with my request and thus afford an opportunity for ascertaining the truth in regard to these matters, and the manner in which the institutions named, have and are being conducted.

Respectfully submitted,  
JOHN COWNIE.

#### THIRD READING OF BILLS.

On motion of Senator Chapman, Senate File No. 283, a bill for an act to amend Section Four Thousand Nine Hundred Ninety-nine A-1 (4999 A-1) of the Supplement to the Code, 1907, relative to preserving the public health, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Chapman moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sam-

mis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, White, Wilson—44.

The nays were:

None.

Absent or not voting:

Cowles, Francis, Quigley, Saunders, Spaulding, Sullivan—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 Crow, Senate File No. 212, a bill for an act to legalize the incorporation of the Town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Crow moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—48.

The nays were:

None.

Absent or not voting:

Balkema, Saunders—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 Sammis, House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance 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 Sammis moved the adoption of the following committee amendment:

Amend Section 1 by adding thereto the following:

“Provided, that the repeal of said Section shall not affect any act done, any right accruing or which has accrued or been established, nor any suit or proceeding had or commenced in any civil cause before the time when such repeal takes effect; but the proceedings in such cases shall be conformed to the provisions of said repealed Section as far as consistent.”

Adopted.

The bill as amended was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bal-luff, Bennett, Chapman, Chase, Clarkson, Crow, De Wolf, Dun-negan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Taylor, Wilson—38.

The nays were:

None.

Absent or not voting:

Ames, Brown, Cowles, McColl, McManus, Quigley, Saunders, Smith of Shelby, Sullivan, Van Law, Webber, 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 Hoyt, Senate File No. 220, a bill for an act providing for registration of farm names, was taken up and considered.

Senator Hoyt moved that the Senate concur in the following House amendment:

Amend by striking out the word "shall" at the end of the third line Section 3 of original bill and insert the word "may" in lieu thereof.

On the question "Shall the Senate concur in the House Amendment?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpat-rick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson  
—37.

The nays were:

None.

Absent or not voting:

Ames, Brown, Chase, Cowles, Crow, Francis, McManus, Quig-ley, Saunders, Savage, Stuckslager, Taylor, Webber—13.

So the House amendment having received a constitutional ma-jority was declared concurred in.

The hour having arrived for the Special Order, on motion of Senator Chapman, Senate File No. 60, a bill for an act to repeal Section 3376 of the Code Supplement of 1897, relating to the election of a surviving spouse to take under the will of the de-ceased, and to enact a substitute therefor, was taken up and con-sidered.

Senator Chapman moved that the substitute be substituted for the original bill.

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:

Allen of Jefferson, Balkema, Balluff, Chapman, Clarkson, De-Wolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Ham-mill, Larrabee, Legel, McColl, Mattes, Parshall, Sammis, Sullivan, Webber—20.

The nays were:

Adams, Allen of Pocahontas, Chase, Jewell, McCulloch, Malm-berg, Neal, Proudfoot, Saunders, Smith of Shelby, Van Law, White—12.

Absent or not voting:

Ames, Bennett, Brown, Cowles, Crow, Garrett, Hoyt, Hunter, McManus, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Taylor, Wilson—18.

So the bill having failed to receive a constitutional majority was declared lost.

#### REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 11, a bill for an act to amend Sections One (1) and Two (2) of Chapter One Hundred and Eighty-four (184) laws of the Thirty-third General Assembly relative to the limit of indebtedness of independent school districts, 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. 11.

#### A BILL

For an Act to amend Sections One (1), and Two (2), of Chapter One Hundred and Eighty-four (184) Acts of the Thirty-third General Assembly, relative to the limit of indebtedness of independent school districts.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section One (1), of Chapter One Hundred and Eighty-four (184) of the Acts of the Thirty-third General Assembly is hereby so amended as to read as follows, to-wit:

"Any independent district containing, or contained in, any city, town or village, or any consolidated independent district 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 to exceed in the aggregate, including all other indebtedness, four 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 One Thousand Three Hundred and Six-b (1306-b) of the Supplement to the Code, 1907, to the contrary notwithstanding."

Sec. 2. Section Two (2) of Chapter One Hundred and Eighty-four (184) of the Acts of the Thirty-third General Assembly is hereby so amended as to read as follows, to-wit:

"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 a number equal to twenty-five (25 per cent) per cent of those voting at the last school election 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."

Sec. 3. This act being deemed of immediate importance shall be in full force and effect on and after its publication in the Des Moines Capital and the Register & Leader, newspapers published at Des Moines, Iowa," and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 33, a bill for an act to repeal Section 2794-a of the Supplement to the Code, 1907, and to enact a substitute in lieu thereof, relating to organization of consolidated independent school districts, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking from Paragraph "F" in Section One (1) thereof the following words: "The electors residing upon the territory outside of the corporate limits of any city, town or village, within such district shall vote separately. If a majority of the votes cast by the electors in either territory shall be in favor of dissolving said school corporation, then the same shall be dissolved, and the organization of the new district or districts, completed by the election of a board of directors; as provided by statute. In any consolidated independent district within the limits of which no city, town or village exists a majority of all the votes cast at such election shall be required to dissolve such school corporation," and substituting therefor the following: "If a majority of all votes cast at said election be in favor of dissolving the consolidated district, same shall

be dissolved and the organization of a new district or districts be forthwith completed by the election of a board of directors as provided by statute; provided, however, that such dissolution shall become effective only when the reorganization of the territory included in the original consolidated district is completed," and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 54, a bill for an act to amend Section 2626 of the Code and Section 2739 of the Supplement to the Code of 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 with the recommendation that the same pass.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

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. 143, a bill for an act to repeal Section (1657-n) Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the Department of Agriculture and the salary of the Secretary and his assistants, 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 Agriculture, to whom was referred Senate File No. 345, a bill for an act to amend Section Twenty-five Hundred Thirty-eight-b of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery, and dentistry, 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 Agriculture, to whom was referred Senate File No. 243, a bill for an act to repeal Section Twenty-three Hundred Forty-eight (2348) of the Code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty and prescribing punishment for the presentation of false or fraudulent claims for such bounty, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "Two Hundred" in the last line of Section Two of the original bill, and substituting the words "One Hundred" in lieu thereof, and when so amended the bill do pass.

J. H. ALLEN,  
*Chairman.*

Ordered passed on file.

Senator Hoyt, 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. 113, a bill for an act to amend Paragraph Four (4) of Section Forty-five Hundred and Ninety-eight (4598) of the Code, relating to the fees of constables, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

E. H. HOYT,  
*Chairman.*

Senator Hoyt moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Compensation of Public Officers to whom was referred Senate File No. 89, a bill for an act to amend Section 297 of the Code of Iowa, 1897, fixing the salaries of clerks of the District Court in certain counties, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking from the line Nine (9) of Section One (1) thereof the words "Thirty-five Hundred" and the figures 3,500.00 and the dollar sign and parenthesis, and insert in lieu thereof the words "Three Thousand" and the figures (\$3,000.00), and that the following be added to Section One (1) of the bill: Provided that in counties where terms of the District Court are held in two cities or towns there shall be added to the salary of the clerk the further sum of Four Hundred (\$400.00) Dollars per annum, and that all of Section Two (2) be stricken from the bill and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Ordered passed on file.



## THIRD READING OF BILLS.

On motion of Senator Sammis, Senate File No. 58, a bill for an act to repeal Section Two Thousand Four Hundred and Twenty-nine (2429) of the Code, relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate nuisances, was taken up and considered.

Senator Clarkson offered the following amendment to the amendment offered by him on yesterday, and moved its adoption: I move to amend the pending amendment by adding thereto Section 3, the following:

Sec. 3. If upon the trial in any case under this act any person give evidence who it is claimed violated the law within the provisions of title Twelve (12), Chapter Six (6) of the Code of 1897, and Acts amendatory thereof, such evidence shall not be used against him in any criminal civil or other proceedings.

Adopted.

Senator Sammis moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Proudfoot moved that the time of Senator Clarkson be extended ten minutes.

Carried.

On the adoption of the amendment, a roll call was demanded.

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chase, Clarkson, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law—23.

The nays were:

Adams, Balluff, Chapman, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Hoyt, Legel, McCulloch, McManus, Malmberg, Mat-tes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—25.

Absent or not voting:

Brown, Taylor—2.

So the amendment was lost.

Senator Francis offered the following substitute for Sections 1 and 2 of the original bill, and moved its adoption :

I move to strike out Sections 1 and 2 of the bill and insert in lieu thereof the following :

Section 1. Section 2429 of the Code is hereby amended by adding thereto the following: "But no such attorney's fee shall be so taxed unless final decree shall be against the defendant permanently enjoining him or ordering abatement of the nuisance or finding him guilty of violating the injunction."

Senator Sammis offered the following substitute for the amendment offered by Senator Francis :

I move as a substitute for the amendment offered by Senator Francis, the following :

"Provided that no attorney fee shall be taxed in favor of any attorney except the County Attorney of the County or other attorney appointed by the Court in which the action of proceeding is pending, where such attorney is actually engaged in the prosecution of same, nor unless the defendant is found guilty of contempt as charged or a permanent injunction issues to abate the nuisance complained of."

Senator Chase offered the following amendment to the substitute offered by Senator Sammis and moved its adoption :

I move to amend the amendment by adding after words of county attorney of the county thereof in the 4th line the words "or other attorney appointed by the court", and striking out the word "county" in 6th line thereof.

On the adoption of the amendment a roll call was demanded :

The ayes were :

Adams, Ames, Balluff, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hunter, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—29.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Francis, Gilliland, Hammill, Jewell, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—15.

Absent or not voting :

Brown, Hoyt, Larrabee, McColl, Stuckslager, Taylor—6.

So the amendment was adopted.

Senator Sammis moved the previous question on the substitute.

On the question, "Shall the main question be now put?" the previous question was ordered.

On the adoption of the substitute offered by Senator Sammis a roll call was demanded.

The ayes were:

Adams, Balluff, Chapman, Chase, Cowles, Crow, DeWolf, Dunningan, Fitchpatrick, Garrett, Gates, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Sullivan, Webber, White, Wilson—27.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Clarkson, Francis, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law—21.

Absent or not voting:

Brown, Taylor—2.

So the substitute was adopted.

Senator Francis offered the following amendment to the substitute and moved its adoption:

I move to amend the substitute by adding after the word "court" in the amendment offered by Senator Chase, the words "or any judge of the district where the action is brought."

Adopted.

Senator Sammis moved the adoption of the substitute for Sections 1 and 2 of the bill.

Adopted.

Senator Adams moved the previous question on the bill.

On the question "Shall the main question be now put?" the previous question was ordered.

The bill as amended was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Brown, Chapman, Chase, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hoyt, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—30.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Clarkson, Francis, Hammill, Jewell, Larrabee, McColl, Neal, Proudfoot, Smith of Shelby, Spaulding, Van Law—14.

Absent or not voting:

Gilliland, Hunter, Saunders, Smith of Mitchell, Stuckslager, Taylor—6.

Senator Sammis moved to amend the title by striking out the word "repeal" and inserting in lieu thereof the word "amend."

Carried.

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. 369, a bill for an act amending Section Two Thousand One Hundred and Fifty-eight (2158) of the Code, relating to the use of public roads by telegraph or telephone lines.

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

By Senator Francis, Senate File No. 370, a bill for an act amendatory and additional to paragraph three (3) of Section Three Thousand 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 Cities and Towns.

By Senator Van Law, Senate File No. 371, a bill for an act to appropriate money for the use of the Iowa Soldiers' home at Marshalltown, Iowa.

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

By Senator Van Law, Senate File No. 372, a bill for an act to amend Section Twenty-four Hundred and Sixty-nine (2469) Supplement to the Code, 1907.

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

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds.

Also:

Substitute for Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Substitute for Senate File No. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

Also:

Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the Board of Directors of the Independent School District of Traer, in the county of Tama and state of Iowa, and warrants thereof, and authorizing the issue of bonds.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Senator Hammill moved that Senate File No. 21 be made a special order for tomorrow morning to succeed the special orders already announced by the senate for that time.

Carried.

Senator Neal moved that when the Senate adjourn it be until 1:30 this afternoon.

Motion was lost.

Senator Schrup moved that the vote by which Senate File No. 58 passed the Senate and by which it passed to its third reading, be reconsidered and that this motion be laid upon the table.

Senator Clarkson moved that the further consideration of this motion be deferred until 11:30 tomorrow morning.

Senator Cowles raised the point of order that a motion to lay on the table cannot be postponed.

The President ruled the point of order well taken.

The motion to reconsider and lay on the table prevailed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George,

Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—153.

**Absent:**

Balluff, Brockway, Chapman, Huntley, Spaulding—5.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Campbell of Ida, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Francis, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Jacobson Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—54.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Stillman, Stoddard,—44.

Those paired were:

Jacobs, Koontz, Miller of Bremer, Smith of Decatur—4.

Absent or not voting:

Balluff, Brockway, Chapman, Huntley, Spaulding—5.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Gates of Butler the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Hammill moved that the Senate do now adjourn until 9:00 o'clock tomorrow morning.

Carried.

The Senate adjourned.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 10, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. George F. Whitfield, Le Mars, Iowa.

## PETITIONS AND MEMORIALS.

Senator Proudfoot presented a petition of citizens of Warren county favoring appropriations for short course extension.

Referred to Committee on Agriculture.

Senator Brown presented a petition of teachers of Tingley, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator White presented a petition of teachers of Iowa City, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Allen of Pocahontas presented a petition of citizens of Humboldt, Iowa, favoring the passage of Senate File No. 77.

Referred to Committee on Schools.

Senator Hammill presented a remonstrance of citizens of Hancock county protesting against proposed highway legislation.

Referred to Committee on Highways.

Senator Smith of Mitchell presented a petition of citizens of Worth county and vicinity favoring Senate File No. 74.

Referred to Committee on Appropriations.

Lieutenant Governor Clarke presented a petition of teachers of Glidden, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Ream presented a petition of citizens of Evans, Iowa, favoring proposed mining legislation.

Referred to Committee on Mines and Mining.

Senator Ream presented a petition of citizens of Oskaloosa, Iowa, favoring proposed mining legislation.

Referred to Committee on Mines and Mining.

Senator Wilson presented a petition of citizens of Clinton, Iowa, favoring the passage of Senate File No. 77.

Referred to Committee on Schools.

Senator Wilson presented a petition of citizens of Clinton, Iowa, favoring the passage of Senate File No. 163.

Referred to Committee on Labor.

Senator Jewell presented a remonstrance of citizens of 42d district against the passage of Senate File No. 260.

Referred to Committee on Fish and Game.

Senator Jewell presented a petition of teachers of Lime Springs, Iowa favoring Senate File No. 77.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Webber (by request), Senate File No. 373, a bill for an act creating the title of "Certified Public Accountant," and to regulate the practice of the profession of such accountants in the State of Iowa, and providing penalties for the violations of the provisions of this act.

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

By Senator Malmberg, Senate File No. 374, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Sixty-five (2565) of the Code relating to the power and authority of the State Board of Health to subpoena witnesses in any part of the state, and investing said board with authority and jurisdiction to administer oaths to said witnesses and to require any person to give testimony, documentary or otherwise, in any hearing, investigation or proceeding concerning any matter under the jurisdiction of said board, to provide immunity for the person so testifying, and prescribing the punishment for a violation thereof.

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

By Senator Taylor, by request, Senate File No. 375, a bill for an act to establish a department of Horticulture and Forestry, and to make an appropriation therefor.

Read first and second time and referred to Committee on Horticulture and Forestry.

By Senator Spaulding, Senate File No. 376, a bill for an act to amend the law as it appears in Chapter Sixty-four (64) acts of the Thirty-third General Assembly, relating to the government of certain cities.

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

By Senator Bennett, on behalf of the Committee on Public Health, Senate File No. 377, a bill for an act to establish an anti-toxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa, and making an appropriation therefor.

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

By Senator Saunders, Senate File No. 378, a bill for an act to amend the law as it appears in Section 2727-A1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State Institutions.

Read first and second time and referred to Committee on Board of Control and It's Institutions.

The Journals of Tuesday, Wednesday and Thursday were taken up, corrected and approved.

#### REPORTS OF COMMITTEES.

Senator Chase, 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. 2, a joint resolution of the Thirty-fourth General Assembly of the State of Iowa, making application to the congress of the United States to call a convention for proposing amendment to the constitution of the United States, beg

leave to report they have had the same under consideration and recommend the same do pass.

D. C. CHASE,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Constitutional Amendments and Suffrage to whom was referred Senate Joint Resolution No. 1, a joint resolution ratifying the sixteenth amendment to the constitution of the United States, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

D. C. CHASE,  
*Chairman.*

Senator Chase moved the adoption of the report of the committee.

Adopted.

So the Joint Resolution was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Constitutional Amendments and Suffrage, to whom was referred Senate Joint Resolution No. 4, 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, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

D. C. CHASE,  
*Chairman.*

Ordered passed on file.

Senator Proudfoot moved that Senate Joint Resolution No. 4 be made a special order for March 15, at 10 o'clock, A. M.

Carried.

Also:

MR. PRESIDENT—Your Committee on Constitutional Amendments and Suffrage, to whom was referred Joint Resolution No. 3, a joint resolution proposing an amendment to Section 1 of Article 2 of the Constitution of the State of Iowa relating to the right of suffrage, and providing that the same be duly entered upon the journals of the respective houses and referred to the legislature to be chosen at the next general election and published as by law provided, beg leave to report they have had the same under consideration and recommend the same do pass.

D. C. CHASE,  
*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 a Concurrent Resolution, memorializing the Senators and Representatives from Iowa in the Congress of the United States, in relation to employers in the railway service, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 340, a bill for an act to amend Section 2071 of the Supplement to the Code, 1907, relating to the liability of railways for negligence or wrongs of employes, beg leave to report they have had the same under consideration and recommend the same be reported back to the Senate with the recommendation that it be referred to the Judiciary Committee.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Judiciary.

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 House File No. 76, a bill for an act to amend Section 1400-f of the Supplement to the Code, 1907 providing for additional forest trees, beg leave to report they have had the same under consideration and recommend the same do pass.

L. L. TAYLOR,  
*Chairman.*

Ordered passed on file.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 189, a bill for an act to prohibit and regulate hospitals, institutions and places created for or maintained, and used as

hospitals, sanitariums or places for the reception, care and treatment of persons afflicted with or suffering from cancer. (Additional to Chapter 16 of Title 12 of the Code, relating to the State Board of Health, beg leave to report they have had the same under consideration and recommend the same to be indefinitely postponed.

F. W. BENNETT,  
*Chairman.*

Senator Bennett moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 199, a bill for an act to provide for 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 do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) 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.

SHIRLEY GILLILLAND,  
*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 to amend the law as it appears in Section Eight Hundred Twenty-five (825) of the Code of 1897, 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. 358.

A BILL

For an Act to amend the law as it appears in Section Eight Hundred Twenty-five (825) of the Code.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section Eight Hundred Twenty-five (825) of the Code is hereby amended by inserting after the word "assessment" in the nineteenth line

of said section the following words: "and be paid within thirty days from the date of assessment," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

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 as it appears in Section Two Thousand Eight Hundred Eighty-one-l (2881-1) of the Supplement to the Code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives, 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 :

Senator McColl, from the Committee on Educational Institutions, submitted the following report :

MR. PRESIDENT—Your Committee on Educational Institutions, to whom was referred House File No. 98, a bill for an act to repeal Section Two Thousand Six Hundred Twenty-eight (2628) of the Code relating to the Board of Educational Examiners, 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 Schools.

A. M. MCCOLL,  
*Chairman.*

Senator McColl moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Schools.

Senator Mattes, from the Committee on Appropriations, submitted the following report :

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 331, a bill for an act making an appropriation to D. N. Guthrie for damages sustained by him by the construction of a dam by the State of Iowa across the out-let of Lower Gar Lake, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 313, a bill for an act amending Chapted No. 258 of the Acts of the Thirty-third General Assembly, relating to an appropriation of One Thousand Dollars (\$1,000.00) to aid in the construction of a dam in Dickinson County, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 292, a bill for an act to appropriate the sum of \$164.22 for the use and benefit of Mrs. Ellen C. Moore on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military services performed by him as captain of Company "D", 45th Regiment, Iowa Volunteers, Infantry, in the month of May, A. D., 1864, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 101 a bill for an act to repeal Section 2634-b, 2634-c and 2634-d, Supplement to the Code of 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriations therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

In lieu of Section 9, the following: "For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury, not otherwise appropriated, the sum of Twenty-five Thousand (\$25,000.00) Dollars available for the period ending July 1st, 1912, and the sum of Fifty Thousand (\$50,000.00) Dollars annually thereafter," and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Ordered passed on file.



Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 213, a bill for an act to repeal the law as it appears in Section 1661-a of the Supplement of the Code, 1907, as amended by Chapter 108, Acts of the Thirty-third General Assembly, relative to state aid to county and district fairs, and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the word "six" in line Fifteen of Section 1, and inserting in lieu thereof the word "four", and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Ordered passed on file.

Adopted.

Senator Stuckslager, 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. 18, a bill for an act repealing Section 1, Chapter 52 of the Acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*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. 259, a bill for an act to repeal Section Four Thousand Eleven (4011) of the Code and to enact a substitute therefore relating to personal earnings, 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. 259.

A BILL

For an Act to repeal Section Four Thousand Eleven (4011) of the Code and to enact a substitute therefore relating to personal earnings.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Eleven (4011) of the Code is hereby repealed and the following enacted in lieu thereof:

The earnings of a debtor, who is a resident of the state and the head of a family for his personal service or those of his family, are exempt from liability for debt to the extent of ninety per cent (90 per cent) of such earnings and ten per cent (10 per cent) shall be subject to execution upon judgment obtained for personal and family necessities contracted for after July 4th, 1911, except when such earnings are less than forty dollars per month they shall be exempt from liability for ninety (90) days next preceding the levy, and when so amended the bill do pass.

JAS. A. SMITH,

*Chairman.*

Substitute read first and second time.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the department of agriculture and the salary of the secretary and his assistants, was taken up and considered.

Senator Allen of Pocahontas moved that the consideration of House File No. 143 be substituted for Senate File No. 143, the two bills being identical.

Carried.

So the Senate took up for consideration House File No. 143.

The bill was read for information.

Senator Mattes moved that the bill be referred to the Committee on Judiciary.

Carried.

On motion of Senator Savage, House File No. 101, a bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of Chapter Fifty-three (53) of the acts of the Thirty-third General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Savage 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hoyt, Hunter, Legel, McColl, McManus, Malmberg, Neal, Parshall, Ream, Saunders, Savage, Schrup, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—30.

The nays were:

Adams, Chase, Crow, Hammill, McCulloch, Proudfoot, Smith of Shelby—7.

Absent or not voting:

Allen of Pocahontas, Ames, Chapman, Cowles, Francis, Garrett, Jewell, Larrabee, Mattes, Quigley, Sammis, Smith of Mitchell, Stauckslager—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 Balkema, Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter-houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing establishments, manufactories, or other places where food is placed, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the state food and dairy commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Balkema offered the following amendments:

Amend by striking out after the word "of" in the ninth line of Section Thirteen of the original bill the following: "\$200.00 and imprisonment in the county jail for not less than thirty nor more than ninety days," and substituting in lieu thereof the following:

“\$100.00 nor more than \$300.00 and imprisonment in the county jail for not less than ten nor more than ninety days.”

Amend by inserting after the period in line two of Section Fourteen of the original bill the following: “provided nothing herein contained shall apply to packing houses under federal inspection.”

Adopted.

Further consideration of the bill was postponed on account of Special Order No. 1.

The hour having arrived for Special Order No. 1, on motion of Senator De Wolf the Senate took up for consideration Senate File No. 183, 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.

Senator De Wolf moved the adoption of the following amendment:

Amend by striking from Section Four the words and figures “two thousand dollars (\$2,000),” and inserting therein the words and figures “fifteen hundred dollars (\$1,500).

Adopted.

The bill was read for information.

Senator De Wolf moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Crow, DeWolf, Dunne-gan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McMan-us, Malmberg, Neal, Parshall, Proudfoot, Sammis, Saunders, Sav-age, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—44.

The nays were:

Quigley—1.

Absent or not voting:

Chapman, Cowles, Mattes, Ream, Smith of Mitchell—5.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The hour having arrived for Special Order No. 2, on motion of Senator Cowles the Senate took up for consideration Senate File No. 230, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (VI) of Title Twelve (XII) of the Code.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by inserting after the word "liquors" where it first appears in the fourth line of Section One of the printed bill the following:

"In packages containing not less than five gallons in any one package."

Senator Saunders offered the following amendment to the amendment, and moved its adoption:

I move to amend the amendment by striking out the word "five" and inserting in lieu thereof the words: "four and seven-eighths."

On the adoption of the amendment to the amendment a roll call was demanded.

The ayes were:

Adams, Balkema, Cowles, Jewell, Legel, McManus, Malmberg, Parshall, Quigley, Ream, Saunders, Schrup, White—13.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, Wilson—27.

Absent or not voting:

Balluff, Bennett, Brown, Chapman, De Wolf, Hoyt, Mattes, Sammis, Savage, Stuckslager—10.

So the amendment to the amendment was lost.

On the adoption of the amendment a roll call was demanded.

The ayes were :

Clarkson, Crow, Francis, Garrett, Gates, Hoyt, Hunter, Jewell, Malmberg, Parshall, Saunders, Sullivan—12.

The nays were :

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chase, Cowles, Dunnegan, Fitchpatrick, Gilliland, Hammill, Larrabee, Legel, McColl, McCulloch, Neal, Proudfoot, Quigley, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber—24.

Absent or not voting :

Balluff, Bennett, Brown, Chapman, DeWolf, McManus, Mattes, Ream, Sammis, Savage, Schrup, Stuckslager, White, Wilson—14.

So the amendment was lost.

Senator Saunders offered the following amendment and moved its adoption: I move to amend Section Three of the bill by inserting after the word "merchandise" in the third line of the section as it appears in the original bill, the following, "but such package, box, or carton shall be plainly labeled upon the outside thereof with the amount and kind of intoxicating liquors contained therein.

On the adoption of the amendment a roll call was demanded.

The ayes were :

Balluff, Cowles, Crow, De Wolf, Garrett, Hoyt, Legel, Malmberg, Mattes, Parshall, Quigley, Ream, Saunders, Sullivan, Webber, White, Wilson—17.

The nays were :

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Chase, Dunnegan, Fitchpatrick, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Neal, Proudfoot, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law—23.

Absent or not voting :

Ames, Bennett, Brown, Chapman, Clarkson, Gates, McManus, Savage, Schrup, Stuckslager—10.

So the amendment was lost.

Senator White moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Cowles 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:

Adams, Balluff, Cowles, Legel, McCulloch, McManus, Mattes, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—16.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chase, Clarkson, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Larrabee, McColl, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor Van Law—23.

Absent or not voting:

Bennett, Brown, Chapman, Gates, Hoyt, Hunter, Jewell, Malmberg, Parshall, Saunders, Stuckslager—11.

So the bill having failed to receive a constitutional majority was declared lost.

The President announced that as President of the Senate he had signed in the presence of the Senate, Senate Files Nos. 66 and 146.

Senator Hammill moved that when the Senate adjourn it be until 1:30 o'clock this afternoon.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

#### INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 379, a bill for an act to recover damage for anyone injured or killed while working in, around and about the mines where owner, operator or persons in charge fail to comply with the mining laws.

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

A committee from the House appeared and announced the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsbury, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Oden-dahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proud-foot, Quigley, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—155.

Absent:

Chapman, Huntley, Ream—3.

President Clarke announced the Joint Convention duly organized with a quorum of members present.



President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtgah, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ritter, Rowles, Sater, Shrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Campbell of Ida, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Fraley, Francis, Fulton, Gilliland, Harding, Harvey, Hicklenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Proudfoot, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—56.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brockway, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Stillman, Stoddard,—45.

Absent or not voting:

Balluff, Chapman, Huntley, Ream, Spaulding—5.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Cowles of Des Moines the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Sullivan moved that the Senate do now adjourn.

Carried.

So the Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment, at 1:30 P. M., President Clarke presiding.

#### PETITIONS AND MEMORIALS.

Senator Sullivan presented a petition from United Mine Workers Local No. 1047, favoring the passage of Senate File No. 270.

Referred to Committee on Mines and Mining.

Senator Larrabee offered the following Concurrent Resolution and moved its adoption.

#### CONCURRENT RESOLUTION.

*Whereas*, Your Committee appointed to arrange a program and services in memory of Senator J. P. Dolliver, has extended an invitation to the Hon. R. G. Cousins to deliver the principal address on that occasion.

*Be it Resolved* by the Senate, the House concurring, that a joint convention of the two Houses of the Thirty-fourth General Assembly be held in the House Chamber, Thursday, March Sixteenth, at Two P. M., to participate in memorial ceremonies to commemorate the life and services of Senator J. P. Dolliver.

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Balkema the Senate resumed consideration of Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies,

creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the State Food and Dairy Commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith.

Senator Balkema offered the following amendment and moved its adoption: Amend by inserting after the word "windows" in line 11 and before the word "must" in line 12 of Section 9 the following: "of all places, rooms, and buildings referred to in this section."

Adopted.

Senator Balkema offered the following amendment and moved its adoption: Amend by inserting after the word "water" and before the word "and" in line 9 of Section 5 the following: "supplied by either city water works or a private water tank."

Adopted.

Senator Ames offered the following amendment and moved its adoption: I move to amend Section 9-a in line 11 by striking out the phrase; "nor shall swine be kept or fed within 150 feet of the slaughter house.

Adopted.

Senator Ames offered the following amendment and moved its adoption. Amend by striking out Division D of Section 9, which reads as follows:

"It shall be unlawful henceforth to feed hogs any uncooked slaughterhouse offal or the uncooked flesh of dead animals."

Senator Sullivan moved the further consideration of the bill be postponed until Tuesday morning at 10 o'clock and made a special order.

Carried.

On motion of Senator Hammill the Senate took up for consideration Special Order No. 3, Senate File No. 21, a bill for an act to amend Sections Twenty-seven Hundred and Fifty-four (2754), Twenty-eight Hundred and Eight (2808), and Twenty-eight Hundred and Twelve-f (2812-f), Supplement to the Code, 1907, and Sections Twenty-seven Hundred and Sixty (2760), Twenty-seven Hundred and Eighty (2780) and Twenty-eight Hundred and Eleven (2811), Code 1897, and to repeal Section Twenty-eight Hundred and Ten (2810), Code 1897, and Sections Twenty-seven Hundred and Fifty-seven (2757), Twenty-seven Hundred and Sixty-eight (2768) and Twenty-seven Hundred Sixty-nine (2769), Supplement to the Code, 1907, and to enact substitutes therefor, abolishing the office of school treasurer and providing that the county treasurer shall perform the duties of said officer.

Senator Smith of Shelby offered the following amendment as a substitute for the pending amendment offered by Senator Chapman and moved its adoption:

I move as a substitute to the amendment offered to Section 2 of Senate File No. 21, the following:

1. Substitute a comma (,) for the period following the word "custody" at the beginning of line Four of Section 2 in the printed bill and insert thereafter the following: "And shall deposit the same in a safe and solvent bank, if any there be, in the district from which the taxes have been collected, otherwise in the most convenient safe and solvent bank to said district."

The substitute was substituted for the original amendment.

The amendment was adopted.

Senator Clarkson offered the following amendment and moved its adoption: I move to strike out the words "which interest shall accrue to the benefit of the contingent fund of each school corporation, be in proportion to the amount of funds belonging to such school corporation," as appears in Section 7, and substitute therefor the following: "which interest shall accrue to the benefit of the general county fund."

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:

Balkema, Clarkson, Francis, Gilliland, Hammill, Jewell, Larra-  
bee, Malmberg, Neal, Proudfoot, Ream, Saunders, Van Law, Web-  
ber—14.

The nays were:

Allen of Pocahontas, Ames, Brown, Chase, Cowles, Crow, Dun-  
negan, Fitchpatrick, Gates, McColl, McCulloch, Mattes, Parshall,  
Quigley, Sammis, Savage, Schrup, Smith of Mitchell, Spaulding,  
Stuckslager, Sullivan, Taylor, Van Law, Webber—24.

Absent or not voting:

Adams, Allen of Jefferson, Balluff, Bennett, Chapman, De Wolf,  
Garrett, Hoyt, Hunter, Legel, McManus, Smith of Shelby—12.

So the bill having failed to receive a constitutional majority, was  
declared lost.

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

#### CONCURRENT RESOLUTION.

*Whereas*, the Pioneer Law Makers' Association of Iowa will hold its  
Biennial Session in the city of Des Moines on Tuesday, Wednesday and  
Thursday, March 14th, 15th and 16th, and

*Whereas*, it has heretofore been customary to invite said body to hold  
one or more of its sessions with one or both houses of the General As-  
sembly, and

*Whereas*, on Thursday, March 16th, a joint session of the General As-  
sembly will be held in honor of the late Senator Jonathan P. Dolliver,

*Therefore*, Resolved by the Senate, the House concurring that we invite  
the Pioneer Law Makers to be the guests of the General Assembly at the  
time of the holding of the memorial in honor of Senator Dolliver, and  
that the necessary arrangements be made for receiving them at that  
time.

Adopted.

#### INTRODUCTION OF BILLS.

By Senator De Wolf, Senate File No. 380, a bill for an act to  
encourage the business of manufacturing in Iowa, and providing  
for an official trademark for Iowa manufactured products.

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

By Senator Van Law, by request, Senate File No. 381, a bill for an act to legalize decrees obtained prior to January 1st, 1907, based on notice of publication, where affidavit of non-residence was not filed as by law provided.

*Whereas*, Section Thirty-five Hundred Thirty-four (3534) of the Code provides that service may be made by publication when affidavit is filed that personal service cannot be made on the defendant within this state in certain cases, as enumerated in said section, and

*Whereas*, it has been held and determined that said affidavit provided in said section must be filed at the time of or prior to the first publication of notice provided for in said section, and

*Whereas*, in many cases where decrees have been obtained in this state by publication of notice, the affidavit required by the above Section has not been filed until after the first publication of notice or during the time of the publication of the notice, as provided by law.

*Now, Therefore*, Be it enacted by the General Assembly of the State of Iowa,

Section 1. That in all cases where decrees of court have been obtained prior to the first day of January, 1907, upon publication of notice before the filing of the affidavit of non-residence, as provided by Section Thirty-five Hundred Thirty-four (3534) of the Code of Iowa, and the same has not been filed, as provided by law, but has been filed during the time that the notice was being published, on which such decrees are based, are hereby legalized and such decrees shall have the same force and effect as though the affidavit of non-residence, as provided in said section, was filed at the time of or prior to the first publication of such notice, and that all decrees so obtained, as aforesaid, are hereby legalized and held to have the same force and effect as though the affidavit of non-residence had been filed, as by law required.

Sec. 2. Nothing in this act contained shall be construed as to affect pending litigation.

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 Judiciary.

#### REPORTS OF COMMITTEES.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 191, a bill for an act to amend the law as it appears in Paragraph XII, of Section 1758-b of the Supplement to the Code, 1907, in relation to the standard form of fire insurance policy so as to provide for additional agreements in favor of mortgagees and other persons, 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. 191.

A BILL

For an Act to amend the law as it appears in Paragraph XII, of Section One Thousand Seven Hundred and Fifty-eight-b (1758-b) of the Supplement to the Code, 1907, in relation to the standard form of fire insurance policy so as to provide for additional agreements in favor of mortgagees and other persons.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section One Thousand Seven Hundred Fifty-eight-b (1758-b) of the Supplement to the Code of 1907 is hereby amended by adding after the word "Clause" in the eighth line of Paragraph Two (2) the following or a mortgage subrogation clause, reading as follows:

"It is hereby agreed that this insurance as to the interest of the mortgagee only therein, shall not be invalidated by any act or neglect of the mortgagor or owner of the property insured, nor by the occupation of the premises for purposes more hazardous than are permitted by this policy, nor by any levy upon, or sale of said premises, under any legal proceedings whatever, provided, however, that in case the mortgagor, or owner, shall neglect to pay any premium due under this policy, the mortgagee shall, on demand, pay the same.

It is further agreed that the mortgagee shall notify this company of any increase of hazard which shall come to his knowledge and every increase of hazard not permitted by the policy to the mortgagor or owner, shall be paid for by the mortgagee on reasonable demand, according to the established scale of rates for the whole term of use of such increase hazard. It is also agreed that whenever this company shall pay the mortgagee any sum for loss under this policy and shall claim that as to the mortgagor or owner, no liability theretofore existed, it shall at once be legally subrogated to all the rights of the mortgagee under the securities held as collateral to the mortgage debt to the extent of such payment, or at its option, may pay to the mortgagee the whole principal due or to become due on the mortgage with interest, and shall thereupon receive a full assignment and transfer of the mortgage and all other securities held as collateral to the mortgage debt, but no such subrogation shall impair the right of the mortgagee to recover the full amount of the claim. The company reserves the right upon ten days notice to the mortgagee to cancel this insurance in accordance with the conditions of this policy, and when so amended the bill do pass.

C. H. VAN LAW,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Clarkson, Senate File No. 382, a bill for an act to legalize the acts of the treasurer of Monroe County, Iowa, relating to the transferring of funds from the district school fund to the county fund.

*Whereas*, heretofore and prior to the first day of January, 1909, there was in the hands of the Treasurer of Monroe County, Iowa, the sum of Three Thousand Eight Hundred Fifty-nine Dollars and Ninety-seven cents (\$3,859.97), moneys held by the treasurer as district school funds which accumulated from time to time in small amounts collected by the treasurer of Monroe County, Iowa, prior to the first day of January, 1909. That said amount had been collected in small amounts at various times ranging over a period of twenty (20) years or more and that it was impossible for the treasurer of Monroe County, Iowa, to determine the particular district or districts to which said fund belonged, or the persons from whom the same was collected, except upon the theory that it was small payments of interest and penalties at different times ranging over a period of twenty (20) years; and,

*Whereas*, the treasurer of Monroe County, Iowa, in the year 1911, transferred said school fund consisting of Three Thousand Eight Hundred Fifty-nine Dollars and Ninety-seven cents (\$3,859.97), to the County fund, the treasurer of Monroe County, Iowa, being unable to determine what particular district or districts, if any, were entitled thereto; therefore,

*Be It Enacted by the General Assembly of the State of Iowa:*

Sec. 2. This act being deemed of immediate importance, shall take and the same are hereby legalized relating to the acts of the said Treasurer in transferring said amount, to-wit: Three Thousand Eight Hundred Fifty-nine Dollars and Ninety-seven cents (\$3,859.97), from the school fund collected as aforesaid, to the county fund.

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.

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

By Senator Saunders, Senate File No. 383, a bill for an act to amend Section One Thousand Eight Hundred and Forty-three (1843) of the Code, and fixing the capitalization of savings banks in cities having a population of more than Twenty-five Thousand (25,000).

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



## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 220, a bill for an act providing for registration of farm names.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 220, a bill for an act providing for registration of farm names.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 66, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

Also:

Senate File No. 146, a bill for an act legalizing certain acts and proceedings of the board of the Independent school district of Traer, in the County of Tama and State of Iowa, and warrants thereof, and authorizing the issue of bonds.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

Senator White announced that Genevieve Powers had resigned as his committee clerk, her resignation to take effect the first day of March, 1911.

The following named committee clerk appeared before the bar of the Senate and was duly sworn: Mabel Edwards—Senator White.

Senator Smith of Mitchell moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 11, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. F. E. Drake of Fort Dodge, Iowa.

On request of Senator Schrup leave of absence was granted Senator Legel for the day.

On request of Senator Larrabee leave of absence was granted Senator Van Law for the day.

On request of Senator Smith of Mitchell leave of absence was granted Senator Webber for the day.

On request of Senator Smith of Mitchell, leave of absence was granted Senator Fitchpatrick for the day.

## PETITIONS AND MEMORIALS.

Senator Spaulding presented a petition of teachers of Thornburg, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Spaulding presented a petition of citizens of Iowa favoring the repeal of the mulct law.

Referred to Committee on Suppression of Intemperance.

Senator Mattes presented a remonstrance of citizens of Crawford county against House File No. 100.

Referred to Committee on Schools.

Senator Malmberg presented a petition of citizens of Jasper county favoring a resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Garrett presented a petition of Masons of Muscatine, Iowa, favoring Senate File No. 233.

Referred to Committee on Ways and Means.

## INTRODUCTION OF BILLS.

By Senator Larrabee, Senate File No. 384, a bill for an act defining paint, regulating the labeling thereof, defining the duties of the state food and dairy commissioner thereto, and fixing penalties for the violation thereof, and repealing acts or parts of acts in conflict therewith.

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

Senator Allen of Jefferson asked unanimous consent that the record show that if he had been present yesterday he would have voted "no" on Senate File No. 21.

Consent granted.

The President announced that as President of the Senate he had signed in the presence of the Senate Senate File No. 220.

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

Senator Sullivan called up the Concurrent Resolution offered by him relative to the appointment of an honorary commission to investigate the Panama Exposition in order to ascertain the advisability of Iowa participating in the same.

Senator Sullivan offered the following amendment to the Concurrent Resolution and moved its adoption: Amend by inserting after the word "State", in the third line the words " of whom not more than three shall be of the same political party."

Adopted.

The resolution as amended was adopted.

## REPORTS OF COMMITTEES.

Senator Proudfoot, from the Committee on Penitentiaries and Pardons, submitted the following report:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons, to whom was referred "The report of the Governor on Pardons, Suspensions and Commutation of Sentence, and Remission of Fines," beg leave to report and hereby return said report to the Senate and recommend that same be referred to the Board of Parole.

A. V. PROUDFOOT,  
*Chairman.*

Senator Proudfoot moved the adoption of the report of the committee.

Adopted.

So the report was referred to the Board of Parole.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 220, a bill for an act providing for registration of farm names.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORTS OF COMMITTEES.

Senator Gates, from the Committee on Commerce and Retail Trade, submitted the following report:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By placing a "y" instead of the "e" on the word "durable" in the second line of the second page of the bill, and when so amended the bill do pass.

CHARLES GATES,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith, beg leave to report they have had the same under consideration and recommend the same be amended as follows: By inserting for the figures 0.645, the figures 0.945 in the Fifth line from the last on page one of the bill, and when so amended the bill do pass.

CHARLES GATES,  
*Chairman.*

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Hammill, Senate File No. 385, a bill for an act to amend Section Twenty-seven Hundred and Sixty-eight (2768), Supplement to the Code, 1907, relative to the liability of school treasurer.

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

## THIRD READING OF BILLS.

On motion of Senator Balluff, House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Balluff moved that the substitute be substituted for the original bill.

Adopted.

Senator Balluff 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Brown, Chapman, Chase, Clarkson, Cowles, De Wolf, Fitchpatrick, Legel, McCulloch, Proudfoot, Sammis, Sullivan, Van Law, Webber—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 Dunnegan, Senate File No. 64, a bill for an act to define who may hold office in the State of Iowa, 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 Jewell, Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-10 (4999-a-10) of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Jewell moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Neal, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Ames, Balluff, Chase, Cowles, De Wolf, Fitchpatrick, Francis, Gilliland, Legel, Mattes, Parshall, Proudfoot, Quigley, Sammis, Savage, Stuckslager, Sullivan, Van Law, Webber—19.

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 Gilliland, Senate File No. 386, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred

Twenty-seven-a-three (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the secretary of the Board of Control of State Institutions.

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

#### THIRD READING OF BILLS.

On motion of Senator Adams, Senate File No. 349, a bill for an act to amend Chapter Two Hundred Twenty-seven (227) of the acts of the Thirty-third General Assembly, amendatory of Section Five Thousand Two Hundred Eighty-nine (5289) of the Code, relating to the sufficiency of indictments and the waiver of objections thereto, 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, 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 Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Durnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Matthes, Neal, Parshall, Proudfoot, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan Taylor, Wilson—40.

The nays were:

None.

Absent or not voting:

Balluff, De Wolf, Fitchpatrick, Legel, Quigley, Sammis, Saunders, Van Law, Webber, 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 McColl, House File No. 284, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and



county treasuries, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator McColl 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Brown, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Balluff, Bennett, Chapman, Chase, De Wolf, Fitchpatrick, Jewell, Larrabee, Legel, Quigley, Saunders, Schrup, Stuckslager, Van Law, Webber—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 Smith of Mitchell, Senate File No. 99, a bill for an act to amend the law as it appears in Sections Twenty-five Hundred and Five (2505), and Twenty-five Hundred and Eight (2508) of the Supplement to the Code, 1907, in reference 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 Smith of Mitchell moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett,

Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Balluff, Chase, De Wolf, Fitchpatrick, Hoyt, Legel, McColl, Quigley, Savage, Stuckslager, Van Law, Webber—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. 191, a bill for an act to amend the law as it appears in Paragraph XII, of Section One Thousand Seven Hundred and Fifty-eight-b (1758-b) of the Supplement to the Code, 1907, in relation to the standard form of fire insurance policy so as to provide for additional agreements in favor of mortgagees and other persons, with report of committee recommending the adoption of a 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.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the substitute by striking out the first five (5) lines of the Section One (1) and inserting in lieu thereof the following:

“Section 1. The law as it appears in Section One Thousand Seven Hundred and Fifty-eight-a (1758-a) of the Supplement to the Code, 1907, is hereby amended by adding after the word “clause” in the Eighth (8) line of Paragraph 11, the following, reading as follows:”

Adopted.

Senator Smith of Shelby offered the following amendment, and moved its adoption: I move to amend Senate File No. 191 as follows:

Strike out all that part of Section One (1) commencing with the words "It is also agreed" in the 19th line of the substitute bill and including all of the 28th line of the substitute bill.

Senator Smith of Shelby by unanimous consent withdrew his amendment.

Senator Dunnegan moved the previous question.

Motion 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:

Allen of Pocahontas, Balkema, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—35.

The nays were:

Allen of Jefferson, Chase—2.

Absent or not voting:

Adams, Ames, Balluff, De Wolf, Fitchpatrick, Malmberg, Ream, Sammis, Savage, Stuckslager, Van Law, Webber, Legel—13.

Senator Saunders, moved to amend the title so as to read as follows:

#### A BILL

For an Act to amend the law as it appears in Paragraph 11 of Section One Thousand Seven Hundred and Fifty-eight-a (1758-a) of the Supplement to the Code, 1907, in relation to the standard form of fire insurance policy, so as to provide for additional agreements in favor of mortgagees and other persons.

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 has concurred in Senate amendments to House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to four-year high schools of Iowa.

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. 155, a bill for an act to amend the law as it appears in Section Two Hundred Fifty-four-a-three (254-a-3) Supplement to the Code, 1907, relating to the charges for services for shorthand reporters.

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 a Joint Convention of the two Houses of the Thirty-fourth General Assembly to be held March 16th, to participate in memorial ceremonies to commemorate the life and services of Senator J. P. Dolliver.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 43, a bill for an act to repeal Chapter One Hundred-one (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor relating to the dragging of public highways and providing penalty for failure to perform such duties.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 27, a bill for an act to repeal Chapter Two-a (2-a) Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement

to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

C. R. BENEDICT,  
*Chief Clerk.*

On request of Senator Taylor leave of absence was granted Senator Proudfoot for the balance of the day.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 267, a bill for an act to repeal Sections Twenty-six Hundred Thirty-four-d (2634-d) and Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, relative to the renewal of state certificates, 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:

“Beginning with the seventh word of the seventh line of Section Two of the printed bill, strike out the sentence ending in the eighth line of the printed bill, as follows: “and such evidence of professional growth as said board may require.”

Also that the word “may” in the ninth line of Section Two, being the fifth word, be stricken out, and the word “shall” substituted therefor.

Adopted.

The bill as amended was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bennett, Chapman, Chase, Clarkson, Crow, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Ames, Balluff, Brown, Cowles, DeWolf, Fitchpatrick, Francis, McColl, Proudfoot, Sammis, Savage, Van Law, Webber, Legel—14.

Senator Allen of Pocahontas moved to amend the title by striking out the word "state" and inserting in lieu thereof the word "teachers".

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 Cowles, Senate File No. 358, a bill for an act to amend the law as it appears in Section Eight Hundred Twenty-five (825) of the Code of 1897, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Cowles moved that the substitute be substituted for the original bill.

Adopted.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Chapman, Clarkson, Cowles, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—32.

The nays were:

McCulloch—1.

Absent or not voting :

Ames, Bennett, Brown, Chase, Crow, De Wolf, Fitchpatrick, Jewell, Legel, Parshall, Proudfoot, Quigley, Sammis, Savage, Stuckslager, Van Law, Webber—17 .

Senator Cowles moved to amend the title by adding thereto the words "relating to the payment of assessments for street improvements and sewers."

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. 346, a bill for an act authorizing the Executive Council to pay costs taxed to or incurred by the State in any suit or proceeding instituted by any of the state departments as by law provided, 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 the bill was postponed.

On motion of Senator Gilliland, Senate File No. 333, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Eighty-one-1 (2881-1) of the Supplement to the Code, 1907, relating to the public archives, authorizing the Curator of the Historical Collections to make and certify copies of records and documents in the public archives, 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, 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 Jefferson, Ames, Balkema, Balluff, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Brown, DeWolf, Fitchpatrick, Hoyt, Legel, McCulloch, Proudfoot, Sammis, Savage, Stuckslager, Van Law, Webber—14.

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 have 400 extra copies of Senate File No. 332 printed.

Consent granted.

Senator Francis asked unanimous consent to have 400 extra copies of Senate File No. 260 printed.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Adams, Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior 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 Adams moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—37.

The nays were:

None.



Absent or not voting:

Balkema, Chase, Cowles, De Wolf, Fitchpatrick, Legel, Proudfoot, Sammis, Savage, Smith of Mitchell, Stuckslager, Van Law, Webber—13.

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. 156, a bill for an act to create a permanent tax commission, to define its powers and duties, to transfer to said commission the power and duties of the Executive Council relating to taxation, to make an appropriation therefor, and to repeal all acts inconsistent herewith, beg leave to report they have had the same under consideration and recommend the same be amended as follows, and when so amended we recommend the bill for passage:

#### AMENDMENTS TO SENATE FILE NO. 156.

Amend Section One (1) by inserting the word "State" after the word "the" in the second line.

Amend Section Three (3) by striking out the word "the" before the word "confirmation" in the Seventh line.

Amend Section Four (4) by inserting a comma "," after the word "may" in line One (1) and inserting a comma "," after the word "Assembly" in line "2".

Amend Section 5 by striking out all of lines One, Two, Three, and Four and the word and period "statistician." in line 5 and inserting in lieu thereof the following: "The persons to be appointed as members of such commission shall be capable and competent and one shall be a lawyer."

Further amend Section 5 by striking out the word "the" before the word "office" in the 11th line and insert in lieu thereof the word "his".

Further amend Section 5 by inserting after the word "time" in the 11th line the following: "for at least 11 months in each year."

Amend Section 8 by striking out lines one, two, three, four and five, except the words "the com-" in the fifth line and inserting in lieu thereof the following: "Said Commission shall appoint a secretary, who shall be a competent statistician, at a salary of not more than \$3,000.00 per annum, one clerk at a salary of not more than \$1,200.00 and one clerk at not more than \$1,000.00, one of which clerks shall be a competent stenographer."

Further amend Section 8 by striking out the period "." after the word "compensation" in line 8 (eight) and insert in lieu thereof a comma "," and after said comma insert the following: "but the aggregate amount of compensation for such experts and assistants shall not exceed \$5,000.00 per annum.

Amend Sub-division 2 of Section 10 by striking out the words "the county seat of such county" in line 4 and insert in lieu thereof the words "such place within the county as may be designated by the commission."

Amend Sub-division 3 of Section 10 by inserting after the word "all" in line one (1) the words "or any parcel of."

Further amend Sub-division 3 of Section 10 by striking out the period "." at end of said sub-division and insert in lieu thereof a semi-colon ";," and add the words "such re-assessment to be made by the commission's experts or agents whenever deemed advisable or necessary by the Commission."

Further, amend Sub-division 13 of Section 10 by striking out the word "and" after the word "devise" in line 2 in said sub-division and insert in lieu thereof a comma "," and after the word "prescribe" in line 3 insert the words "and enforce" and after the word "accounting" in the same line insert the words "and reporting."

Strike out all of Section 14 and insert in lieu thereof the following: "Sec. 14. There is hereby appropriated out of the funds of the state, not otherwise appropriated, the sum of Thirty Thousand Dollars (\$30,000.00) per annum to carry out the provisions of this act."

We would also report that the same carries an appropriation, and before final action in this Senate that it should be re-referred to the Committee on Appropriations.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the Committee.

Adopted.

So the bill was re-referred to the Committee on Appropriations.

#### MESSAGE 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. 299, a bill for an act to legalize certain warrants of the City of Burlington.

C. R. BENEDICT,  
*Chief Clerk.*

## INTRODUCTION OF BILLS.

By Committee on Ways and Means, Senate File No. 387, a bill for an act amending Section Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits, and private banks.

Read first and second time and placed on the Calendar.

By Senator White, Senate File No. 388, a bill amending Section 810 of the Code and relating to making sewer and street improvements.

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

By Senator White, Senate File No. 389, a bill amending Section 3447 of the Code and relating to making sewer and street improvements.

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

By Senator White, Senate File No. 390, a bill amending Section 782 of the Code and relating to making sewer and street improvements.

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

By Senator White, Senate File No. 391, a bill amending Section 823 of the Supplement to the Code and relating to making sewer and street improvements.

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

By Senator White, Senate File No. 392, a bill amending Section 825 of the Code and relating to making sewer and street improvements.

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

## THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 38, a bill for an act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907, relating to the time when actions may be brought on judgments in courts of record, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hunter 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Gates, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Balkema, Chase, De Wolf, Fitchpatrick, Francis, Garrett, Gilliland, Larrabee, Legel, McManus, Parshall, Proudfoot, Sammis, Savage, Schrup, Stuckslager, Sullivan, Van Law, Webber—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 Spaulding, Senate File No. 243, a bill for an act to repeal Section Twenty-three Hundred Forty-eight (2348) of the Code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty, and prescribing punishment for the presentation of false or fraudulent claims for such bounty, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Spaulding moved the adoption of the following amendments: Amend by striking out the words "two hundred" in

the last line of Section Two of the original bill, and substituting the words "One Hundred" in lieu thereof.

Adopted.

The bill as amended was read for information.

Senator Spaulding moved that the bill be made a special order for Monday at 10 o'clock, A. M.

Carried.

Senator Smith of Mitchell moved that Senate File No. 387 be made a special order for Wednesday to immediately follow Special Order No. 2.

Carried.

Senator Sullivan moved that the Governor be requested to return to the Senate Senate File No. 14.

Motion prevailed.

Senator Allen of Jefferson moved that when the Senate adjourn it be until 10 o'clock Monday morning.

Carried.

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fletcher, Fourt, Francis, Fry,

Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Krebill, Kull, Kulp, Larabee of Webster, Larrabee of Fayette, Leach, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, White of Benton, White of Iowa, Whitney, Wilson, Zeller—141.

Absent:

Beebe, De Wolf, Fitchpatrick, Fraley, Harding, Harvey, Huntley, Klay, Koontz, Legel, Proudfoot, Van Law, Webber—13.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointing as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Smith of Decatur.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Hamilton, Hazen, Krebill, Kull, Leach, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—47.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Campbell of Ida,

Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Francis, Fulton, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Jacobson, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Robbins, Saunders, Savage, Shane, Smith of Adams, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Whitney, Zeller—51.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Brockway, Brown of Wright, Bruce, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fry, Gates, George, Grout, Halgrims, Hammill, Hoyt, Hunter, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—41.

Those paired were:

Boettger, Goodykoontz, Griggs, Huff, Lounsberry, Smith of Decatur.

Absent:

Beebe, DeWolf, Fitchpatrick, Fraley, Harding, Harvey, Huntley, Klay, Koontz, Legel, Proudfoot, Van Law, Webber—13.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 299, a bill for an act to legalize certain warrants of the city of Burlington.

Passed on file.

House File No. 28, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to four year High School of Iowa.

Passed on file.

Senate File No. 155, a bill for an act to amend the law as it appears in Section Two Hundred Fifty-four-a-three (254-a-3) Supplement to the Code, 1907, relating to the charge for services for shorthand reporters.

Passed on file.

Senate Concurrent Resolution relative to a Joint Convention of the two Houses of the Thirty-fourth General Assembly to be held March 16th, to participate in memorial ceremonies to commemorate the life and services of Senator J. P. Dolliver.

Passed on file.

House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor relating to the dragging of public highways and providing penalty for failure to perform such duties.

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

House File No. 27, a bill for an act to repeal Chapter Two-a(2-a) Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

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

Senator Adams moved that Senate File No. 101 be made a special order for 10 o'clock Thursday.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 299, a bill for an act to legalize certain warrants of the city of Burlington was taken up and considered.

Senator Cowles moved that the Senate concur in the following House amendments: Amend by inserting following the word "Leader" in the third line of Section 4, the following: "a newspaper published at Des Moines, Iowa."



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

The ayes were:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, Dunnegan, Garrett, Gates, Hunter, Jewell, Larrabee, Mattes, Neal, Parshall, Ream, Savage, Smith of Mitchell, Spaulding, Sullivan, Taylor, White, Wilson—26.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, Clarkson, De Wolf, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Legel, McColl, McCulloch, McManus, Malmberg, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Shelby, Stuckslager, Van Law, Webber—24.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Chapman moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 13, 1911.

Senate met in regular session at 10 o'clock, A. M., President Pro-tem Jas. A. Smith presiding.

Prayer was offered by Rev. John C. Prince of Des Moines, Iowa.

On request of Senator Clarkson leave of absence was granted Senator Mattes for the day.

On request of Senator Gilliland, leave of absence was granted Senator Van Law for the day.

On request of Senator Adams, leave of absence was granted Senator Savage for the day.

## PETITIONS AND MEMORIALS.

Senator Bennett presented a remonstrance of citizens of Taylor county protesting against the proposed highway legislation.

Referred to Committee on Highways.

Senator Spaulding presented a petition of citizens of Poweshiek county favoring the Commerce Counsel bill.

Referred to Committee on Railroads.

Senator Taylor presented a petition of teachers of Unionville, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Balkema presented a petition of citizens of Sioux county favoring appropriation for agricultural short courses.

Referred to Committee on Appropriations.

Senator Smith of Shelby moved that the Governor be requested to return to the Senate Senate File No. 24.

Motion prevailed.

Senator Webber asked unanimous consent that Senate File No. 193, which was withdrawn from the Calendar, be again placed on the Calendar.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Larrabee, Senate File No. 393, a bill for an act to amend Section 1319 of the Code of 1897, and to enlarge the same, so as to apply the exemptions provided for therein to the owners of stock in corporations incorporated under the laws of other states, subject to certain provisions.

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

By Senator Jewell, Senate File No. 394, a bill for an act to create a commission to investigate the causes of insanity, epilepsy, delinquency and criminality, and to recommend to the Thirty-fifth General Assembly measures calculated to prevent the spread of these diseases and moral failures, also to provide for the necessary expenses of said commission.

Read first and second time and referred to Committee on Board of Control and its institutions.

By Senator Cowles, Senate File No. 395, a bill for an act to amend Section Seven Hundred (700) of the Supplement to the Code, 1907, relating to licenses.

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

By Senator Dunnegan, Senate File No. 396, a bill for an act to establish a department in connection with the soldiers' orphans' home, for the education and treatment of dependent, deformed and crippled children and youth of Iowa.

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

Senator Jewell asked unanimous consent that Senate File No. 104 be withdrawn from the Committee on Railroads and from further consideration by the Senate.

Consent granted.

## REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 344, a bill for an act to repeal Section 2802, Supplement to the Code, 1907, and to enact a substitute therefor, relative to the adjustment of the assets and liabilities between school corporations, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 100, a bill for an act to repeal Sections 2734-d and 2629 of the Supplement to the Code, 1907, and to enact substitutes therefor, to repeal Section 2775 of the Code and enact a substitute therefor, relating to subjects of examination of teachers and providing instruction in certain branches in the public schools, including agriculture and home economics, beg leave to report the same without recommendation.

H. L. ADAMS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 77, a bill for an act to amend the law as it appears in Sections 2634-d, 2734-e, 2734-g, 2734-q and 2738 of the Supplement to the Code of 1907, and 2734-h of the Supplement to the Code of 1907, as amended by Chapter 181 Acts of the Thirty-third General Assembly, and to enact substitutes therefor, to repeal Sections 2734-i and 2734-k of the Supplement to the Code, 1907, relating to the issuance, validation, registration and renewal of State and County certificates to teachers and enrollment fee in the County Normal Institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates, 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. 77.

A BILL

For an Act to amend the law as it appears in Sections Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight

(2738) of the Supplement to the Code, 1907, to repeal Section Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirt-four-h (2734-h), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181) Acts of the Thirty-third General Assembly, and to enact substitutes therefor to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Twenty-six Hundred Thirty-c (2630-c) of the Supplement to the Code, 1907, be and the same is amended by adding at the end thereof the following words: "Such validated certificate shall authorize the holder to teach in any public school in the state for five years after date of such validation."

Sec. 2. That Section Twenty-six Hundred Thirty-four-d (2634-d) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out of line Four (4) thereof, the words "under such rules as the board may prescribe," and by substituting therefor the words, "provided the applicant shall show by testimonials from superintendents or principals who had immediate supervision of their professional study that at least one line of professional inquiry has been successfully conducted during the life of the certificate, it being the duty of the board to forward with each certificate subject to renewal, outlines setting forth various lines of professional study. The application shall also be accompanied by proof of successful teaching for at least thirty-six weeks during the term of the certificate.

Sec. 3. That 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 Thirt-four-f (2634-f), and Twenty-six Hundred Thirty-four-g (2634-g), of the Supplement to the Code, 1907, shall be renewed for life by the State Board of Educational Examiners upon the payment of a fee of Five Dollars (\$5.00) and proof of at least Five years successful teaching, three of which shall have been during the time the said certificate (with renewals) has been in force."

Sec. 4. That Section Twenty-seven Hundred Thirty-four-e (2734-e), of the Supplement to the Code, 1907, is hereby amended by striking out of line Three (3) thereof the words, "under such regulations as the board of examiners may adopt," and by substituting in lieu thereof the words, "upon examination in such special subject or group of subjects and per

cents therein such as are required for the issue of a first grade county certificate."

Sec. 5. That Section Twenty-seven Hundred Thirty-four-g (2734-g) of the Supplement to the Code, 1907, as amended by Section One (1) of Chapter One Hundred Eighty-one (181) of the Acts of the Thirty-third General Assembly, is hereby amended by inserting after the word "superintendents," in the Sixth line of said Section One (1), the words, "or principals."

Sec. 6. That Section Twenty-seven Hundred Thirty-four-h (2734-h) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181) of the Acts of the Thirty-third General Assembly, is hereby repealed and the following enacted in lieu thereof: "Applicants whose examination entitles them to second grade certificates only, shall receive the same for not to exceed two years with the privilege of renewal of the same without further examination under the same conditions as govern the renewal of first grade certificates. The holder of a second grade certificate, may at any of the examinations provided for in Section Twenty-seven Hundred Thirty-four-c (2734-c) of the Supplement to the Code, 1907, take an examination in any one or more of the additional branches, required for the issue of a first grade certificate, or he may at any such time be re-examined in any branch or branches in which he desires to raise his grade, and in each case the new per cent shall be placed on his certificate, and when he has thus successfully passed in all the branches required for the issue of a first grade certificate, such certificate shall then be issued to him, provided he has had at least thirty-six weeks successful experience in teaching, if not, then at the conclusion of such experience. In like manner third grade certificates may be changed into those of the second or first grade, and in all cases whether the certificate be of the first, second or third grade, credit shall be given for all examinations taken under the auspices of the board, it being the intention of the law that an examination once taken shall be final unless the certificate holder desires to be re-examined in any one or more branches with a view of raising his per cent in such branches or his general average.

Sec. 7. All certificates referred to in Sections Twenty-seven Hundred Thirty-four-d (2734-d) and Twenty-seven Hundred Thirty-four-e (2734-e) of the Supplement to the Code, 1907, in Section Twenty-seven Hundred thirty-four-g (2734-g) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181) of the Acts of the Thirty-third General Assembly and by Section Five (5) of this act, and in Section Six (6) of this Act, shall be renewed for life by the state board of educational examiners upon compliance by the holder with the following conditions:

1. The applicant shall show by testimonials from county or city superintendents or from the principals having immediate supervision of his school work and from a member of the local school board that he has had at least five years continuous successful teaching experience (which may have been before or after the passage of this act, at least three of which

shall have been immediately prior to the time validation is sought and under the grade of certificate for which such validation is desired.

2. The standing of such applicant in the several branches shown upon his certificate shall average not less than eighty-five per cent. and in no branch shall the per cent. be less than eighty per cent., provided that in case the standing is less than the per cent. required, either average or special, the holder of the certificate may, at any of the times provided in Section Twenty-seven Hundred Thirty-four-c (2734-c) of the Supplement to the Code, 1907, take an examination in any branch or branches he may desire and the per cent. then received shall be entered upon his certificate.

3. The applicant shall furnish proof of professional study during the entire five year period such as is made necessary in the case of term renewals of certificates.

Upon the issue of a life certificate as herein contemplated, the applicant shall pay a fee of Five Dollars (\$5.00) to be turned into the state treasury.

Sec. 8. That 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 only, shall receive the same for one year, at the end of which time upon proof of successful teaching and the payment of a fee of One Dollar (\$1.00), one renewal shall be granted."

Sec. 9. That Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, is hereby repealed.

Sec. 10. All life certificates provided for in this act shall lapse provided the holder shall not teach during a period of five successive years.

Sec. 11. That Section Twenty-seven Hundred Thirty-eight (2738), Supplement to the Code, 1907, is hereby amended by striking out of lines Seven (7) and Eight (8) thereof, the words, "attending the normal institute," and inserting in lieu thereof the words, "desiring to secure a certificate, or teach in his county for the ensuing year."

Sec. 12. That Section Twenty-seven Hundred Thirty-four-q (2734-q) of the Supplement to the Code, 1907, is hereby amended by striking therefrom all of said section beginning with the article "a" in the third line and ending with the word "fund" in the Sixth line thereof.

Sec. 13. All acts and parts of acts inconsistent with the provisions hereof are hereby repealed, and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Substitute read first and second time.

The report of the committee was adopted.

Senator Cowles moved that the substitute be substituted for the original bill.

Adopted.

Senator Cowles, from the Committee on Claims, submitted the following report:

MR. PRESIDENT—Your Committee on Claims, to whom was referred Senate File No. 145, a bill for an act appropriating the sum of \$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 amended as follows:

By striking out the words and figures One Hundred and Thirty-nine Dollars and Sixty-five cents (\$139.65) and inserting in lieu thereof the words and figures Seventy-five Dollars (\$75.00), and when so amended the bill do pass.

LAMONTE COWLES,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Chapman, from the Committee on Congressional and Judicial Districts, submitted the following report:

MR. PRESIDENT—Your Committee on Congressional and Judicial Districts, to whom was referred Senate File No. 274, a bill for an act amending Section 227 of the Supplement of 1907 to the Code, and providing for an additional judge of the district court in the First Judicial District and for his appointment and election and regulating terms in said district, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By changing the title to read "For an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907," and by changing the word "daily" to "Des Moines" in the second line of Section 4, and when so amended the bill do pass.

H. R. CHAPMAN,  
*Chairman.*

Adopted.

Ordered passed on file.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled House File No. 101, a bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and the repeal of Chapter Fifty-three (53) of the Acts of the Thirty-third General Assembly.



Also :

House File No. 284, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462) of the Code and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

The Governor returned to the Senate as requested by the Senate, Senate File No. 24, also Substitute for Senate File No. 14.

#### THIRD READING OF BILLS.

The hour having arrived for Special Order No. 1, on motion of Senator Spaulding, the Senate took up for consideration Senate File No. 243, a bill for an act to repeal Section Twenty-three Hundred Forty-eight (2348) of the Code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty, and prescribing punishment for the presentation of false or fraudulent claims for such bounty.

Senator Chase offered the following amendment and moved its adoption: I move to amend by striking out the words "twenty dollars", as the same appears in the third line of the original bill and insert in lieu thereof the words "five dollars".

On the adoption of the amendment a roll call was demanded.

The ayes were:

Adams, Balluff, Chapman, Chase, Clarkson, Crow, Hammill, Hoyt, Jewell, Schrup, Sullivan, Webber—12.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, McColl, McCulloch, Malmberg, Neal, Parshall, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, White—21.

Absent or not voting:

Brown, Cowles, De Wolf, Francis, Larrabee, Legel, McManus, Mattes, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Stuckslager, Van Law, Wilson—17.

So the amendment was lost.

Senator Schrup offered the following amendment and moved its adoption: I move to amend by striking out the word "twenty" in the third line of Section One and inserting in lieu thereof, the word "ten".

Senator Allen of Jefferson offered the following substitute for the amendment offered by Senator Schrup and moved its adoption: I move as a substitute to amend by striking out the word "twenty" as the same appears in line three of the bill and insert in lieu thereof the word "ten" and by inserting the word "male" between the words "adult" and "wolf" as the same appears in line four of Section One and adding after the word "wolf" in line four of Section One the words "and twenty dollars on an adult female wolf.

Adopted.

So the substitute was substituted for the original amendment.

The amendment was adopted.

Senator Chase offered the following amendment and moved its adoption: I move to amend by inserting in the fourth line of the printed bill after the words "wild cat" the following, "at the option of the board of supervisors of such county."

On the adoption of the amendment a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Brown, Chapman, Chase, Clarkson, Crow, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Neal, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, Wilson—30.

The nays were:

Balkema, Balluff, Bennett, Dunnegan, Fitchpatrick, McColl, McCulloch, Malmberg, Parshall, White—10.

Absent or not voting:

Cowles, De Wolf, Legel, McManus, Mattes, Proudfoot, Saunders, Savage, Stuckslager, Van Law—10.

So the amendment was adopted.

Senator Allen of Jefferson moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Spaulding 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Brown, Chapman, Clarkson, Cowles, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—31.

The nays were:

Balluff, Chase, Crow, Dunnegan, Hammill, Jewell, Larrabee, Smith of Mitchell, Webber—9.

Absent or not voting:

Balkema, DeWolf, Hoyt, Legel, Mattes, Saunders, Savage, Schrup, Stuckslager, Van Law—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 passed the following bill in which the concurrence of the Senate is asked:

House File No. 120, a bill for an act providing that undertakers shall report to the mayor of a city or town or to the township clerk, the name and residence of any person dying of tuberculosis and providing for the disinfection of the premises and a penalty for a failure to comply with the provisions 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 House was asked:

Senate File No. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, relating to government levees, 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. 300, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred and Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper.

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. 85, a bill for an act to amend the law as it appears in Chapter One Hundred Forty-three (143) Acts of the Thirty-third (33d) General Assembly relating to sale of intoxicating liquors at retail.

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 petitioning congress of the United States favoring the passage of the Dolliver-Davis bill.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith requests the recall of Senate File No. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of any honorably discharged union soldier or sailor of the Mexican War or the War of the Rebellion or of the widow of such soldier or sailor.

C. R. BENEDICT,  
*Chief Clerk.*

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 108, a bill for an act fixing the standard of qualifications of all persons desiring to practice osteopathy and for the regu-

lation thereof. to create a state board of osteopathic examiners, and to provide for the registration of those entitled to practice osteopathy, and providing penalties for the violation of any of the provisions hereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

F. W. BENNETT,  
*Chairman.*

Ordered passed on file.

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

#### REPORTS OF COMMITTEES.

Senator Hoyt, 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. 83, a bill for an act to repeal Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, relating to the salary of the chief executive of certain state institutions and the qualification of the superintendent of the school for the deaf 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 83.

#### A BILL

For an Act to repeal Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, relating to the salary of the chief executive of certain state institutions and the qualifications of the superintendent of the school for the deaf and to enact a substitute therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

Sec. 2727-c. From and after July 4, 1911, the annual salary of the chief executive officer of the following institutions shall be: for the institution for feeble minded children at Glenwood Twenty-seven Hundred Dollars (\$2,700); for the industrial school, boys' department, at Eldora, Eighteen Hundred Dollars (\$1,800); for the school for the deaf at Council Bluffs, Sixteen Hundred Dollars (\$1,600); for the college for the blind at Vinton, Sixteen Hundred Dollars (\$1,600); for the industrial school, girls' department, at Mitchellville, Eighteen Hundred Dollars (\$1,800); for the orphans' home at Davenport, Eighteen Hundred Dollars (\$1,800.)

The superintendent of the school for the deaf shall be proficient in the use of the sign language, and when so amended the bill do pass.

E. H. HOYT,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 386, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-three (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the secretary of the board of control of state institutions, 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 amend the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-3 (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the secretary of the board of control of state institutions.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Twenty-seven Hundred Twenty-seven-a-three (2727-a-3) of the Supplement to the Code, 1907, is hereby amended by striking from the Third and Fourth lines of said Section, the words and figures "two thousand dollars (\$2,000.00)," and inserting in lieu thereof the words and figures "two thousand four hundred dollars (\$2,400.00)", and when so amended the bill do pass.

E. H. HOYT,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 49, a bill for an act to repeal Section Four Hundred Ninety-five (495) Supplement to the Code and to enact a substitute therefor, relating to the duties and compensation of county recorders, 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. 49.

A BILL

For an Act to repeal Section Four Hundred Ninety-five (495), Supplement to the Code and to enact a substitute therefor, relating to the duties and compensation of county recorders.

*Be it Enacted by the General Assembly of the State of Iowa:*

That Section Four Hundred Ninety-five (495) Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

That the recorder shall report quarterly, under oath, to the board of supervisors, on blanks furnished by the auditor, all fees collected by him, and certify under oath that he has collected all fees for recording instruments provided by law; shall make annual settlement with the board of supervisors on the first Monday in January of each year, and pay into the county treasury all fees received by him. And the recorder shall receive as full compensation for all services the sum of Twelve Hundred Dollars (\$1,200) per annum in counties having a population of less than Fifteen Thousand (15,000) and Thirteen Hundred Dollars (\$1,300) in counties having of population of over Fifteen Thousand (15,000) and less than Twenty Thousand (20,000), and Fourteen Hundred Dollars (\$1,400), in counties having a population of over Twenty Thousand (20,000) and less than Twenty-five Thousand (25,000) and Fifteen Hundred Dollars (\$1,500) in counties having a population of over Twenty-five Thousand (25,000) and less than Thirty-five Thousand (35,000), and Sixteen Hundred Dollars (\$1,600) in counties having a population of over Thirty-five Thousand (35,000), and less than Fifty Thousand (50,000), and Eighteen Hundred Dollars (\$1,800) in counties having a population of over Fifty Thousand (50,000), and less than Sixty Thousand (60,000), and Two Thousand Dollars (\$2,000), in counties having a population of Sixty Thousand (60,000) or over, and when so amended the bill do pass

E. H. HOYT,  
*Chairman.*

Substitute was read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 16, a bill for an act to amend the law as the same appears in Section 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 do pass.

E. H. HOYT,  
*Chairman.*

Ordered passed on file.

#### HOUSE MESSAGES CONSIDERED.

House File No. 120, a bill for an act providing that undertakers shall report to the mayor of a city or town or to the township clerk, the name and residence of any person dying of tuberculosis, and providing for the disinfection of the premises and a penalty for a failure to comply with the provision of this act.

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

Senate File No. 252, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and relating to government levees, and to enact a substitute therefor.

Passed on file.

House File No. 300, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred and Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper.

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

Senate File No. 85, a bill for an act to amend the law as it appears in Chapter One Hundred Forty-three (143), acts of the Thirty-third (33d) General Assembly, relating to sale of intoxicating liquors at retail.

Passed on file.

#### HOUSE CONCURRENT RESOLUTION.

*Whereas*, there is pending in the Congress of the United States a bill known as the Dolliver-Davis bill, being a bill "To co-operate with the states in encouraging instruction in agriculture, the trades and industries and home economics in secondary schools; in maintaining extension departments in state colleges and in preparing teachers for these vocational subjects in state normal schools and to appropriate money and regulate its expenditure."

*Whereas*, the enactment of this bill will tend to promote the more liberal and practical education of the industrial classes, especially in the branches of agriculture and mechanic arts, and will be of great benefit to the state of Iowa, therefore be it

*Resolved* by the House of Representatives of the State of Iowa, the Senate concurring, that the Congress of the United States be respectfully petitioned in favor of the passage of the foregoing legislation known as the Dolliver-Davis bill.

*Resolved*, further, that our senators and representatives in congress from the State of Iowa be instructed and requested to vote for and use their best endeavors to secure the passage of the foregoing law, known as the Dolliver-Davis Bill for the promotion of agriculture, home economics and the trades and industries in the several states.



*Resolved*, further, that the Governor of this state is hereby requested to forward a copy of the foregoing resolutions to our senators and representatives in congress.

Passed on file.

Senate File No. 24, a bill for an act to repeal subdivision seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of property of any honorably discharged Union soldier or sailor of the Mexican War of the War of the Rebellion, or of the widow of such soldier or sailor.

Passed on file.

Senator Smith of Shelby moved that the request of the House for the return of Senate File No. 24 be granted.

Carried.

#### INTRODUCTION OF BILLS.

By Senator White, Senate File No. 397, a bill for an act amending Section 683, paragraph 3 of Section 684, Section 793, of the Code, and relating to making sewer and street improvements.

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

Senator Sullivan filed the following:

“I move to reconsider the vote by which the Senate concurred in the House amendments to Senate File No. 14.”

The President announced that as President of the Senate he had signed in the presence of the Senate House File Nos. 101 and 284.

The President announced as teller on the part of the Senate, Senator Sullivan, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## JOINT CONVENTION.

The Joint Convention was called to order by President Pro-tem. Jas. A. Smith, 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Lenoeker, Linnan, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Bremer, Miller of Dubuque, Milton, Moore, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Dectaur, Smith of Mitchell, Smith of Shelby, Spaulding, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Ap-panoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—144.

## Absent:

Brown of Wright, De Wolf, Escher, George, Hayes, Klay, Leach, Legel, Lounsberry, Mattes, Murtagh, Saunders, Savage, Speer—14.

President Smith announced the Joint Convention duly organized with a quorum of members present.

President Smith then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Byerly, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Kull, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Townsend, Webber, White of Benton, White of Iowa, Wilson—45.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Dectaur, Bybee, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Fraley, Francis, Fulton, Gilliland, Harvey, Hickenlooper, Hogan, Hunt, Huntley, Jacobson, McCleery, McColl, McCulloch of Wayne, Malmberg, Neal, Pickford, Proudfoot, Robbins, Shane, Smith of Adams, Smith of Dectaur, Smith of Mitchell, Smith of Shelby, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—50.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brockway, Bruce, Campbell of Ida, Campbell of Webster, Collin, Cousins, Dawson, Enger, Felt, Fitchpatrick, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Hoyt, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—43.

Those paired were:

Boettger, Cunningham, Harding, Moore, O'Connor, Taylor of Appanoose—6.

Absent:

Brown of Wright, De Wolf, Escher, George, Hayes, Klay, Leach, Legel, Lounsberry, Mattes, Murtagh, Saunders, Savage, Speer—14.

President Smith announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Beebe of Franklin the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 14, 1911.

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

Prayer was offered by Rev. John A. Kettle of Belmond, Iowa.

On request of Senator Savage leave of absence was granted Senator Stuckslager for the day.

## PETITIONS AND MEMORIALS.

Senator Webber presented a petition of citizens of Eddyville, Iowa, favoring the passage of Senate File No. 77.

Referred to Committee on Schools.

Senator Gilliland presented a petition of citizens of Montgomery county favoring a resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Gilliland presented a remonstrance of the board of supervisors of Mills county against proposed highway legislation.

Referred to Committee on Highways.

Senator Smith of Mitchell presented a remonstrance of citizens of Northwood, Iowa, against House File No. 14.

Referred to Committee on Highways.

Senator Gates presented a remonstrance of citizens of Butler county against the white slave traffic.

Referred to Committee on Judiciary.

Senator Brown presented a petition of citizens of Lamoni, Iowa, favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Allen of Pocahontas presented a remonstrance of citizens of Pocahontas county against House File No. 55.

Referred to Committee on Commerce and Retail Trade.

Senator Allen of Pocahontas presented a petition of teachers of Hardy, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Malmberg presented a petition of citizens of Colfax, Iowa, favoring the Five Mile Limit law.

Referred to Committee on Suppression of Intemperance.

Senator Brown presented a petition of citizens of Ringgold county favoring a resubmission of the prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

Senator Mattes presented a remonstrance of citizens of Carroll county against House File No. 100.

Referred to Committee on Schools.

Senator Mattes presented a remonstrance of citizens of Sac county against House File No. 100.

Referred to Committee on Schools.

#### INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 398, a bill for an act to legalize conveyances of real property of executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That all conveyances of real property heretofore executed by executors or trustees under foreign wills and prior to the expiration of three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond, as required by the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code, are hereby legalized and declared as valid and effective in law as though the provisions of said section had been strictly followed, provided the proper proof of authority was a matter of record in the office of the clerk of the district court in the county where the real property is situated, at the time the conveyance was executed, or was made a matter of record prior to the passage of this act; provided, that nothing in this act shall affect pending litigation.

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

The Journal of yesterday was taken up corrected and approved.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor.

Also:

Senate File No. 299, a bill for an act to legalize certain warrants of the City of Burlington.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Senate File No. 252; a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor.

Also:

Senate File No. 299, a bill for an act to legalize certain warrants of the City of Burlington.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

Senator Sullivan called up for consideration the motion filed by him to reconsider the vote by which the Senate concurred in the House amendments to Senate File No. 14.

Senator Sullivan moved the adoption of the motion.

Carried.

## THIRD READING OF BILLS.

On motion of Senator Hammill, the Senate resumed consideration of Senate File No. 346, a bill for an act authorizing the executive council to pay costs taxed to or incurred by the state in any suit

or proceeding instituted by any of the state department as by law provided, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill offered the following amendment and moved its adoption: I move to amend by adding the word "taxed" after the word "costs" and before the word "to" in line three of Section One of the bill.

Adopted.

Senator DeWolf offered the following amendment and moved its adoption: I move to amend Section One of the bill by inserting between the words "or" and "incurred" in line 2 of the printed bill the words "other expenses".

Adopted.

Senator Hammill offered the following amendment and moved its adoption: I move to amend by striking out the period (.) at the end of Section One and substituting a comma (,) therefor, and adding the words. "to be paid out of any moneys in the state treasury not otherwise appropriated."

Adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Francis, Hoyt, Larrabee, McCulloch, McManus, Parshall, Sammis, Saunders, Smith of Mitchell, Stuckslager, Van Law, White—15.



Senator Hammill offered the following amendments to the title and moved their adoption: I move to amend the title by adding the word "court" after the word "pay" and before the word "costs" in line one of the title, also by inserting the word "expense" after the word "or" and before the word "incurred" in line 3 of the title.

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 Webber, House File No. 53, a bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the Code of 1897, relating to deposits in savings banks, was taken up and considered.

The bill was read for information.

Senator Webber 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Crow, Dunnegan, Fitchpatrick, Gates, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Webber, White, Wilson—28.

The nays were:

Chase, Clarkson, Hammill—3.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chapman, Cowles, De Wolf, Francis, Garrett, Gilliland, Larrabee, McManus, Malmberg, Proudfoot, Ream, Sammis, Saunders, 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 Legel, Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made

up under chapter five (5) title ten (10) of said Code Supplement, relative to trolley or electric railways, 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 the bill was postponed.

The President announced that as President of the Senate he had signed in the presence of the Senate, Senate Files Nos. 299 and 252.

Senator Chapman asked unanimous consent to have 400 extra copies of Senate File No. 203 printed.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Balluff, House File No. 281, a bill for an act to amend title five (V), chapter fourteen (14) of the Code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996), inclusive, of the Code and amendments thereto, and enacting substitutes 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 Balluff 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:

Adams, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Taylor, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Bennett, Francis, Hoyt, Larrabee, Legel, McColl, Ream, Saunders, Smith of Mitchell, Stuckslager, Sullivan, 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 Webber, Senate File No. 193, a bill for an act making it necessary to publish notice before selling or exchanging bonds of any county, city (including cities acting under special charter and those acting under title 5, chapter 14-c of Code Supplement of 1907 and acts amendatory thereto) town or school, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Webber moved the adoption of the following amendments:

Amend the title to said bill by striking from the fourth line thereof the words "of Code Supplement of" and substitute therefor the words "Supplement to the Code".

Amend Section 1 by striking out the words "of the Code Supplement of" as they appear in the fourth and seventh lines thereof, and substitute therefor the words: "Supplement to the Code".

Adopted.

The bill was read for information.

Senator Webber moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting :

Allen of Pocahontas, Ames, Balluff, Hoyt, Larrabee, Legel, McManus, Saunders, Savage, Smith of Mitchell, Stuckslager, 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 Legel the Senate resumed consideration of Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made up under chapter five (5), title ten (10) of said Code Supplement, relative to trolley or electric railways.

Further consideration of the bill was postponed on account of Special Order No. 1.

Senator Clarkson moved that Senate Files Nos. 136, 134 and 133 be made a special order for next Thursday immediately following the disposition of the special order already assigned for that day.

Motion prevailed.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 252, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor.

Also :

Senate File No. 299, a bill for an act to legalize certain warrants of the City of Burlington.

Adopted.

ED. P. MALMBERG,  
*Chairman.*

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled House File No. 220,

a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

Also:

House File No. 217, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county officers.

Also:

House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 399, a bill for an act to amend Section Two Thousand Six Hundred Thirty-four-f (2634-f) of the Supplement to the Code, 1907, relating to the granting of state certificates to teachers.

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

#### THIRD READING OF BILLS.

The hour having arrived for Special Order No. 1, on motion of Senator Balkema, the Senate took up for consideration Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold,

distributed or transported; defining the duties of the State Food and Dairy Commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith.

Senator Ames moved the adoption of the following amendment:

Amend by striking out lines 30 and 31 of Section 9. Amend by striking out Division D of Section 9, which reads as follows:

“It shall be unlawful henceforth to feed hogs any uncooked slaughter house offal or the uncooked flesh of dead animals.”

Adopted.

Senator Balkema offered the following amendment and moved its adoption:

Amend Section 9 by inserting after the semi-colon in line 11 “Nor shall swine be kept or fed within 50 feet of the slaughter house unless feeding platform built of cement or plank be built adjacent to the building for that purpose.”

Adopted.

Senator Adams offered the following amendment and moved its adoption:

Add at end of Section 5: “Provided, however, that nothing contained in this Section shall apply to canning factories in towns or cities of 1,000 or less population.”

Senator Gilliland offered the following substitute for the amendment offered by Senator Adams and moved its adoption:

“I move to strike out all of Section Five (5) after the word ‘conducted’ in the fourth line and before the word ‘operatives’ in the ninth line of the printed bill. ”

By unanimous consent the substitute was substituted for the original amendment.

On the adoption of the amendment a roll call was demanded.

The ayes were:

Adams, Bennett, Brown, Chapman, Chase, Gilliland, Hoyt, Legel, McCulloch, Malmberg, Mattes, Proudfoot, Ream, Schrup, Smith of Mitchell, Taylor, White, Wilson—18.

The nays were:

Allen of Jefferson, Balkema, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Jewell, Larrabee, McColl, Neal, Parshall, Smith of Shelby, Spaulding, Sullivan—18.

Absent or not voting:

Allen of Pocahontas, Ames, Balluff, Cowles, DeWolf, Hunter, McManus, Quigley, Sammis, Saunders, Savage, Stuckslager, Van Law, Webber—14.

So the amendment was lost.

Senator Adams offered the following amendment and moved its adoption:

I move to strike out Section Five (5) of the bill.

Senator Ames offered the following substitute for the amendment offered by Senator Adams and moved its adoption:

I move to amend Section Five by adding thereto the following:

“Provided, however, that where such factory is not connected with or cannot reasonably be connected with any sewer system or water works it shall be a sufficient compliance with this section to provide outside closets and inside wash rooms.”

Senator DeWolf offered the following amendment as a substitute for the two pending amendments:

I move to amend Section 5 of the bill by striking out the words “shall be adjacent to toilet rooms and” in line 8 and strike out the period following the word “condition” in line 9 and add the following:

“And shall be separate and apart from the room or rooms where the manufacturing is carried on.”

The substitute was lost.

On the adoption of the substitute offered by Senator Ames a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot,

Quigley, Ream, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

Allen of Pocahontas, Bennett, Sammis, Savage, Spaulding—5.

Absent or not voting:

DeWolf, Gates, Legel, McManus, Mattes, Saunders, Schrup, Stuckslager—8.

So the substitute was substituted for the amendment.

The amendment was adopted.

Senator Sammis offered the following amendment, and moved its adoption:

I move to amend the bill by striking out the first sentence of Section Five and inserting in lieu thereof the following: "Every building, room, basement or cellar occupied or used for the preparation, manufacture, packing, canning, sale or distribution of food shall have adequate and convenient toilet or toilet rooms in said building or in the building in which said room or rooms are located, separate and apart from the room or rooms where the process of production, manufacture, packing, canning, selling or distribution is conducted."

Senator Adams moved that further consideration of the bill be deferred until tomorrow morning and placed under the head of unfinished business.

Senator Hammill moved as a substitute that the further consideration of the bill be made a special order for 9:30 o'clock tomorrow morning.

The substitute prevailed.

The motion 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 requests the return of Senate File No. 14, in which the concurrence of the House was asked:

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code, relating to the division of the state into



judicial districts and increasing the number of district judges in the Ninth district.

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 substitute for House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvements of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

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. 217, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county 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 House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-b (3447-b) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance.

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. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly, entitled: 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, and 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 passed the following bill in which the concurrence of the Senate is asked:

House File No. 242, a bill for an act providing that any national or state banking corporation located in this state, which shall be approved by the Executive Council, may upon filing bond or depositing security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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 to legalize the incorporation of the town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year 1900.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Substitute for House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvements of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.

Passed on file.

House File No. 217, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county officers.

Passed on file.

House File No. 6, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-B (3447-B) of the Supplement to the Code, 1907, and to enact a substitute therefor relative to the recovery of interest in real estate when spouse failed to join in conveyance.

Passed on file.

Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the acts of the Thirty-third (33d) General Assembly, entitled: 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, and relating to the same subject.

Substitute read first and second time.

Passed on file.

House File No. 242, a bill for an act providing that any national or state banking corporation located in this state, which shall be approved by the Executive Council, may upon filing bond or depositing security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository.

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

Senate File No. 271, a bill for an act to legalize incorporation of the town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances and resolutions and acts done by the town council in the adoption and enforcement of its ordinances and resolution since its organization in the year 1900.

Passed on file.

Recall of Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Code relating to the division of the state into judicial districts and increasing the number of district judges in the Ninth district.

Passed on file.

#### 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 Joint Resolution No. 5, a bill for an act approving estimate of cost, plans and specifications for an addition to the wing to the hospital at the state university, 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 Jewell, from the Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT—Your Committee on Charitable Institutions, to whom was referred House File No. 156, a bill for an act to provide for the commitment of females to certain benevolent or charitable institutions, in cer-

tain cases, for the violation of laws, ordinances or police regulations, and to require work from such persons so committed, and to provide for the supervision of such institutions by the board of control, beg leave to report they have had the same under consideration and recommend the same do pass.

P. M. JEWELL,

*Chairman.*

Ordered passed on file.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House File No. 247, a bill for an act to amend 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, beg leave to report they have had the same under consideration and recommend the same do pass.

J. W. BENNETT,

*Chairman.*

Ordered passed on file.

#### INTRODUCTION OF BILLS.

By Senator Francis, Senate File No. 400, a bill for an act to amend the law as it appears in Sections Nineteen Hundred and Eighty-nine-a-five (1989-a-5), a-eight (1989-a-8), a-twelve (1989-a-12), and a-twenty-two (1989-a-22), Supplement to the Code, 1907, relating to the establishment of drainage districts, the assessment of benefits, and supervision over the work of construction.

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

By Senator Francis, Senate File No. 401, a bill for an act making it criminal to receive payment for laying tile, knowing that such tile is laid contrary to the survey and plans and specifications furnished, and concealing such fact.

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

By Senator Francis, Senate File No. 402, a bill for an act legalizing instruments relating to real estate executed by corporations prior to October 1st, 1897, where the seal of such corporation was omitted therefrom.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. All deeds, contracts, mortgages, satisfactions of mortgages and assignments of mortgages, and all other instruments affecting the

title to real estate executed by any corporation prior to October 1st, 1897, when the seal of such corporation has been omitted are hereby legalized and declared legal and valid, and of the same force and effect as though such seal had been properly attached thereto.

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

Senator Chapman offered the following concurrent resolution:

SENATE CONCURRENT RESOLUTION.

Be it resolved by the Senate, the House concurring, that the Thirty-fourth General Assembly do adjourn sine die on Friday, April Seventh (7), at twelve o'clock noon.

Laid over.

Senator Sullivan moved that the request of the House for the return of Senate File No. 14 be granted.

Consent granted.

THIRD READING OF BILLS.

On motion of Senator Fitchpatrick, House File No. 375, a bill for an act legalizing the acts of the stockholders and officers of the Boone County Agricultural Society, of Boone, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Fitchpatrick 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, De-Wolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Quigley, Sammis, Savage, Schrup, Spaulding, Sullivan, Van Law, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Balluff, Garrett, McManus, Mattes, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenocker, Linnan, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater,

Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

Absent:

Escher, George, Leach, Lounsberry, McManus, Murtagh, Saunders, Stuckslager—8.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Cedar, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

O'Connor—1.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brady, Brown of Decatur, Bybee, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Fourt, Francis, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Huntley, Jacobson, McCleery, McColl, McCulloch of Wayne, Malmberg, Mattes, Moore, Neal, Pickford, Proudfoot, Robbins, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stipe, Sullivan, Van Camp, Van Law, Whitney, Zeller—52.

Those voting for W. S. Kenyon were:

Allen of Pocahtontas, Ames, Beebe, Brockway, Brown of Wright, Bruce, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fraley, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larra-

bee of Webster, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—46.

Those voting for Frank A. O'Connor were:

Balluff, Bauman, Black, Boettger, Byerly, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Lenoeker, Linnan, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Townsend, Webber, White of Benton, White of Iowa, Wilson—47.

Those paired were:

Clarkson, Hoyt, Savage, Taylor of Appanoose—4.

Absent:

Escher, George, Leach, Lounsberry, McManus, Murtagh, Saunders, Stuckslager—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Parshall of Jackson the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Proudfoot moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

The Senate adjourned.



# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 15, 1911.

Senate met in regular session at 9 o'clock a. m. President Clarke presiding.

Prayer was offered by Rev. Alber of Story City, Iowa.

On request of Senator Van Law, leave of absence was granted Senator McManus for the day.

## PETITIONS AND MEMORIALS.

Senator Spaulding presented a petition of citizens of Poweshiek County favoring good roads legislation.

Referred to Committee on Highways.

Senator Allen of Jefferson presented a remonstrance of Ministerial Association of Fairfield, Iowa, protesting against House File No. 328.

Referred to Committee on Suppression of Intemperance.

## INTRODUCTION OF BILLS.

By Senator Smith of Shelby, Senate File No. 403, a bill for an act to aid indigent members of the families of male prisoners in the State Penitentiary and the Reformatory.

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

By Senator Gates, Senate File No. 404, a bill for an act to amend Section Twenty-seven Hundred and Thirty-four-b (2734-b) of the Supplement to the Code of 1907, relating to the qualifications of the County Superintendents.

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

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

## INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 405, a bill for an act to pension the survivors of the Iowa frontier guard.

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

By Senator Van Law, Senate File No. 406, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798) of the Code, and to amend the law as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709) (Division 1), Seventeen Hundred Fifty-eight-b (1758-b) Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fifty-nine-f (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j) of the Supplement to the Code 1907, and to amend the law as it appears in Section Ninety-seven (97), Chapter One Hundred Five (105), and Section One (1) of Chapter One Hundred Eleven (111) of the Acts of the Thirty-third General Assembly, and to enact a Section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (9) of the Code, all relating to insurance.

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

## REPORTS OF COMMITTEES.

Senator Gilliland from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 402, a bill for an act legalizing instruments relating to real estate executed by corporation prior to October 1st, 1897, where the seal of such corporation was omitted therefrom, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 273, a bill for an act prohibiting certain classes of advertisements providing a penalty for violation thereof, and prescribing rules of evidence in prosecutions for violations thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

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 making it criminal to receive payment for laying tile, knowing that such tile is laid contrary to the survey and plans, and specification furnished, and concealing such fact, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 24, a bill for an act to repeal sub-division seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, and to enact a substitute therefor pertaining to

the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican war or the War of the Rebellion or of the widow of such soldier or sailor.

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 Chapter Sixty-four (64), Acts of the Thirty-third (33) General Assembly, 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 House was asked:

Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor 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:

Senate File No. 25, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three (2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school 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 Senate is asked:

House File No. 64, a bill for an act to amend Section Four Thousand Seven Hundred Seventy-five-c (4775-c) of the Supplement to the Code, 1907, relating to the neglect or refusal to support wife or children or deserting 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 House was asked:

Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald the west half of the northeast quarter and the northwest quarter of Section two, Township 70 north, Range 43, west of the Fifth P. M., in Fremont 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. 25, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) to the Supplement to the Code, relating to the issuance of capital stock of railway and manufacturing 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 Senate is asked:

Substitute for House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the County Attorney, and without the intervention of the Grand Jury, in cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information.

C. R. BENEDICT,  
*Chief Clerk.*

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 373, a bill for an act creating the title of "certified public accountant," and to regulate the practice of the profession of such accountants in the State of Iowa, and providing penalties for the violations of the provisions of this act, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 400, a bill for an act to amend the law as it appears in Sections Nineteen Hundred and Eighty-nine-a-five (1989-a-5), Nineteen Hundred Eighty-nine-a-eight (1989-a-8), Nineteen Hundred Eighty-nine-a-twelve (1989-a-12) and Nineteen Hundred Eighty-nine-a-twenty-two (1989-a-22), Supplement to the Code, 1907, relating to the establishment of drainage districts, the assessment of benefits, and supervision over life work of construction, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-A (2348-A) of the Supplement to the Code, 1907, relating to Bounties, 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 Judiciary, to whom was referred Senate File No. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided, 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 Judiciary, to whom was referred Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with, 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 Legalize Conveyances of Real Property by Executors or Trustees Under Foreign Wills Where the Provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not Observed or Complied With.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. All conveyances of real property made prior to January 1, 1911, by executors or trustees under foreign wills and prior to the expiration of three months after the recording of a duly authenticated copy of the will, original record of appointment, qualification and bond, as required by the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code, are hereby legalized and declared as valid and effective in law as though the provisions of said section had been strictly followed, provided the proper proof of authority was a matter of record in the office of the clerk of the district court in the county where the real property is situated, at the time the conveyance was executed, or was made a matter of record prior to the passage of this act; provided, that nothing in this act shall affect pending litigation; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, 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 Section 1 by inserting after the word "to" at the beginning of line three thereof, the words "examine into the records and facts and if the records and facts are as above set forth"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*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 relating to security for costs in justice courts, 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 "time" in the second line thereof, the words "within two days."

Amend Section 1 further by inserting after the word "other" in the eleventh line thereof, the words "Justice Court"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking from the eighth line thereof the words "or subsequent";

Also amend Section 1 by striking from the 14th and 15th lines thereof, the words "passed or to be"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 365, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a-9 (1989-a-9) of the Supplement to the Code, 1907, relating to interest on warrants drawn upon drainage funds, 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. 365.

A BILL

For an Act to Amend the Law as it appears in Section Nineteen Hundred Eighty-nine-a-9 (1989-a-9) of the Supplement to the Code, Relating to Interest on Warrants Drawn upon Drainage Funds.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The law as it appears in Section Nineteen Hundred Eighty-nine-a-9 (1989-a-9) of the Supplement to the Code, 1907, is hereby amended by adding at the end of said section the following:

"When a warrant drawn as provided in this section is presented to the County Treasurer for payment and can not be paid for want of funds, the treasurer shall endorse on the warrant such fact, date and sign the endorsement and thenceforth it shall draw the same rate of



interest as that fixed in the improvement certificates, subject to the same regulations as to time of payments is provided for other county warrants"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 366, a bill for an act to amend Section Four Thousand Eight Hundred Twenty-three (4823) of the Code, 1897, pertaining to malicious mischief and trespass, 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 Four Thousand Eight Hundred Twenty-three (4823) of the Code Pertaining to Malicious Mischief and Trespass.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Thousand Eight Hundred Twenty-three (4823) of the Code is hereby amended by adding thereto after the word "vehicle" in the fourth line of said section the following: "or if any chauffeur or other person shall without the consent of the owner take, or cause to be taken from a garage, stable, or other building or place an automobile or motor vehicle, and operate or drive or cause the same to be operated or driven for his own profit, use or purpose"; and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816) of the Code, relative to the title and disposition of real estate acquired by a school corporation, 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. 177.

A BILL

For an Act to Amend Section Twenty-eight Hundred and Sixteen (2816) of the Code, Relative to the Title and Disposition of Real Estate Acquired by a School Corporation.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Twenty-eight Hundred and Sixteen (2816) of the Code is hereby amended to read as follows:

In any school district wholly outside any city or incorporated town, in the case of non-user for school purposes for two years continuously of any real estate acquired for a school house site it shall revert, with improvements thereon, to the owner of the tract from which it was taken, upon repayment of the purchase price without interest, together with the value of the improvements, to be determined by arbitration, and upon such payment the school corporation shall make formal conveyance to such owner. During its use the owner of the right of reversion shall have no interest in or control over the premises: and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Adams, from the Committee on Board of Control and Its Institutions submitted the following report:

MR. PRESIDENT—Your Committee on Board of Control and Its Institutions, to whom was referred House Concurrent Resolution, relative to the appointing of sub-committee from the Committee on Board of Control, whose duty it shall be to visit the various state institutions, and report their findings and recommendations to the proper committees of the General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Board of Control and Its Institutions, to whom was referred Senate File No. 316, a bill for an act amending the law as it appears in Section 2727-a-59 a-62 and a-66 of the Supplement to the Code, 1907, relating to the care and control by the Board of Control of private hospitals and patients therein, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the title and substituting in lieu therefor: "A bill for an act amending the law as it appears in Section Two Thousand Seven Hundred and Twenty-seven-a-fifty-nine (2727-a-59), Two Thousand Seven Hundred and Twenty-seven-a-sixty-two (2727-a-62), and Two Thousand Seven Hundred and Twenty-seven-a-sixty-six (2727-a-66) of the Supplement to the Code, 1907, relating to the care and

control by the Board of Control of private hospitals and patients therein"; and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, 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. 119.

A BILL

For an Act to Indemnify Gustave Winter for Personal Injury Sustained by Him While Employed at the State Hospital for the Insane at Independence, 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 One Thousand (\$1,000.00) Dollars for the payment in full for damages sustained by Gustave Winter arising from injuries sustained by him while engaged in working for the State at the State Hospital for the Insane at Independence, Iowa; and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Substitute read first and second time.

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 262, a bill for an act to amend Section 4999-a38 of Chapter 10-B of the 1907 Code Supplement, relating to the enforcement of the Pure Drug Laws, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By substituting in lieu of the words and figures "One Thousand (\$1,000.00) Dollars annually" in line seven (7) of the substitute bill the words and figures "two hundred and fifty dollars (\$250.00) annually for two (2) years"; and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Webber, Senate File No. 407, a bill for an act to make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa railroad commission, and the printing of briefs and the traveling expenses of one of the railroad commissioners, Clifford Thorne, while in attendance at the final hearing in the case before the interstate commerce commission involving general advances in rates.

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

## HOUSE MESSAGE CONSIDERED.

Senate File No. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged union soldier or sailor of the Mexican War or the War of the Rebellion or the widow of such soldier or sailor.

Passed on file.

Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64) Acts of the Thirty-third (33d) General Assembly relating to the government of certain cities.

Passed on file.

Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporatel town of Lenox, Taylor County, Iowa.

Passed on file.

Senate File No. 25, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three (2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school corporations.

Passed on file.

House File No. 64, a bill for an act to amend Section Four Thousand Seven Hundred Seventy-five-c (4775-c) of the Supplement to the Code, 1907, relating to the neglect or refusal to support wife or children or deserting the same.

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

Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald the west half of the northeast quarter and the northwest quarter of Section Two, Township 70 north, Range 43, west of the fifth P. M., in Fremont County, Iowa.

Passed on file.

House File No. 25, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) of the Supplement to the Code, relating to the issuance of capital stock of railway and manufacturing corporations.

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

Substitute for House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the County Attorney, and without the intervention of the Grand Jury, in cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information.

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

#### THIRD READING OF BILLS.

On motion of Senator Smith of Shelby, Senate File No. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa and to enact a substitute therefor pertaining to the exemption from taxation of an honorably discharged Union soldier or sailor of the Mexican War or the War of the Rebellion or of the widow of such soldier or sailor.

Senator Smith of Shelby moved that the Senate concur in the following House amendments:

Amend by striking out the words "of Iowa." in the second line of the original bill and inserting in lieu thereof the following, "1907."

Amend by inserting after the word "Code" in the first line of Section 1 of the original bill the following, "1907."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Chase, Clarkson, Cowles, Crow, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Brown, Chapman, DeWolf, Fitchpatrick, Francis, Hoyt, Larrabee, Legel, McCullough, McManus, Parshall, Schrup, Smith of Mitchell, Spaulding, Stuckslager—17.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Smith of Mitchell asked unanimous consent that 400 extra copies of Senate File No. 387 be printed.

Consent granted.

The hour having arrived for Special Order No. 1, on motion of Senator Balkema, the Senate resumed consideration of Senate File No. 157, a bill for an act providing for the sanitation of bakeries, canneries, packing houses, slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food producing establishments, manufactories, or other places where food is prepared, manufactured, packed, stored, sold or distributed; and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the State Food and Dairy Commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith.

The amendment offered by Senator Sammis on yesterday was adopted.

The bill as amended was read for information.

Senator Balkema moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, Neal, Proudfoot, Ream, Sammis, Saunders, Smith of Shelby, Van Law, Webber, Wilson—29.

The nays were:

Chase, McCulloch, Mattes, Savage, Schrup, Smith of Mitchell, Taylor—7.

Absent or not voting:

Adams, Allen of Pocahontas, Bennett, Gates, Gilliland, Hoyt, McManus, Malmberg, Parshall, Quigley, Spaulding, Stuckslager, Sullivan, White—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Proudfoot offered the following Concurrent Resolution and moved its adoption:

*Resolved by the Senate, the House Concurring, that a joint committee consisting of three, one member of the Senate and two from the House, be appointed by the President of the Senate and Speaker of the House, to call upon and extend to the Pioneer Law Makers' Association now in session, an invitation to attend in a body the memorial services in honor of the late Senator Jonathan P. Dolliver, and advise said association of the former action of this General Assembly, and provide said association with tickets of admission.*

Adopted.

The president announced as a member of such committee on the part of the Senate Senator Proudfoot.

#### THIRD READING OF BILLS.

The hour having arrived for Special Order No. 2, on motion of Senator Proudfoot, the Senate took up for consideration Joint Resolution No. 4, Joint Resolution proposing to amend the constitution so as to prohibit the manufacture and sale of intoxicat-

ing liquors as a beverage within this state, with report of committee recommending indefinite postponement.

Senator Cowles moved the adoption of the report of the committee.

Senator Gilliland moved the previous question.

.On the question "Shall the main question be now put?" the previous question was ordered.

On the adoption of the report of the committee a roll call was demanded.

The ayes were:

Adams, Balkema, Balluff, Brown, Chapman, Cowles, Crow, De-Wolf, Fitchpatrick, Francis, Garrett, Jewell, Legel, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Sullivan, Van Law, Webber, White, Wilson—27.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Chase, Clarkson, Dunnegan, Gates, Gilliland, Hammill, Hoyt, Larrabee, McColl, McCulloch, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor—21.

Absent or not voting:

Hunter, McManus—2.

So the report of the committee was adopted.

Senator Brown submitted the following explanation of his vote which was read:

#### EXPLANATION OF VOTE.

I am of the opinion that the State of Iowa has the best liquor laws of any state in the union. Each community, under the law, has the authority to decide the question of the sale thereof in an orderly manner. I would not vote to take away a single feature of the law under which the sale of liquors would be forced into communities opposed thereto, and will vote for all legislation which will promote true temperance.

As a republican I am fearful that the injection into our political contests may result in the turning over of the legislative authority to our opponents who I believe are less likely to protect the temperance laws than we are.

J. D. BROWN.



Senator Smith of Mitchell moved that Special Order No. 3, Senate File No. 387, be postponed until Friday morning at 9:30 o'clock.

Senator Hammill moved as a substitute that the consideration of the bill be made a Special Order for next Tuesday morning at 10 o'clock.

The substitute was lost.

The motion prevailed.

Senator Adams asked the unanimous consent to call up the House Concurrent Resolution, relative to the appointment of committees to visit the state institutions and report to the Thirty-fourth General Assembly.

Consent granted.

Senator Adams moved that the Senate concur in the House Concurrent Resolution.

Carried.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

Providing for the appointment of a Joint Committee to extend invitation to the Pioneer Law Makers to attend Memorial Services Thursday, March 16.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced that he was in receipt of a communication from the Press Club of Des Moines, extending an invitation to the members of the Senate to attend the Gridiron Banquet given by the club, on the night of April 5th, 1911, which communication was read.

Senator Adams moved that the Senate accept the invitation, the motion was unanimously adopted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis, House File No. 11, a bill for an act to amend Section One (1) of Chapter One Hundred Eighty-four (184) laws of the Thirty-third General Assembly relative to

the limit of indebtedness of independent school corporations, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee, adopted.

The substitute was read for information.

Senator Sammis moved that the substitute be substituted for the original bill.

Adopted.

Senator Ream offered the following amendment and moved its adoption.

I move to amend the bill by striking out the word "four" in the fifth line of the second paragraph of Section One, and insert the word "five" in lieu thereof.

Amendment lost.

Senator Chapman moved the previous question, on the question "Shall the main question be now put?" the previous question was ordered.

Senator Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—46.

The nays were:

Smith of Mitchell, Stuckslager—2.

Absent or not voting:

McManus, Malmberg—2.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

## HOUSE MESSAGE CONSIDERED.

## CONCURRENT RESOLUTION.

Providing for the appointment of a joint committee.

*Resolved by the House, the Senate Concurring:*

That a Joint Committee, consisting of three, two members of the House and one from the Senate, be appointed by the Speaker of the House and President of the Senate, to call upon and extend to the Pioneer Law Makers' Association now in session, an invitation to attend in a body the memorial services in honor of the late Jonathan P. Dolliver, and advise said Association of the former action of this General Assembly.

Senator Hammill moved that when the Senate adjourn it be until 1:30 this afternoon.

Carried.

Senator Allen of Pocahontas moved that Senate Joint Resolution No. 3, be made a special order for Tuesday a. m. at 10 o'clock.

Carried.

The President announced as teller on the part of the Senate Senator Savage and as assistant teller Senator Hoyt.

A committee from the House appeared and announced the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House chamber under the direction of the Sergeant-at-arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunningan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick,

Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—147.

Absent or paired:

Campbell of Webster, Escher, Fourt, George, Hoyt, Lounsberry, McCleery, McManus, Malmberg, Savage, Speer—11.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Cedar, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

O'Connor—1.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Balkema, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Bybee, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Finlayson, Francis, Fulton, Gilliland, Harding, Harvey, Hickenlooper, Hogan, Hunt, Huntley, Jacobson, McColl, McCulloch of Wayne, Mattes, Moore,

Neal, Pickford, Proudfoot, Robbins, Saunders, Shane, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Stipe, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—49.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brockway, Brown of Wright, Bruce, Campbell of Ida, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fraley, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Huff, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shankland, Sherman, Skinner, Spaulding, Stillman, Stoddard—46.

Those voting for Frank A. O'Connor were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill Kull, Legel, Leach, Lenocker, Linnan, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Riter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those paired were:

Fourt, Hoyt, Lounsberry, Savage—4.

Those absent were:

Campbell of Webster, Escher, George, McCleery, McManus, Malmberg, Speer—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Clarkson of Monroe, the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Chapman moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

## AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 p. m., President Clarke presiding.

## REPORTS OF COMMITTEES.

Senator Stuckslager, 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. 132, a bill for an act to amend the law as it appears in Section Six Hundred Fifty-two (652), Supplement to the Code, 1907, relating to the appointment of a health physician by the mayors of cities and towns, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a), Title Five (5) of the Supplement to the Code, 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking therefrom the following: "the accused shall have the right of appeal from the findings of said Board to the District Court and such appeal shall be taken in the manner provided for appeals from inferior tribunals to the District Court"; and when so amended the bill do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 262, a bill for an act concerning the commission plan of government in certain cities, additional to Chapter Fourteen-C (14-C), Title Five (5) of the Supplement to the Code, 1907, and Chapter Sixty-four (64) of the laws of the Thirty-third General

Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

Ordered passed on file.

W. C. STUCKSLAGER,  
*Chairman.*

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 267, a bill for an act to amend Chapter 62 of the Acts of the Thirty-third General Assembly relating to pensions to be paid to policemen, 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 Cities and Towns, to whom was referred Senate File No. 376, a bill for an act to amend the law as it appears in Chapter Sixty-four (64), Acts of the Thirty-third General Assembly, relating to the government of certain cities, 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 Cities and Towns, to whom was referred Senate File No. 222, a bill for an act to amend Sub-division Sixteen (16), of Section Six Hundred and Sixty-eight (668), of the Supplement to the Code, 1907, relative to current expenditures of cities, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the Committee.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (5), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils, 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 Cities and Towns, to whom was referred House File No. 283, a bill for an act to amend the law as the same appears in Section one (1) of Chapter Fifty-seven (57), Acts of the Thirty-third (33) General Assembly of Iowa relating to tax levy for park purposes, 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 Cities and Towns, to whom was referred House File No. 111, a bill for an act conferring additional powers on certain cities organized under Chapter Fourteen-c (14-c) of Title Five (5) of the Supplement to the Code, 1907, and amendments thereto providing for the levy of special taxes for the benefit of the police and fire departments, 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 Cities and Towns, to whom was referred House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen, 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 HOUSE FILE NO. 9.

A BILL

For an Act to Amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to Pensions for Disabled and Retired Firemen.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The law as it appears in Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third (33d) General Assembly is hereby amended by striking out the following words after the word "member" in the forty-third (43d) line of said Section Five (5), "if it be found that he is unable to perform the duties to which he is or may be assigned": the law as it appears in said section is further amended by striking out the word "Five" (5) after the word "Fifty" (50) in the Forty-fourth (44th) line of said section.



Sec. 2. This act being deemed of immediate importance shall be in force and effect 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.

W. C. STUCKSLAGER,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third (33d) General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907 as amended, beg leave to report they have had the same under consideration and recommended the same do pass.

JOSEPH MATTES,

*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred Senate File No. 125, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment, beg leave to report they have had the same under consideration and recommend that the substitute for Senate File No. 125 be amended as follows:

By striking from the first line of Section One (1) the word "that", and also by striking from the said line of said section the word and figure "seven (7)," and inserting in lieu thereof the word and figure "five (5)"; and striking from the first line in Section Two (2) the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "sixty (60)"; and by striking out the word and figure "seven (7)" in line two (2) of Section Two (2), and inserting in lieu thereof the word and figure "five (5)"; and by striking out the words "three" and the figures "3" wherever they occur in the fourth (4th) line of Section Two (2), and inserting in lieu thereof the words "two" and the figures "2" and recommend that when the substitute is so amended the same do pass.

JOSEPH MATTES.

*Chairman.*

Adopted.

Ordered passed on file.

Senator Balluff asked unanimous consent that Senate File No. 162 be withdrawn from the Committee on Cities and Towns and from further consideration by the Senate.

Consent granted.

Senator Stuckslager from the Committee on Cities and Towns, returned to the Senate, Senate File No. 162.

Senator Proudfoot offered the following resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Whereas*, On December 24th, 1814, at Ghent was concluded a treaty of peace between America and Great Britian, and

*Whereas*, In 1914, a century will have ended in the course of which there has been no resort to arms between English speaking nations, and

*Whereas*, The peaceful settlement of whatever differences may have arisen between us and Great Britain have been an example to the world as to the needlessness of war, and

*Whereas*, There has been organized a National Committee for the celebration of the One Hundredth Anniversary of Peace among English speaking peoples, 1914-15, a committee which will be representative of every section and locality of our country, and

*Whereas*, Great Britain and Canada have expressed a willingness and a desire to associate themselves with other English speaking communities in the celebration of this great event, be it

*Resolved* By the Senate the House concurring, that this body give its approval to this great project, and that there be named by the Governor a joint committee to co-operate with this National Committee in its work of preparing a plan of celebration.

Adopted.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 5, approving estimate of costs, plans and specifications for an addition to the wing to the hospital at the State university, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The Resolution was read for information.

Senator Smith of Mitchell moved that the rules be suspended, the Joint Resolution be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunningan, Fitchpatrick, Garrett, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, McCulloch, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber—37.

The nays were:

None.

Absent or not voting:

Balkema, De Wolf, Francis, Gates, Jewell, Legel, McManus, Malmberg, Parshall, Spaulding, Sullivan, White, Wilson—13.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On request of Senator Ream, leave of absence was granted Senator Malmberg for the afternoon.

#### THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 44, a bill for an act to repeal Section Two Thousand One Hundred and Fifty-nine (2159) of the Code, and to enact a substitute therefor, relating to telephones, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Brown offered the following amendment and moved its adoption: I move to strike out all following the enacting clause and insert in lieu thereof the following:

Section 1. Section Two Thousand One Hundred Fifty-nine (2159) of the Code is hereby repealed and the following enacted in lieu thereof: "Such telegraph, telephone or other pole lines shall not be so constructed as to incommode the public in the use of any road or navigation of any stream and the line of poles without crossarms shall meet the fence line of all public roads on which same may be constructed, and when crossarms are used such poles shall be placed as near said fence lines as the length of such crossarms will permit. It shall be the duty of said person, firm or corporation to ascertain the location of such fence line and arrange their poles, crossarms and fixtures accordingly. If for any reason the character of the country will not permit the establishment and construction of such tele-

graph, telephone or other pole lines and the poles, cross arms and fixtures therefor as above provided, it shall be the duty of the board of supervisors of the county in which such conditions exist, upon application to them therefor, by resolution to establish the location of such telegraph, telephone or other pole lines and the manner of construction thereof on any public highway on which the same may be constructed.

Further consideration of the bill was postponed.

#### INTRODUCTION OF BILLS.

By Senator Stuckslager, Senate File No. 408, a bill for an act amendatory to Chapter Six (6) Title Three (3) of the Code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of Twenty-five Thousand (25,000) or more; providing for the number of jurors in such courts in such cities and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government.

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

#### THIRD READING OF BILLS.

On motion of Senator Van Law, House File No. 155, a bill for an act to amend Section Forty-nine Thousand and Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code of 1907, relative to water closets or privies, 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 reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law, White—31.

The nays were:

Adams, Bennett, McCulloch, Sammis—4.

Absent or not voting:

Balkema, Brown, De Wolf, Francis, Jewell, Legel, McManus, Malmberg, Saunders, Schrup, Stuckslager, Sullivan, Taylor, Webber, Wilson—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 Francis, Senate File No. 175, a bill for an act to provide for regulating the amount and cost of printing and binding to be done for the State of Iowa, when the same is to be paid for from special appropriations, 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, 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Fitchpatrick, Francis, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson—34.

The nays were:

Adams—1.

Absent or not voting:

Balkema, Cowles, De Wolf, Dunnegan, Garrett, Hammill, McCulloch, McManus, Malmberg, Quigley, Savage, Schrup, Stuckslager, Taylor, Webber—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced as a committee to prepare resolutions commemorative of the life, character and public services of Alexander Brown, Senators Allen of Jefferson, Hammill and Wilson.

## THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304) of the 1907 Supplement to the Code, relating to the exemption of property from taxation, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Francis moved that the substitute be substituted for the original bill.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan Taylor, Van Law, Webber—36.

The nays were:

Spaulding—1.

Absent or not voting:

Balkema, Clarkson, De Wolf, Larrabee, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Savage, Stuckslager, White, 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 Chase, Senate File No. 229, a bill for an act to amend Sections 1643 and 1645 of the Code and amendatory of Chapter 2 of Title IX of the Code and to provide for the control and disposition of property of extinct religious societies in this state, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Chase 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Brown, Crow, De Wolf, McManus, Malmberg, Proudfoot, Saunders, Savage, Spaulding, Taylor—10.

Senator Chase moved to amend the title so as to read as follows:

A BILL

For an Act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (9) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

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 Gilliland, House File No. 29, a bill for an act to amend Section Five Thousand One Hundred Nineteen (5119) of the Code of Iowa, 1897, relating to the punishment of the crime of vagrancy and defining the same, 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 reading just had be considered the third reading, which motion prevailed.

On the question "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Mattes, Parshall, Quigley, Sammis, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, De Wolf, Gates, Larrabee, McManus, Malmberg, Neal, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager—16.

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 the report of the Committee on Judiciary on Senate File No. 401 was adopted be reconsidered.

Carried.

Senator Francis moved that Senate File No. 401 be re-referred to the Committee on Judiciary.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Hunter, Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties, 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 by striking from line nine (9) of Section One (1) thereof the words "thirty-five hundred" and the figures 3500.00 and the dollar sign and parenthesis, and insert in lieu thereof the words "three thousand" and the figures (\$3000.00), and that the following be added to Section One (1) of the bill:



Provided that in counties where terms of the district court are held in two cities or towns there shall be added to the salary of the clerk the further sum of four hundred (\$400.00) dollars per annum, and

That all of Section Two (2) be stricken from the bill.

Adopted.

Further consideration of the bill was postponed.

On motion of Senator Hammill, Senate File No. 345, a bill for an act to amend Section Twenty-five Hundred Thirty-eight-b of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Adams, Chase, Clarkson, Crow, Francis, Hoyt, Larrabee, McCulloch, McManus, Proudfoot, Savage, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Malmberg—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Senate resumed consideration of Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of

the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties.

Senator Balluff offered the following amendment and moved its adoption :

I move to amend by striking out of line 8 the words "and over" and to insert in said line 8 between the words "of" and "sixty thousand" the word "over".

Adopted.

The bill as amended was read for information.

Senator Hunter moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were :

Allen of Pocahontas, Balkema, Balluff, Fitchpatrick, Garrett, Gilliland, Hoyt, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor Van Law, White, Wilson—24.

The nays were :

Adams, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Francis, Gates, Hammill, Hunter, Jewell, Spaulding, Webber—14.

Absent or not voting :

Allen of Jefferson, Ames, Chase, Cowles, De Wolf, Larrabee, Legel, McManus, Malmberg, Proudfoot, Savage, Smith of Mitchell—12.

So the bill having failed to receive a constitutional majority was declared to have failed to pass the Senate.

On request of Senator Smith of Shelby leave of absence was granted him for tomorrow and Friday.

Senator Hunter moved that the vote by which Senate File No. 89 was lost and by which it passed to its third reading be reconsidered.

Carried.

Senator Adams moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 16, 1911.

The Senate met in regular session, President Clarke presiding.

Prayer was offered by Rev. D. F. Boomershine of Maquoketa, Iowa.

## PETITIONS AND MEMORIALS.

Senator Wilson presented a petition of teachers of Lyons, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Gilliland presented a petition of Montgomery County Medical Society favoring the establishment of a sanitary commission.

Referred to Committee on Public Health.

## INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette county, State of Iowa, and regulating the payment thereof.

*Whereas*, on May 1, 1906, a petition was filed with the Town Council of the incorporated town of Fayette, Iowa, asking said council to call a special election in said town to vote upon a proposition to extend the water mains of the waterworks system owned by said town, and for such purpose to issue bonds in such sum as said council might deem necessary not in excess of one and one-fourth per cent. of the actual value of the property of said town.

*Whereas*, said petition was canvassed by said town council and was found to contain the number of signatures required by law.

*Whereas*, Thereafter on June 9, 1906, a special election was called in said town, upon a sufficient notice published as required by law, at which election was submitted the following question:

For the issuance of bonds in the  
sum of \$6,000 for water works,



Against the issuance of bonds in  
sum of \$6,000 for water works,



*Whereas*, at said election, 214 votes were cast in favor of said proposed bond issue and only 40 votes were cast against said bond issue.

*Whereas*, prior to the submission of said proposed bond issue at said election, the town council had adopted a definite plan for the extension of watermains, had advertised the same in the Fayette newspapers and had employed an engineer to estimate the cost of the proposed waterworks extension and had been advised that the proposed extension could be constructed at a cost of \$6,000.00.

*Whereas*, after said preliminary estimate was made and before bids were received for the construction of said waterworks extension, the price of material necessary to be used in said extension was unexpectedly advanced.

*Whereas*, although several different bids were made for the construction of said waterworks extension, no bid was as low as \$6,000.00 and the said town council of Fayette on July 16, 1906 authorized the execution of a contract with E. Smedley for the construction of said extension for the sum of \$7,000.00; and this was the most favorable contract said town council was able to make with any of the several bidders for said work.

*Whereas*, it was agreed in said contract with E. Smedley that if the town so desired he would accept in part payment for his work under said contract, town warrants drawn to bear six per cent. interest.

*Whereas*, in settlement with said E. Smedley under said contract and for extra work done by him incidental thereto, the town council of Fayette, Iowa, authorized its proper officers to pay to him the sum of \$7,044.00, and said payment was made in part by the issuance of three warrants upon the waterworks fund as follows:

One warrant No. 1635 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6 per cent payable annually.

One warrant No. 1636 for \$500.00, dated November 26, 1906, due on or before 10 years after date, with interest at 6 per cent. payable annually.

One warrant No. 1637 for \$184.25, dated November 26, 1906, due on or before 10 years after date, with interest at 6 per cent. payable annually.

*Whereas*, the said waterworks extension was completed in a proper and satisfactory manner by the said E. Smedley and the amount charged by him and agreed by said town of Fayette to be paid therefor was the fair and reasonable cost of said work, and the said town of Fayette has had the benefit of the full value of said warrants issued in part payment therefor.

*Whereas*, the total indebtedness of the town of Fayette, Iowa, at the time said warrants were issued, including said warrants, was not, and is

not now at the present time, and never has been in excess of the five per cent. of the actual value of the assessable property within said incorporated town.

*Whereas*, Questions have arisen as to the legality of said warrants above described and as to right of the town council, or the town treasurer, to pay the same.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That all warrants issued by the town of Fayette, Iowa, to E. Smedley as above described are hereby declared to be legal and valid as though said warrants had been issued in strict compliance with law; and the said town of Fayette is authorized to pay said warrants and the interest thereon accrued, and accruing, in the manner provided by law for the payment of bonds, and the interest on bonds, issued for the construction of a waterworks plant.

Sec. 2. Nothing in this act shall in any way effect pending litigation concerning the subject matter hereof.

Sec. 3. Nothing in this act shall be construed as making said town of Fayette, Iowa, liable for the payment of the principal represented by the face of said warrants prior to the time of maturity of said debt as described in said warrants.

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

Senator Legel offered the following Resolution and moved its adoption:

*Whereas* the Hon. Robert G. Reiniger, one of the pioneers of northern Iowa and an honored member in the Senate of the Twenty-first (21st), Twenty-second (22nd), Twenty-third (23rd) and Twenty-fourth (24th) General Assemblies departed this life October 15th, 1910.

*Be it Resolved* that the President of the Senate appoint a committee of three to draft resolutions commemorating his life, character and services to the state.

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

#### MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 56, a bill for an act to regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide 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. 346, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 41, a bill for an act creating the office of State Fire Marshal and Deputy Fire Marshal prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 amend the law as it appears in Section 2727-a-1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State 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. 197, a bill for an act to amend the law as it appears in Section Five Hundred Sixty-four (564) of the Code, relating to the appearance by the county attorney for township trustees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 294, a bill for an act to make an appropriation for the Farmer's Institute of Benton 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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 56, a bill for an act to regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide a penalty for the violation thereof.

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

House File No. 346, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

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

House File No. 41, a bill for an act creating the office of State Fire Marshal and Deputy Fire Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.

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

House File No. 355, a bill for an act to amend the law as it appears in Section 2727-a1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State Institutions.

Read first and second time and referred to Committee on Board of Control and its institutions.

House File No. 197, a bill for an act to amend the law as it appears in Section Five Hundred Sixty-four (564) of the Code, relating to the appearance by the County Attorney for township trustees.

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

House File No. 294, a bill for an act to make an appropriation for the Farmer's Institute of Benton 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 Appropriations.

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, relating to the division of the state into Judicial Districts, and increasing the number of district judges in the Ninth District.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, Senate File No. 14, a bill for an act to amend Section 227 of the Code, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth District, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Sullivan moved that the Senate concur in the following House amendments:

Amend Senate File No. 14 by striking out of the title the word and figures "Code, 1907," and inserting in lieu thereof the following: "Supplement to the Code, 1907."

Amend Section 1 by striking out the words and figures, "Code, 1897," in the second line, and inserting in lieu thereof the following: "Supplement to the Code, 1907."

Amend by striking out the words, "the second secular day of January, 1915" in the last line of Section 3, and inserting in lieu thereof the following: "On the first day of January after their election."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Clarkson, Cowles, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCul-



loch, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Webber, White, Wilson—35.

The nays were:

Francis—1.

Absent or not voting:

Allen of Poçahontas, Brown, Chapman, Chase, Crow, Hoyt, Larrabee, McManus, Malmberg, Mattes, Saunders, Smith of Mitchell, Smith of Shelby, Van Law—14.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Cowles, Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64), acts of the Thirty-third (33) General Assembly, relating to the government of certain cities.

Senator Cowles moved that the Senate concur in the following House amendments:

Amend by striking out the word "residing" in the eighth line of Section One of the bill and inserting in lieu thereof the word "reside".

Amend Senate File No. 124 by striking out the period (.) at the end of Section 1 thereof, and inserting a semicolon (;) in lieu thereof, and by adding the following, "and by striking from Line Ten (10) of Section Two (2) the word "twenty-five" and inserting in lieu thereof the words "not less than ten".

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Cowles, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—32.

The ayes were:

None.

**Absent or not voting:**

Adams, Allen of Pocahontas, Ames, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Francis, Hoyt, McColl, Malmberg, Mattes, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby—18.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Larrabee moved that when the Senate adjourn it be until 1:55, P. M.

Motion withdrawn.

## REPORTS OF COMMITTEES.

Senator Hunter, 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. 154, a bill for an act to make uniform the law of bills of lading, beg leave to report they have had the same under consideration and recommend the same do pass.

ROBERT HUNTER,  
*Chairman.*

Ordered passed on file.

## THIRD READING OF BILLS.

On motion of Senator Hunter, Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties, was taken up and considered.

Senator Hunter offered the following amendment and moved its adoption:

I move as a substitute for Section One of Senate File No. 89, the following:

Section 1. That Section Two Hundred Ninety-seven (297) of the Code be amended by striking out lines Eighteen (18), Nineteen (19), Twenty (20), and Twenty-one (21) of said section, and inserting in lieu thereof the following:

"In counties having a population of over Forty-five Thousand (45,000) and not exceeding Sixty Thousand (60,000) the salary shall be Twenty-five Hundred (\$2,500.00) Dollars; in counties having a population of over Sixty Thousand (60,000) the salary shall be Thirty-three Hundred (\$3,300.00) Dollars.

"The board of supervisors shall, in addition to the salary fixed for clerks in counties having a population of Forty-five Thousand or under, allow them out of the probate fees as additional compensation an amount not exceeding Three Hundred (\$300.00) Dollars. Provided, that in counties where terms of the district court are held in two cities or towns there shall be added to the salary of the clerk the further sum of Four Hundred (\$400.00) Dollars.

Senator Smith of Mitchell offered the following amendment to the amendment and moved its adoption: Amend substitute by striking out the word "shall" in line 10 and insert the word "may".

Adopted.

The amendment as amended was adopted.

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:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, De Wolf, Fitchpatrick, Garrett, Gilliland, Hammill, Hunter, Løgel, McManus, Neal, Proudfoot, Sammis, Saunders, Schrup, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—29.

The nays were:

Ames, McColl, Parshall, Quigley—4.

Absent or not voting:

Adams, Allen of Pocahontas, Cowles, Dunnegan, Francis, Gates, Hoyt, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Ream, Savage, Smith of Mitchell, Smith of Shelby, Taylor—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 Cowles, House File No. 262, a bill for an act regulating the commission plan of government in certain cities, additional to Chapter Fourteen-c (14-c) of the Supplement to the Code and Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Cowles 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Francis, Gilliland, Larrabee, McColl, Proudfoot, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Cowles moved that Calendar No. 2, Senate File No. 251 be indefinitely postponed, it being identical with House File No. 262, which has now passed the Senate.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Saunders, House Substitute for Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the acts of the Thirty-third (33d) General Assembly, entitled: "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," and relating to the same subject, was taken up and considered.

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.

#### A BILL

For an Act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly, entitled: "An

Act providing for acquiring by Condemnation Proceedings by cities and towns, of heating plants, water works, gas works, electric light or power plants, and a mode of procedure therefor, and amending Section Seven Hundred Twenty-two (722) of the Supplement to the Code, 1907," and relating to the same subject.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Chapter Forty-five (45), of the Acts of the Thirty-third (33d) General Assembly, amending Section Seven Hundred Twenty-two (722) of the Supplement to the Code, 1907, be and the same is hereby amended by striking out all after the word "ordered" in line ten of Section Two of said Chapter Forty-five down to and including the word "works" in line fourteen and substituting in lieu thereof the following:

"And such courts of condemnation at the time it meets to organize, as is provided in said order, or at any time during the proceeding, which may be adjourned from time to time for any purpose, may fix a time for the appearance of any person or persons which any party desires to have joined in the proceedings and which the court deems necessary, which time for the appearance shall be sufficiently remote to give notice upon such parties; but if such time of appearance shall occur after any proceedings are begun they shall be reviewed by the court as it may direct to give all parties full opportunity to be heard."

"All persons not appearing and having any right, title or interest in or to the property which is the subject of condemnation or any part thereof, and including all leaseholders and mortgagee trustees of bondholders, which are to be made parties to the proceedings shall be served with notice thereof, and the time and place of meeting of said court in the same manner and for the same length of time as the service of original notices, either by personal service or service by publication, the time so set being the time at which the parties so served are required to appear, and actual personal service of the notice within or without the state shall supersede the necessity of publication. These provisions shall also apply to condemnation proceedings which are pending, but nothing herein shall be held to invalidate any proceedings or notices served in any proceedings under Chapter Nine, Title Ten, or under the provisions of the act to which this is amendatory which have been had or taken at the time of the taking effect of this act."

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its passage and its publication in the Register & Leader and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

On the question, "Shall the substitute bill pass?"

The ayes were: :

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan,

Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Ream, Sammis, Saunders, Spaulding, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Francis, Larrabee, McColl, Proudfoot, Quigley, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan—13.

So the House substitute bill having received a constitutional majority, was declared to have been concurred in and passed the Senate.

A committee from the Pioneer Lawmakers Association of Iowa, appeared and submitted the following communication:

*To the General Assembly of the State of Iowa:*

We are instructed by the Pioneer Law Makers Association of Iowa to acknowledge the receipt of your very kind invitation to be your guests on the 16th instant at the time of the holding of memorial services in honor of the late Senator Dolliver, and to notify you that the invitation is accepted with pleasure.

G. S. ROBINSON,

C. C. COLE,

JAMES G. BERRYHILL,

*Committee.*

#### THIRD READING OF BILLS.

The hour having arrived for Special Order No. 1, on motion of Senator Adams, the Senate took up for consideration, Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b), Twenty-six Hundred Thirty-four-c (2634-c), and Twenty-six Hundred and Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor, with report of committee recommending amendments and passage.

Senator Adams moved the adoption of the following amendments:

Amend by striking out all of Section 9 and inserting in lieu thereof the followinig: "For the purpose of carrying out the provisions of this act, there is hereby appropriated out of any moneys in the state treasury,

not otherwise appropriated the sum of Twenty-five Thousand (\$25,000.00) Dollars available for the period ending July 1st, 1912, and the sum of Fifty Thousand (\$50,000.00) Dollars annually thereafter."

Adopted.

The bill as amended was read for information.

Senator Adams moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—44.

The nays were:

None.

Absent or not voting:

Hunter, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Webber—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The hour having arrived for Special Order No. 4, on motion of Senator Legel the Senate took up for consideration Senate File No. 134, a bill for an act to repeal Section Two Thousand and Eighty-eight (2088) of the Code Supplement, 1907, relative to issuing tax certificates by county treasurers on the payment of any taxes voted under the provision of Chapter Five (5), Title Ten (10), of said Code Supplement.

The bill was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Balluff, Bennett, Chapman, Clarkson, DeWolf, Dunegan, Fitchpatrick, Gates, Hunter, Legel, McColl, McCulloch, McManus, Sammis—15.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Brown, Chase, Crow, Francis, Garrett, Hammill, Hoyt, Jewell, Larrabee, Malmberg, Mattes, Neal, Parshall, Proudfoot, Spaulding, Sullivan, Van Law, White, Wilson—23.

Absent or not voting:

Cowles, Gilliland, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber,—12.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Cowles offered the following Resolution and moved its adoption:

RESOLUTION.

*Whereas*, each member of this Senate has been the recipient of a copy of the song "Iowa" (a new state song)

*Whereas*, said song is a loving and patriotic tribute to our fair state

*Therefore be it Resolved* That this Senate compliment Mr. Daniel Kilpatrick and William Leander Sheetz, of Burlington, Iowa, its authors, on the high quality of the song, and tender to them our thanks and appreciation for their kindness and generosity in presenting the membership copies of this beautiful production.

Adopted.

By unanimous consent on request of Senator Sammis, Senate Files Nos. 133 and 136 were placed at the foot of the Calendar.

THIRD READING OF BILLS.

On motion of Senator Clarkson Senate File No. 125, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment, 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.

Adopted.

Senator Clarkson moved the adoption of the following amendment:

Amend by striking from the first line of Section One (1) the word "that", and also by striking from the said line of said Section the word and figure "seven (7)," and inserting in lieu thereof the word and figure "five (5)"; and striking from the first line in Section Two (2) the word and figure "twenty (20)" and inserting in lieu thereof the word and figure "sixty (60)"; and by striking out the word and figure "seven (7)" in line two (2) of Section Two (2), and inserting in lieu thereof the word and figure "five (5)"; and by striking out the words "three" and the figures "5" wherever they occur in the fourth (4th) line of Section Two (2), and inserting in lieu thereof the words "two" and the figures "2".

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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Legel, McColl, Malmberg, Mattes, Neal, Quigley, Ream, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Chase, Cowles, Gilliland, Hoyt, Jewell, Larrabee, McCulloch, McManus, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Webber—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 McManus, Senate File No. 274, a bill for an act amending Section 227 of the Supplement of 1907 to the Code and providing for an additional judge of the district court in the first judicial district and for his appointment and election and regulating terms in said district with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator McManus moved the adoption of the following amendment:

Amend by changing the word "daily" to "Des Moines" in the second line of Section 4.

Adopted.

The bill was read for information.

Senator McManus moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunningan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—41.

The nays were:

Francis—1.

Absent or not voting:

Allen of Pocahontas, Jewell, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding—8.

Senator McManus moved the adoption of the following amendment to the title:

By changing the first line of the title to read "For an act amending Section Two Hundred Twenty-seven (227) 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.

Senator Sullivan moved that Senate File No. 18 be re-referred to the Committee on Cities and Towns.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 344, a bill for an act to repeal Section Twenty-eight Hundred Two (2802) Supplement to the Code, 1907, and enact a substitute therefor relative to the adjustment of the assets and liabilities between school corporations, 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, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Mitchell, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Cowles, Francis, Larrabee, McColl, McCulloch, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan—16.

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. 410, a bill for an act to amend Paragraph Two (2) of Section Two Thousand Four Hundred and 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.

By Senator Van Law, Senate File No. 411, a bill for an act to amend the law as it appears in Sections Ten Hundred Fifty-six-a-twenty-five and Ten Hundred Fifty-six-a-twenty-six (1056-a25 and 1056-a26) of the Supplement to the Code, 1907, as amended, and to provide for the appointment and powers of Library Trustees in certain cities.

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

By Senator Cowles, Senate File No. 412, 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 and Eleven (1611) of the Code relating to corporations.

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

By Senator Hunter, Senate File No. 413, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred Forty-five (2145), relating to the regulation of common carriers.

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

## REPORTS OF COMMITTEES.

Senator Smith of Mitchell, from the Committee on Ways and Means, submitted the following reports:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred House File No. 85, a bill for an act to repeal Section One Thousand Three Hundred 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, 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. 158, a bill for an act to amend Section 1334, 1334-a and 1334-b of the Supplement to the Code and to repeal Section 1337 and 1337-a of the Supplement to the Code, and 1338 of the Code, and to enact substitutes therefor and relating to the assessment and taxation of rail-ways and to requirements of railroad companies and duties of executive council in connection therewith, 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.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 271, a bill for an act to legalize the incorporaton of the town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year nineteen hundred, (1900.)

Also :

Substitute for Senate File No. 25, a bill for an act to amend the law as it appears in Section Two Thousand Seven Hundred Ninety-three (2793) of the Supplement to the Code, 1907 relating to the change of boundaries of school corporations.

Also :

Senate File No. 250 a bill for an act to legalize a certain deed executed by Fremont County, and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald, the west half of the north east quarter and the north west quarter of Section Two, Township 70, North Range 43, West of the Fifth P. M., in Fremont County, Iowa.

Also :

Senate File No. 24, a bill for an act to repeal subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the

Code, 1907, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican war or the War of the Rebellion or of the widow of such soldier or sailor.

Also:

Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Senate File No. 271, a bill for an act to legalize the incorporation of the town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year Nineteen Hundred (1900.)

Also:

Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa.

Also:

Senate File No. 25, a bill for an act to amend the law as it appears in Section Two Thousand Seven Hundred Ninety-three (2793) of the Supplement to the Code, 1907, relating to the change of boundaries of school corporations.

Also:

Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County, and its Board of Supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald, the west half of the north east quarter and the north west quarter of Section Two, Township 70 North Range 43, West of the Fifth P. M., in Fremont County, Iowa.

Also:

Senate File No. 24, a bill for an act to repeal subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican War or the War of the Rebellion or of the widow of such soldier or sailor.

Also:

House File No. 53, a bill for an act relating to deposits in banks or trust companies.

Also:

House File No. 375, a bill for an act legalizing the acts of the stockholders and officers of the Boone County Agricultural Society, of Boone County, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its re-incorporation.

Also:

House File No. 281 a bill for an act to amend Title Five (V) Chapter Fourteen (14) of the Code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code and amendments thereto and enacting substitutes therefor.)

Also:

House File No. 38, a bill for an act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907 relating to the time when actions may be brought on judgments in courts of record.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### REPORTS OF COMMITTEES.

Senator Clarkson, 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. 320, a bill for an act to authorize the curator of historical collections to collect and disseminate information regarding birds fish and other wild animal life in Iowa, and appropriating Five Thousand Dollars (\$5,000.00) annually out of the fish and game protection fund therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOHN T. CLARKSON,

*Chairman.*

Senator Clarkson moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred Senate File No. 138, a bill for an act to amend the law as it appears in Section Three (3) of Chapter One Hundred Fifty-four (154) of the laws of the Thirty-third (33) General Assembly relating to the age of those to whom the county auditor is authorized to issue a hunters' license, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOHN T. CLARKSON,  
*Chairman.*

Senator Clarkson moved that the report of the committee be adopted.

Adopted.

So the bill was indefinitely postponed.

Senator Francis filed the following motion:

I move to reconsider the vote by which Senate File No. 134 was defeated and the vote by which it passed to its third reading.

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

Senator Gilliland moved that when the Senate adjourn it be until 1:55 P. M.

Motion prevailed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster,



Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Escher, Kull, McCleery, Smith of Shelby—4.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

O'Connor—1.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Bascom, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacob-

son, Lounsberry, McCulloch of Wayne, Malmberg, Neal, Pickford, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—37.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykootz, Grout, Halgrim, Hammill, Harding, Harvey, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—65.

Those voting for Frank A. O'Connor were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Legel, Leach, Lenoeker, Linnan, McManus, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Absent:

Escher, Kull, McCleery, Smith of Shelby—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Hammill of Hancock moved that a second ballot be taken.

Senator DeWolf of Grundy moved as a substitute that after the reading and correction of the Journal, the Joint Convention be dissolved.

On the question "Shall the Joint Convention be dissolved?" the ayes were:

Adams, Allen of Jefferson, Balluff, Bascom, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur,

Byerly, Chapman, Chase, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, De Wolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Fletcher, Fulton, Garrett, Gilbert, Gilliland, Greene, Griggs, Hamilton, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Hunt, Koontz, Krebill, Legel, Lenocker, Linnan, Lounsberry, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Proudfoot, Ream, Ritter, Robbins, Rowles, Sater, Saunders, Savage, Schrup, Skinner, Smith of Adams, Smith of Decatur, Speer, Stephenson Stipe, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Wilson—86.

Nays:

Allen of Pocahontas, Ames, Balkema, Beebe, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Escher, Felt, Finlayson, Fitchpatrick Fourt., Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Huff, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Lund, McColl, Mattes, Miller of Bremer, Moore, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Whitney, Zeller—67.

Absent or not voting:

Hunter, Kull, McCleery, Quigley, Smith of Shelby—5.

So the motion prevailed.

The Senate returned to the Chamber and resumed its sitting.

The President announced that as President of the Senate he had signed in the presence of the Senate, Senate File Nos. 271, 290, 24, 25 and 250, and House File Nos. 53, 281, 375, and 38.

Senator Hammill moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

## AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:55, P. M., President Clarke presiding.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 2 o'clock p. m.

The Sergeant-at-Arms announced the arrival of the members of the Pioneer Law Makers' Association, who took the seats reserved for them.

President Clarke introduced Senator Leslie E. Francis of Dickinson as the President of the Joint Convention during the Dolliver memorial program.

The following program was then rendered:

Music, "Shades of Evening," by First Methodist Episcopal Church Male Quartette.

Invocation by the Rev. Dr. G. A. Scott of First Methodist Episcopal Church of Des Moines.

The following telegram was received from Mrs. J. P. Dolliver:

Yonkers, N. Y., March 14, 1911.

HON. PAUL STILLMAN, *Speaker, House of Representatives:*

Kindly express at the memorial services my deep regret that I am unable to be present. If I could express in one sentence Mr. Dolliver's purpose in his struggle for the right, it would be that the children of tomorrow might have their equal opportunity. I believe that Iowa will not soon forget this sacrifice.

LOUISE P. DOLLIVER.

Music, "Lead Kindly Light," by First Methodist Episcopal Church Male Quartette.

Introducing Hon. Robert G. Cousins, Senator Francis made the following remarks:

We are assembled here this afternoon to honor the memory of one of the greatest of Iowa's sons. From that day more than a quarter of a century ago when Jonathan P. Dolliver spoke as temporary presiding officer of a great state convention of his political party, his fame as an orator has steadily grown until almost every school boy in the land is familiar with his eloquence and power.

I have heard him many times and upon many topics, and always and everywhere, whether in the political forum, on the chautauqua platform, or in the halls of Congress his manner has inspired, his thoughts have burned deep, and his wonderful power as an orator has led and captivated those who listened to the magic of his words.

In late years I had come to look upon him as the greatest orator using the English language—a fit companion for the mighty Burke in his defense of the American colonies, or Webster in his masterful reply to Hayne.

I had often thought that some day I would write to him how much I admired his great power and genius, but, alas, before that letter was written the call to a higher life was answered and the great advocate of the people was no more.

I cannot speak words of praise to him now—they fall upon ears cold and deaf to us, but tuned to music of a higher sphere, but I can say them to those who live and love his memory, and mourn with us his loss.

Jonathan P. Dolliver was of the common people, his greatest delight was in their service, and his memory will be forever cherished by those for whom he labored.

But I will not trespass upon the time of the speaker of the day who knew Senator Dolliver through long years of service together, and who will now address you with words rivaling in eloquence those of the lamented dead in whose memory we today gather.

I take pleasure in presenting to you Hon. Robert G. Cousins.

Who addressed the Joint Convention and spoke as follows:

*Members of the General Assembly of Iowa:*

Your greatly esteemed invitation which I could regard but virtually as a complimentary command to appear before you on this memorial occasion, could not fail to bring to my mind another occasion many years ago, when occupying seat numbered 69, on yonder aisle, another General Assembly—the twenty-first Assembly of our State—elected me for a far different duty to perform in a matter then pending before the Senate. And little, indeed, could it have been imagined at that time, that a quarter of a century later, I should be bidden by this Assembly to say in such way as I am able a few words in memory of one who has been the friend of all of us and who was then my earliest companion in the campaigns of his adopted commonwealth and of this my own native state.

But the destinies of men can seldom be foreseen and fate forever loves to mystify the future and the plans of men.

Nevertheless, it seemed certain to many of us then that Jonathan P. Dolliver was made and marked for eminent success.

No words of mine are needed now to fasten up the fame which by his great abilities he wrote across the nation's sky. No praises or encomiums are required to carry his illustrious name into the devoted households and the hamlets and the cities of the state of Iowa.

Human life, in fact all life, is the strangest and most wonderful of the mysteries. So, too, is death—save for the teachings of some philosophers—likewise mysterious. But the natural phenomena of autumn time with gently fading colors, with swift receding vigor, seem almost easily accounted for—an inexorable, known, expected fact. The setting sun and all its twilight hues are sure, decided, known, and fixed as is the picture painted by the artist's brush.

But who feels certain of the dawn and of a single day much less of the course of a human life. Will the sign of Aries or Leo, or Sagittarius or Aquarius or any sign or star under which a human life starts out, determine a spirit's course, its rising or its downfall? Not so. The teachers of the zodiacal science tell us that the possibilities of one born in the sign of Aquarius are greatest of all and also may be the poorest and the worst. How then is a human life to be separated from the infinite mysteries that attend it. Who can know what bloom of sunny clime or frigid zone or anxieties of our childhood faith, or mystic teachings of some far-off land shall lift, or thwart, or turn aside, or guide straight onward to its fairest goal a human soul. How is it that in one case environment, associations, or conditions shall inspire a human mind so that it leads on to the splendid glory of uncommon and incalculable achievement, may be by winning the souls of men with magic eloquence or thrilling them with melodies so great and sweet that they seem almost to have been dying through all the centuries of time with the pain of silence; and in another case of the very same conditions and environment, some other human being seems ignominiously to lose itself along the way of life without achievement or distinguishment and without the exultation of success.

I have sometimes thought that the secret of it all is like the secret of a perfect love, which in our mortal world can never be without complete, unstinted sacrifice of self.

However all this may be, the man whose brilliant and unusual career and character we memorialize today, achieved and felt in fullest measure the exultation of singular success. He put his life upon the altar of his hope and art and there it was consecrated to the end.

To be born of frugal, healthy parents in an environment that is stimulating is a great advantage.

The green fields of Virginia far away, and the hills and vales and mountains of that statesman-holding commonwealth, first heard the voice of Jonathan P. Dolliver. They had heard the unctuous and exhorting voice of his dear old father before him and had heard the voices of seven of our presidents in their youthful days. But Virginia was the

cradle also of thousands whose reputations never crossed its borders. Dolliver was also born in a most favorable sign, on the 6th day of February, 1858, but millions, of whose names the world you and I have never heard, first saw the light in that same sign and under that same lucky star.

Educated well at home and finished with a college touch, our seventeen-year-old Virginian looked above the mountains of his birthland, took the sun for his pilot and Horace Greeley for his advisor and started on foot for the empire of the pioneers. We were all here waiting to help him and to shout for him. Both of my grandfathers had been here for more than thirty years welcoming such bone and flesh and blood. He tarried in Illinois and dug potatoes while a local school board were deciding to elect him school teacher. Little did the people of Sandwich, Illinois, know what they were missing when they let the young Virginian leave them and come and locate at a central point in Iowa between the two great rivers. But of course they and nobody else ever knows what may come out of a hickory shirt and a celluloid collar. Thousands had come away from there, thousands from New England and Ohio and Indiana and other states, but nobody knew which ones were geniuses until the flint of their intellects came in contact with the steel of circumstances and experience.

When Dolliver came to Ft. Dodge in the spring of 1878, nobody knew about it except his brother who accompanied him, and the landlord of whom they rented a small office. When the struggle became so hard that they had to sleep in the office his brother went back to Virginia into the ministry and Jonathan, as he tells us himself, worked on the streets for a dollar and a half per day.

The soul of every individual must always have an awakening if it is to expand. If that awakening does not come, we shall never know much of the individual. Perhaps many lives have been wasted for want of an awakening.

Nothing tends so much to bring out true worth as trouble. Nobody ever amounted to very much in this world unless he had to. The best flowers of genius have blossomed from "bleeding hearts."

Bulwer Lytton tells us of his young physician who studied and who suffered long and patiently in the community and that finally "Abbey Hill let him feel its pulse." Robert Burns suffered and sang so sweetly in the provincial region of Ayr that finally he was invited to Edinburgh.

When Ft. Dodge had discovered Dolliver, they must share him with the whole state. He was invited to Des Moines. He spoke to a state convention and the nation took up his name. Of course he had plagued the opposition and he had fun with the mugwumps. He had said they treated their consciences as if they were the stock in trade of a baking powder factory—they solemnly protest that everybody's conscience has alum in it except theirs. But no matter, he was awakened and from that moment his real life began. He was a permanent factor in American politics and in all political campaigns. He campaigned with Blaine and with all of the best of them from that time on.

With the enviable reputation which his first convention speech had given him throughout the country, and with his local prestige which had been gradually building and with the earnest aid of such strong characters as the late Governor Carpenter, it is not strange that he was soon chosen for Congress in the Tenth District.

There is always in every community a natural fraternity of intellectuality. There is a certain magnetism of intelligence that is always and everywhere irresistible. Thomas B. Reed once said: "There is no refinement quite equal to the graceful, mighty intellectuality. That of itself is always a commanding charm. It rules wherever it appears. Wealth bows to it and seeks its patronage while even ignorance reverts it."

Men are chosen for important offices, such as Congress, on account of being singularly known in the communities for something, either for unusual ability or for some signal success. Of course, by dint of dollars, men sometimes break into important offices creating wonderment as to how they got there. But as a general rule a man's name on the roll of the American Congress can be accounted for.

The House of Representatives, under certain circumstances, is probably the greatest arena in the world. Few men have been able to hold and control it for any great length of time. You can count on the fingers of your hands the occasions during the last two decades when different speakers have commanded it in such quietude that the speaker could be distinctly heard for a continuous hour. Under such circumstances it is a rare and wonderful arena. The English House of Commons is a play house compared with it. I have heard Balfour and Bannerman on the same day in the House on a government issue and have witnessed a dozen occasions in the American House of Representatives that far surpassed such a noted session of Parliament. Usually in the House there is constant conversation while the ordinary member is speaking. That is the general rule. But sometimes while full of overflowing the House becomes intensely quiet and remains so if the speaker has the ability to hold it. Dolliver was one of the few who at times commanded absolute quietude.

Remembering his own hard struggle for a start and for success in life, his voice was always lifted in his later years for the good of his generation and for his fellow men. He had that temperament which taught him that the most evil seed that can be sown in a community is the seed of suspicion and of doubt and that the best spirit that can be nurtured is that of faith and confidence and charity and integrity. Therefore he inculcated the hopeful spirit in his fellow men. He was the sunlight in every social circle of his friends. He was like a "rainbow in the gloom." The language of his ordinary conversation turned the corners of thought so abruptly and so swiftly that there was constant epigrammatic and inimitable illumination. He was the prince of good cheer and one of the happiest integers of human individuality in our serious, struggling world.

After all the years of toil and exciting contest for a full decade in the House of Representatives, and with tremendously exhausting work in the Chautauqua service, in which he earned substantial and in fact un-



usual profits, and with all the toil and burdens of his senatorial career, his great heart began to wane. The strongest machinery must finally break. Even steel and iron and hardest granite are not impervious or imperturbable. Whoever touches and commands the hearts of others, must always give up something of his own. So many hearts had been touched, so many souls had been stirred in all those great campaigns, that finally his own was worked to the mortal limit. Many the time I met him late at night and early in the morning in those great, fatiguing campaigns when we were out on the road, sometimes sixty to seventy days and home, maybe three or four nights in all that time, sleeping perhaps four or five hours the night, and having a splendid time, we thought, at that. And they were splendid and historic days when Iowa had the greatest corps of campaigners in the republic; when she had two members in the Cabinet and the Speaker of the House of Representatives; when aforesaid Tom Reed had said, "You have so much talent in your state, it is impossible to do justice to it and to the other states in Committee appointments."

It was a great honor and a sweet exultation to head the list of such a delegation, and the inspiration of it moved the heart of our friend to faster beating until 'twas overworked.

But think of the many souls of history that have reached their greatest power and sometimes have worn out their physical machinery before their suns had passed the periods of their brilliant and powerful meridians, yes, even before the shadow fell towards the east.

Many have been the soldiers who have won their laurels early. The hero of Ravenna was only twenty-two. Italy was conquered twice by military heroes only five and twenty. Innocent III has been called the despot of Christendom at thirty-seven and at that same age Lord Byron died. Victor Hugo wrote "Bug Jargal" at fifteen, and Pascal was a great author at sixteen and died at thirty-seven. Edmund Burke was the author of "The Sublime and Beautiful" at twenty-six, and Grattan entered the Irish Parliament and fame at twenty-nine. Richelieu was bishop at twenty-three and Secretary of War and State at the early age of thirty-one. Raphael had become illustrious and died at thirty-seven. William Pitt, the contemporary of our own illustrious Hamilton, and two years his junior, inherited the prestige that gave him a seat in Parliament at twenty-one, through the influence of the Duke of Rutland. He was Chancellor of the Exchequer at twenty-three, and First Lord of the Treasury and Chancellor, and practically the controlling power of England at twenty-five and he held that position for seventeen continuous years.

Dolliver inherited no political prestige. He had no Duke of Rutland for a sponsor. The clifted hills and lofty mountains of Virginia were his great godfathers and the honeyed valleys of that romantic birthland whispered their soft dreams into his eager, boyhood ears. The rivers and the hills of loyal Illinois gave welcome to his trudging weary feet and encouraged his exalted hope. The rolling plains and honeysuckled woodlands of our river-bordered Iowa sang thrice welcome to the bright-eyed continental wayfarer and won his wondrous heart and scintillating brain for its historic heritage and gave him all the rich and precious gifts

within its political and lavish power. He went out for us and won the successive battles of his brilliant life by constant strife and never-ending zeal.

His great heart impelled the blood to his fertile brain in many years of constant and unceasing toil, sometimes his judgment differing with yours and sometimes with mine. But it matters not, he had fought the battles of our cause on many a brilliant day, and our tears of exultation for the fame of our great state were mingled on many glorious occasions. Every Hawkeye was proud of his chieftain, proud to have such a splendid champion in the great arenas of public life and on the popular stage. No matter if his clarion voice sounded sentiments, maybe discordant with our own, he had bared his breast for the Grand Old Man in that final hour of both their great careers.

And then at last he came home to rest. He had thought always in his recent years of the delightful and peaceful prospect of enjoying the habitude which he had selected and paid for with his honorable and strenuous earnings, consisting of some broad acres over there in the magnificent middle of our state, "touched by two rivers," as he described it himself, and situated there beside the city of his early friends. His plans for its improvement and perfection had not yet been completed, but they were in the apple of his eye and heart, and he sat himself down on the porch of his town-house home in the midst of his charming family of wife and children where he could see the undulating landscape of his future rural habitude, in contemplation, and mused over it all in those dearest days of our best October season, when the vines were running over the sun-lit hedges in all the golden glory of that rich autumnal time; and with all apparent faith in the restitution of his health, with his bright soul shining in his eyes and in his usual laughing mood, he counted his pulse beats up to seven, refusing to count himself out—like the fighter that he was—but the physician counted more and feebler pulse beats. It seemed as though Infinite Mercy spared our friend the usual suffering and pain that attends the exit of great souls. There is no evidence that he suffered even for a moment a glomy or troubled apprehension. His jovial hand seemed lifted from the grasp of his latest visitor by the hand of The Infinite One.

Music, "Some Blessed Day," and "Iowa," by First Methodist Episcopal Church Male Quartette.

Short addresses were made by Senators A. B. Cummins and Lafayette Young.

Joint Convention dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Balluff moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 17, 1911.

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

Prayer was offered by Rev. Nelvil R. Miles, of Colfax, Iowa.

## PETITIONS AND MEMORIALS.

Senator Crow presented a petition of teachers of West Side, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Chase presented a petition of teachers of Ellsworth, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Hunter presented a petition of bankers and trust companies of Iowa, favoring extending the powers of trust companies.

Referred to Committee on Banks and Banking.

The Journal of yesterday 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 concurred in Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to the appointment by the Governor of an honorary commission to investigate the nature and scope of the Panama Exposition to be held at San Francisco.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker has appointed on the part of the House, Crist of Clarke and Koontz of Johnson as members of the Joint Committee, to call upon and

extend an invitation to the Pioneer Law Makers' Association to attend the memorial services of Senator Jonathan P. Dolliver.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in amendments to Senate substitute for House File No. 11, in which the concurrence of the House was asked:

House File No. 11, a bill for an act to amend Section One (1), and Two (2), of Chapter One Hundred and Eighty-four (184), Acts of the Thirty-third General Assembly, relative 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 concurred in Concurrent Resolution in which the concurrence of the House was asked, relative to inviting the Pioneer Law Makers to be the guests of the General Assembly at the time of the holding of the memorial in honor of Senator Dolliver.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate Concurrent resolution relative to the appointment by the Governor of an honorary commission to investigate the nature and scope of the Panama Exposition to be held at San Francisco.

Passed on file.

The Speaker has appointed on the part of the House, Crist of Clarke and Koontz of Johnson as members of the Joint Committee to call upon and extend an invitation to the Pioneer Law Makers' association to attend the memorial services of Senator Jonathan P. Dolliver.

Passed on file.

House File No. 11, a bill for an act to amend Section One (1), and Two (2), of chapter One Hundred and Eighty-four (184), acts of the Thirty-third General Assembly, relative to the limit of indebtedness of independent school districts.

Passed on file.

#### CONCURRENT RESOLUTION.

Senate Concurrent Resolution relative to inviting the Pioneer Law Makers to be the guests of the General Assembly at the time of the holding of the memorial in honor of Senator Dolliver.

Passed on file.

The President announced as a committee to prepare resolutions commemorative of the life, character and public services of the late Robert G. Reiniger, Senators Legel, Sammis and Wilson.

THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 44, a bill for an act to repeal Section Two Thousand One Hundred and Fifty-nine (2159) of the Code, and to enact a substitute therefor, relating to telephones, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Chapman moved that the further consideration of the bill be deferred until Tuesday morning and made a special order following the special order fixed for 10 o'clock.

Motion was lost.

Further consideration of the bill was postponed on account of Special Order No. 1.

Senator Webber moved that Special Order No. 1, Senate File No. 387, be made a special order for next Wednesday at 10 o'clock.

Motion prevailed.

The Senate resumed consideration of Senate File No. 44, a bill for an act to repeal Section Two Thousand One Hundred and Fifty-nine (2159) of the Code, and to enact a substitute therefor, relating to telephones.

Senator Brown moved the adoption of the amendment offered by him on Wednesday.

Adopted.

Senator Adams offered the following amendment and moved its adoption: I move to amend by inserting the word "hereafter" before the first word "such" in the substitute and substitute a small "s" for the Capital "S" in the word "such".

Senator Ames offered the following substitute for the amendment offered by Senator Adams: I move to amend by adding the following to Section One:

"Provided, that where the pole lines are now constructed the owners thereof shall not be required to remove the same within five

years from passage of this act, except at points where the authorities desire to immediately work upon the highway and the pole line materially interferes with such work.

Adopted.

The amendment was adopted.

Senator Bennett offered the following amendment and moved its adoption: I move to amend Section 1 by striking out all of said section following the word "poles" in the fifth line and ending with the word "permit" in the eighth line and inserting in lieu thereof the following:

"Shall in no instance be placed at a greater distance than five feet from the established fence line."

The amendment was lost.

Senator Chapman offered the following amendment and moved its adoption:

I move to amend Section One as follows: By inserting after the word "accordingly" as the same appears in the tenth line in Section 1, the following: "such person, firm or corporation may call the county surveyor for the purpose of locating such fence line at the expense of the county when such fence line is located."

The amendment was lost.

Senator Chapman offered the following amendment and moved its adoption: I move to amend Section 1 by striking out all of such section following the word "permit" in the eighth line up to and including the word "provided" in the twelfth line.

Senator Sammis offered as a substitute for the pending amendment and the substitute bill the following:

Strike out all of Section One (1) as amended, and insert in lieu thereof the following:

Section 1. Section Two Thousand One Hundred Fifty-nine (2159) of the Code is hereby repealed and the following enacted in lieu thereof: "Such telegraph, telephone, or other pole lines shall not be so constructed as to incommode the public in the use of any road or the navigation of any stream and the line of poles with anchors, braces, or guy posts shall not extend farther than six (6) feet into the highway on all public roads on which same may be constructed.

"It shall be the duty of the owner of said telegraph, telephone or other pole lines to ascertain the location of such highway line and to arrange the poles, anchors, braces and guy posts accordingly. If the character of the country for any reason, will not permit the establishment and construction of such telegraph, telephone or other pole lines as above provided, it shall be the duty of the board of supervisors in such county in which such conditions exist, upon application to them therefor, by resolution to establish the location of such telegraph, telephone or other pole lines and the manner of construction thereof on any public highway on which the same may be constructed.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by adding the following as Section 2.

Section 2. Where telephone or telegraph lines are constructed on one side of the highway only, transmission lines of electric power companies shall hereafter be constructed upon the side of the highway opposite to that upon which the telegraph and telephone lines are built."

Adopted.

Senator Bennett moved the previous question.

On the question, "Shall the main question be now put," the previous question was ordered.

Senator Brown 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, Neal, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

Ames, Malmberg, Mattes—3.

Absent or not voting :

Cowles, Garrett, Larrabee, McColl, McCulloch, McManus, Parshall, Proudfoot, Quigley, Smith of Mitchell, Stuckslager, Sullivan—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 Chase, Senate File No. 109, a bill for an act relating to the burden of proof as to contributory negligence, 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.

The ayes were :

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, De Wolf, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Legel, McCulloch, Mattes, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—24.

The nays were :

Allen of Jefferson, Ames, Chase, Clarkson, Crow, Dunnegan, Garrett, McColl, Malmberg, Parshall, Ream, Stuckslager, Sullivan, Wehber, White, Wilson—16.

Absent or not voting :

Francis, Hunter, Jewell, Larrabee, McManus, Neal, Proudfoot, Quigley, Schrup, Taylor—10.

So the report of the committee was adopted.

Senator Bennett moved that the House be requested to return to the Senate, House File No. 248.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Hunter, Senate File No. 414, a bill for an act to amend Section Two (2) of Chapter One Hundred Fifty-five (155) of the acts of the Thirty-third General Assembly, striking out the words "Big Sioux".

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



## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 Substitute for Senate File No. 25, a bill for an act to amend the law as it appears in Section Two Thousand Seven Hundred Ninety-three (2793) of the Supplement to the Code, 1907, relating to the change of boundaries of school corporations.

Also:

Senate File No. 250, a bill for an act to legalize a certain deed executed by Fremont County, and its board of Supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald, the west half of the Northeast quarter and the Northwest quarter of Section Two, Township 70, North Range 43, West of the Fifth P. M., in Fremont County, Iowa.

Also:

Senate File No. 24, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, and to enact a substitute thereof pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican War or the War of the Rebellion or of the widow of such soldier or sailor.

Also:

Senate File No. 290, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor County, Iowa.

Also:

Senate File No. 271, a bill for an act to legalize the incorporation of the Town of Grandview, Louisa County, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the Town Council in the adoption and enforcement of its ordinances and resolutions since its organization in the year Nineteen Hundred, (1900.)

ED. P. MALMBERG,  
*Chairman.*

Adopted.

## REPORTS OF COMMITTEES.

Senator Clarkson, 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. 32, a bill for an act to amend Section Five of Chapter One Hundred Fifty-four (154), of the Acts of the Thirty-third (33d), General Assembly, relating to fee for fish and game licenses, beg

leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike out the word "ninety", as appears in the Fifth line of Section 1, of the bill, and insert in lieu thereof, the words, "ninety-five."

Strike out the word "ten" as appears in the Fifth line of Section 2 of the bill, and insert in lieu thereof the word "five," and when so amended the bill do pass.

JOHN T. CLARKSON,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred Senate File No. 223, a bill for an act to amend Section Two, Three and Four of Chapter One Hundred Fifty-five, of the Acts of the Thirty-third General Assembly in relation to the care and propagation of fish, 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. 223.

A BILL

For an Act to amend Sections Two (2), Three (3), and Four (4) of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly, in relation to the care and propagation of fish.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Two of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly is hereby amended by striking out of the twenty-second line of said section the period (.) following the word "cents" and placing in lieu thereof a semicolon (;) and inserting after the same the words "for each three hundred (300) lineal feet of trammel net used for floating fishing, five dollars (\$5.00)." Also by striking out all of said section after the comma (,) following the word "provided" in the twenty-eighth line of said section and inserting the following: "That after March 1, 1912, no seine or net with less than two-inch mesh shall be licensed or used for fishing under this act."

Sec. 2. Amend said chapter by inserting after the word "thereto" in the sixth line and before the word "he" in the same line of Section three the following: "And where practical cleaning the channel from said dead and cut-off waters so that young fish can escape therefrom."

Sec. 3. Said chapter is hereby amended by repealing Section Four and the following enacted in lieu thereof: "It shall be unlawful for any person to take from the water described in Section Two of this act, except by hook and line and spear, any of the following fish in lengths less than as follows, to-wit: Carp, fifteen inches; Buffalo, fifteen inches; Black Bass, eleven inches; striped or white bass, eight inches; pike, fif-

teen inches; crappies, eight inches; pickerel, eighteen inches; catfish, thirteen inches; and the following fish weighing less than as follows, to-wit: Sand sturgeon, one pound; rock sturgeon, three pounds; and no pike, bass or crappies between and including March 31st and June 1st of each year .

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., and when so amended the bill do pass.

JOHN T. CLARKSON,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Fish and Game, to whom was referred House File No. 302, a bill for an act to amend the law as it appears in Chapter One Hundred Fifty-five (155), of the laws of the Thirty-third General Assembly, relative to the care and propagation of fish, beg leave to report they have had the same under consideration and recommend the same be referred to Committee on Public Health .

JOHN T. CLARKSON,  
*Chairman.*

Senator Clarkson moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Public Health.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.

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

#### REPORT OF COMMITTEE.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 284, a bill for an act to amend Section Three of Chapter One Hundred and Twelve (112) of the Acts of the Thirty-third General Assembly, relating to the issuance of policy of insurance by insurance

companies, beg leave to report they have had the same under consideration, and recommend the same do pass.

C. H. VAN LAW,  
*Chairman.*

Ordered passed on file.

Senator Chapman moved that when the Senate adjourn it be until 1:30 P. M.

Carried.

The President announced as teller on the part of the Senate Senator Savage and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis Sater, Saunders, Savage, Schee, Schrup,

Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—153.

Absent or paired :

Escher, Hunter, McCleery, McManus, Proudfoot—5.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were :

O'Connor—1.

Those voting for Horace E. Deemer were :

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were :

Allen of Pochontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Whitney, Zeller—68.

Those voting for Frank A. O'Connor were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Leach, Lenoeker Linman, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Paired:

Hunter—1.

Absent:

Escher, McCleery, McManus, Proudfoot—4.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Sammis moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 P. M., President Clarke presiding.

On request of Senator Balkema, leave of absence was granted Senator Proudfoot for today and tomorrow.

On request of Senator Webber, leave of absence was granted him for tomorrow.

#### THIRD READING OF BILLS.

On motion of Senator Bennett, Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-thirty-five (4999-a35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to

pure drugs and the misbranding thereof, with report of Committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved the adoption of the following amendment:

Amend by inserting the letter "A" prior to the figure 35 in the second line of the first section of the bill.

Adopted.

Senator Bennett 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Dunnegan, Fitchpatrick, Francis, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Sammis, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber—30.

The nays were:

None.

Absent or not voting:

Chase, Clarkson, Crow, DeWolf, Garrett, Gates, Gilliland, McColl, McManus, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law, White, Wilson—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 Allen of Pocahontas, House File No. 33, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-four-a of the Supplement to the Code and to enact a substitute in lieu thereof relating to organization of consolidated independent school districts, 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:

By striking from Paragraph "F" in Section One (1) thereof the following words: "The electors residing upon the territory outside of the

corporate limits of any city, town or village, within such district shall vote separately. If a majority of the votes cast by the electors in either territory shall be in favor of dissolving said school corporation, then the same shall be dissolved, and the organization of the new district or districts, completed by the election of a board of directors, as provided by statute. In any consolidated independent district within the limits of which no city, town or village exists a majority of all the votes cast at such election shall be required to dissolve such school corporation," and substituting therefor the following: "If a majority of all votes cast at said election be in favor of dissolving the consolidated district, same shall be dissolved and the organization of a new district or districts be forthwith completed by the election of a board of directors as provided by statute; provided, however, that such dissolution shall become effective only when the reorganization of the territory included in the original consolidated district is completed."

Adopted.

The bill was read for information.

Further consideration of the bill was postponed.

On motion of Senator Hunter, House File No. 76, a bill for an act to amend Section 1400-f of the Supplement to the Code, 1907, providing for additional forest trees, 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, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal Parshall, Quigley, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Chase, Clarkson, Gates, McManus, Proudfoot, Ream, Savage, Stuckslager, Webber, Saunders—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 Gilliland, Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) 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 Clarkson offered the following amendment and moved its adoption.

I move to amend Subdivision 4 of Section 1 by adding the following: "Provided that if it is found that the court has jurisdiction and appearance made shall be for all purposes."

The amendment was lost.

Senator Gilliland moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hoyt, Hunter, Larrabee, Legel, McCulloch, Malmberg, Mattes, Parshall, Quigley, Sammis, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—30.

The nays were:

Clarkson, Neal—2.

Absent or not voting:

Adams, Ames, Bennett, Chapman, Chase, Cowles, Crow, Francis, Garrett, Hammill, Jewell, McColl, McManus, Proudfoot, Ream, Saunders, Savage, Smith of Mitchell—18.

Senator Gilliland offered the following amendment to the title and moved its adoption.

Amend by adding thereto "Relating to appearances in court."  
Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Balluff moved that the House be requested to return to the Senate House File No. 220.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Francis, Senate File No. 313, a bill for an act amending Chapter Two Hundred and Fifty-eight (258) of the Acts of the Thirty-third General Assembly, relating to an appropriation of one thousand dollars (\$1,000.00), to aid in the construction of a dam in Dickinson County, Iowa, 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, 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 Jefferson, Balkema, Balluff, Bennett, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, Malmberg, Mattes, Neal, Parshall, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Ames, Brown, Chase, Cowles, Crow, Hoyt, McColl, McCulloch, McManus, Proudfoot, Ream, Savage, Stuckslager, Webber—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Francis called up the motion filed by him for re-consideration of the vote by which Senate File No. 134 was defeated and the vote by which it passed to its third reading.

The motion to reconsider prevailed.

On motion of Senator Francis, Senate File No. 134, a bill for an act to repeal Section Two Thousand and Eighty-eight (2088) of the Code Supplement, 1907, relative to issuing tax certificates by county treasurers on the payment of any taxes voted under the provisions of Chapter Five (5), Title Ten (10), of said Code Supplement, was taken up and considered.

Senator Francis offered the following amendment and moved its adoption: I move to strike from the bill all after the enacting clause and insert in lieu thereof the following:

Section 1. Section 2088 of the Code is hereby amended by adding thereto the following:

Provided that the provisions of this Section shall not be applicable to taxes that are voted and paid in aid of the construction of railroads that are interurban in character. (

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Brown, Chapman, Clarkson, De Wolf, Dunne-gan, Fitchpatrick, Francis, Gates, Gilliland, Jewell, Legel, Mattes, Parshall, Sammis, Saunders, Schrup, Smith of Michell, Sullivan, White, Wilson—26.

The nays were:

Chase, Crow, Garrett, Hammill, Hunter, Larrabee, McCulloch, Neal, Smith of Shelby, Spaulding, Van Law—11.

Absent or not voting:

Ames, Cowles, Hoyt, McColl, McManus, Malmberg, Proudfoot, Quigley, Ream, Savage, Stuckslager, Taylor, Webber—13.

Senator Francis moved to amend the title as follows: I move to amend the title by striking same out and substituting therefor the following:

A BILL

For an act to amend the law as it appears in Section 2088 of the Supplement to the Code, 1907, relieving Interurban railroads from the provisions of said section.

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 Taylor, Senate File No. 292, a bill for an act to appropriate the sum of one hundred sixty-four and 22-100 dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis county, Iowa, deceased, for military service performed by him as captain of Company D, Forty-fifth regiment, Iowa volunteers Infantry, in the month of May, A. D., Eighteen Hundred and Sixty-four, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Taylor moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, De-Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal Parshall, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Chase, McColl, McManus, Proudfoot, Ream, Savage, Stuck-slager, Webber—8.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that Senate File No. 158 be made a special order for Thursday morning at 10 o'clock.

Carried.

#### INTRODUCTION OF BILLS.

By Committee on Public Health, Senate File No. 416, a bill for an act to repeal the law as it appears in Section Twenty-five Hun-

dred Sixty-four (2564) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the State Board of Health.

Passed on file.

By Senator Bennett, Senate File No. 417, a bill for an act to amend Section Nine (9) of Chapter One Hundred Sixty-eight (168) of the acts of the Thirty-third General Assembly.

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

By Senator Clarkson, Senate File No. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition.

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

#### THIRD READING OF BILLS.

On motion of Senator Van Law, Senate File No. 213, a bill for an act to repeal the law as it appears in Section 1661-a of the Supplement to the Code, 1907, as amended by Chapter 108, acts of Thirty-third General Assembly, relative to state aid to county and district fairs, 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 Van Law moved the adoption of the following amendment: By striking out the word "six" in line fifteen of Section 1 and inserting in lieu thereof the word "four".

Adopted.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Sammis, Saunders, Smith of Shelby, Sullivan, Taylor, Van Law, White—30.

The nays were:

Quigley—1.

Absent or not voting:

Bennett, Brown, Chase, Cowles, De Wolf, Francis, Garrett, McColl, McManus, Parshall, Proudfoot, Ream, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Webber, Wilson—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Gilliland moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 18, 1911.

Senate met in regular session at 9:00 o'clock a. m., President Clarke presiding.

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

On request of Senator Crow, leave of absence was granted Senator Sammis until Tuesday.

On request of Senator Gilliland, leave of absence was granted Senator Van Law for the day.

On request of Senator Balluff, leave of absence was granted Senator McManus for the day.

On request of Senator Adams leave of absence was granted Senator Savage until Monday.

## PETITIONS AND MEMORIALS.

Senator Smith of Mitchell presented a remonstrance of citizens of Mitchell county against Senate File No. 260.

Referred to Committee on Fish and Game.

Senator Brown presented a petition of citizens of Leon, Iowa, favoring Senate File No. 259.

Referred to Committee on Judiciary.

Senator McColl presented a remonstrance of physicians of Perry, Iowa, against House File No. 441.

Referred to Committee on Public Health.

Senator Mattes presented a petitions of citizens of Chickasaw county favoring appropriations for county fairs.

Referred to Committee on Appropriations.

Senator Garrett presented a petition of citizens of Muscatine, Iowa, favoring the fixing of fire insurance rates by law.

Referred to Committee on Insurance.

## 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. 235, a bill for an act to repeal Section Number Two (2) of Chapter One Hundred Two, laws of the Thirty-third General Assembly, and to enact a substitute in lieu thereof, relating to traction engines on public roads.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 amend Section Two Thousand Seven Hundred Ninety-three-a (2793-a) of the Supplement to the Code, 1907, relative to the boundary lines between a school township and an independent city or town district.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 402, a bill for an act to amend Section One Thousand Five (1005) of the Supplement to the Code, 1907, with additional provisions in regard to the fire 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. 383, a bill for an act to legalize a special election of the independent school district of Paton in the county of Greene and state of Iowa, and all proceedings precedent thereto and to authorize the issue of 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. 140, a bill for an act to amend Section Twenty-seven Hundred Thirty-four-u (2734-u), Supplement to the Code, 1907, relative to the revocation 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. 221, a bill for an act making appropriation for additional improvements and land 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 passed the following bill in which the concurrence of the House was asked:

Senate File No. 130, 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 by substitute and passed the following bill in which the concurrence of the House was asked:

Senate File No. 2, a bill for an act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 235, a bill for an act to repeal Section Number Two (2) of Chapter One Hundred Two, Laws of the Thirty-third General Assembly, 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 Highways.

House File No. 189, a bill for an act to amend Section Two Thousand Seven Hundred Ninety-three-a (2793-a) of the Supplement to the Code, 1907, relative to the boundary lines between a school township and an independent city or town district.

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

House File No. 402, a bill for an act to amend Section One Thousand Five (1005) of the Supplement to the Code, 1907, with additional provisions in regard to the fire fund.

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

House File No. 383, a bill for an act to legalize a special election of the independent school district of Paton in the County of Greene, and State of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds.

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

House File No. 140, a bill for an act to amend Section Twenty-seven Hundred Thirty-four-u (2734-u), Supplement to the Code, 1907, relative to the revocation of teachers' certificates.

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

House File No. 221, a bill for an act making appropriations for additional 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. 130, a bill for an act making an appropriation to defray the expenses of the inaugural ceremonies.

Passed on file.

Senate File No. 2, a bill for an act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected.

Substitute read first and second time.

Passed on file.

Senator Balluff moved that the House be requested to return to the Senate House File No. 281.

Motion prevailed.

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

## INTRODUCTION OF BILLS.

By Senator Garrett, Senate Joint Resolution No. 6, instructing and empowering the Governor of the State of Iowa to issue to Colonel Benjamin F. Beach a brevet brigadier general's commission.

*Be it Resolved by the General Assembly of the State of Iowa:*

*That Whereas* Colonel Benjamin F. Beach was in command of the famous Iowa Brigade during the last six months of the late War of the Rebellion, and

*Whereas*, the said Colonel Benjamin F. Beach during said time distinguished himself for bravery and heroic services, therefore,

*Be it Resolved* by the General Assembly of the State of Iowa that the Governor of the state of Iowa be and he is hereby directed to issue to the said Benjamin F. Beach a Brevet Brigadier General's Commission.

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

## 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 House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities, (additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as per request House File No. 281, a bill for an act to amend Title Five (V) Chapter Fourteen (14) of the Code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code and amendments thereto, and enacting substitutes therefor.)

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

On motion of Senator Brown House Substitute for Senate File No. 2, a bill for an act to amend the law as it appears in Chapter Eleven (11), Title Twelve (12), of the Supplement to the

Code, 1907, relating to the inspection of petroleum products, and to amend said chapter so as to include specifically gasoline for power, illuminating and heating purposes, was taken up and considered.

Senator Brown moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Carried.

The substitute bill was read for information.

Senator Brown moved that the rules be suspended, the bill be considered engrossed and that the Senate concur in the following House Substitute Amendment:

A BILL

For an Act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha sold or kept for sale within this state to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That all products of petroleum, known as gasoline, benzine, or naphtha, sold or kept for sale within this state, shall be labeled or branded in plain, clear, legible letters in English and figures showing the Baume gravity test at a temperature of 60 degrees Fahrenheit. If such petroleum products are sold by the barrel half barrel or cask, the label shall be placed in a conspicuous place on each barrel, half barrel or cask. If sold from a tank wagon, the person selling or delivering the same shall show on each sale ticket the gravity test as hereinbefore provided.

Sec. 2. Any person, firm, company, association or corporation, or any employee or agent of any such person, firm, company, association or corporation who shall sell or cause to be sold or keep for sale within the state any products of petroleum known as gasoline, benzine or naphtha, which has not been branded as above required or which shall be falsely or incorrectly branded, or which is labeled so as to mislead or deceive the purchaser or which is not equal to the gravity test as stated therein, shall be guilty of a misdemeanor.

Sec. 3. It shall be the duty of the chief oil inspector, or such state inspector or deputy as may be directed by him, upon complaint, to inspect gasoline, benzine or naphtha for the purpose of determining as to whether the same is up to the standard and quality as shown by the label thereon; or said chief oil inspector may at his own option inspect or cause to be inspected, such petroleum products.

Sec. 4. The chief oil inspector, or any state inspector or deputy, is hereby invested with authority and jurisdiction to enter upon the premises of any one selling or keeping for sale within this state any gasoline, benzine or naphtha for the purpose of inspecting the same as herein provided.

On the question, "Shall the Senate concur in the House Substitute Amendment?"

The ayes were:

Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, De Wolf, Francis, Larrabee, McColl, McManus, Proudfoot, Sammis, Saunders, Savage, Spaulding, Stuckslager, Sullivan, Van Law, Webber—19.

So the House Substitute Amendment having received a constitutional majority was declared to have been concurred in and passed by the Senate.

#### HOUSE MESSAGES CONSIDERED.

House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the Laws of the Thirty-third General Assembly, relating to the improvements of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

Passed on file.

House File No. 281, a bill for an act to amend Title Five (V), Chapter Fourteen (14) of the Code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code and amendments thereto, and enacting substitutes therefor.

Passed on file.

Senator Cowles moved that Senate File No. 77 be made a special order for Wednesday to follow Special Order No. 1.

Motion prevailed.

THIRD READING OF BILLS.

On motion of Senator Balluff, House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter), was taken up, and considered.

Senator Balluff asked unanimous consent to move that the vote by which House File No. 220 passed the Senate and by which it passed to its third reading be reconsidered.

Consent granted.

Senator Balluff moved that the vote by which House File No. 220 passed the Senate and by which it passed to its third reading be reconsidered.

Carried.

Senator Balluff offered the following amendment and moved its adoption.

I move to amend Substitute for House File No. 220 by inserting after the figure "1" and before the word "any" in the first line thereof the words : "The law as it appears in Chapter Sixty (60), Acts of the Thirty-third General Assembly, be and the same is hereby amended by adding at the end of said chapter the following:"

Adopted.

Senator Balluff 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:

Adams, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Ham-mill, Hunter, Jewell, Legel, McCulloch, Malmberg, Neal, Parshall, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Bennett, Chase, De Wolf, Fitchpatrick, Hoyt, Larrabee, McColl, McManus, Mattes, Proudfoot, Sammis, Saunders, Savage, Schrup, Stuckslager, Van Law, Webber—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 Balluff, House File No. 281, a bill for an act to amend Title Five (V), Chapter Fourteen (14) of the Code and amendments thereto, relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996), inclusive, of the Code and amendments thereto, and enacting substitutes therefor), was taken up and considered.

Senator Balluff asked unanimous consent to move a reconsideration of the vote by which the bill passed the Senate, and by which it passed to its third reading.

Consent granted.

Senator Balluff moved that the vote by which the bill passed the Senate and by which it passed to its third reading be reconsidered.

Carried.

Senator Balluff moved that the rules be suspended, 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, Ames, Baluff, Brown, Chapman, Cowles, Crow, Dunne-gan, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, Malm-berg, Mattes, Parshall, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—27.

The nays were:

None.

**Absent or not voting:**

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Chase, Clarkson, De Wolf, Fitchpatrick, Hammill, Hoyt, Larrabee, Legel, McColl, McCulloch, McManus, Proudfoot, Sammis, Saunders, Savage, Schrup, Stuckslager, Van Law, Webber—23.

Senator Balluff offered the following amendment to the title and moved its adoption:

I move to amend the title by striking out the parenthesis and period after the word "therefor" in the last line thereof and substituting in lieu thereof a comma and by adding the following: "and to make Sections Eight Hundred Fifty-b (850-b) to Eight Hundred Fifty-n (850-n), inclusive, Supplement to the Code, 1907, as amended by Chapters Fifty-six (56), Fifty-seven (57 and Fifty-eight (58), Laws of the Thirty-third General Assembly, and Section Eight Hundred Fifty-two (852), Supplement to the Code, 1907, relating to park commissioners, their powers and duties and the assessment, levy and collection of taxes, applicable to cities acting under special charters," and by striking out the character ( after the word cities in the third line and inserting in lieu thereof a comma.

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 Chase, Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), Acts of the Thirty-third General Assembly, relating to the liability of corporations operating a railway for negligence or wrongs of employes, 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.

The ayes were:

Adams, McCulloch, Mattes—3.

The nays were:

Allen of Pocahontas, Ames, Balkema, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hun-



ter, Jewell, Larrabee, McColl, Malmberg, Neal, Parshall, Ream, Smith of Mitchell Smith of Shelby, Sullivan, White, Wilson—25.

**Absent or not voting:**

Allen of Jefferson, Balluff, Bennett, Brown, Cowles, De Wolf, Gilliland, Hammill, Hoyt, Legel, McManus, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Spaulding, Stuckslager, Taylor, Van Law, Webber—22.

So the report of the committee was rejected.

**REPORT OF COMMITTEE ON ENROLLED BILLS.**

Senator Malmberg 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. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33rd) General Assembly, entitled: "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," and relating to the same subject.

**Also:**

Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64) Acts of the Thirty-third (33rd) General Assembly relating to the government of certain cities.

**Also:**

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

ED. P. MALMBERG,

*Chairman.*

Adopted.

**REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.**

Senator Malmberg, 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 they have examined and find correctly enrolled House File No. 29, a bill for an act to repeal Section Five Thousand One Hundred Nineteen (5119) of the Code, relating to vagrants, and enacting a substitute therefor.

**Also:**

House File No. 11, a bill for an act to amend Section One (1) and Two (2), of Chapter One Hundred and Eighty-four (184), Acts of the Thirty-third General Assembly, relative to the limit of indebtedness of independent school districts.

**Also:**

House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1, (4999-a-1), of the Supplement to the Code, relative to water closets or privies.

**Also:**

Senate File No. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the acts of the Thirty-third (33d) General Assembly, entitled: "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," and relating to the same subject.

**Also:**

Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64) Acts of the Thirty-third (33rd) General Assembly, relating to the government of certain cities.

**Also:**

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

**Adopted.**

By unanimous consent Senator Smith of Shelby moved that the vote by which the report of the committee on Senate File No. 320 was adopted be reconsidered.

**Carried.****THIRD READING OF BILLS.**

On motion of Senator Wilson, House File No. 14, a bill for an act to repeal Section One Thousand Five Hundred and Sixty-nine (1569) of the Code, 1907, and to enact a substitute therefor relating to passing of vehicles, including automobiles on the public

highway, with report of committee recommending passage, was taken up and considered.

Senator Wilson moved that the bill be dropped from the calendar and from further consideration by the Senate.

The motion was lost.

Senator Wilson offered the following amendment and moved its adoption:

I move to amend by inserting after the word "right" in the eighth line of the printed bill the following: "loaded teams shall have the preference."

The amendment was withdrawn.

Senator Ames moved that further consideration of the bill be postponed, and made a special order for next Tuesday.

Motion withdrawn.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend by inserting after the word "right" in the eleventh line of the substitute as it appears on page 285 of House Journal the words "giving at least half of the roadway."

Amendment withdrawn.

Senator Saunders moved the previous question.

On the question "Shall the main question be now put?" the previous question was ordered.

The bill was read for information:

Senator Francis 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewel, Larrabee, McColl, McCulloch, Malmberg, Neal, Parshall, Saunders, Schrupp, Smith of Shelby, Spaulding, Stuckslager, Sullivan—29.

The nays were:

Allen of Pocahontas, Chase, Crow, Garrett, Legel, Mattes, Quigley, Smith of Mitchell, Taylor, White, Wilson—11

**Absent or not voting:**

Clarkson, Cowles, De Wolf, McManus, Proudfoot, Ream, Sammis, Savage, Van Law, Webber—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

President Pro tem James A. Smith was called to the chair at 11:30 o'clock.

Senator Spaulding submitted the following committee report, which was ordered printed in the Journal:

MR. PRESIDENT—Your Committee appointed to investigate and report with reference to the condition of the Soldiers' and Sailors' Monument and grounds surrounding the same; steps and walks leading up to the capitol from the south, west and north, and the buildings and property adjacent to the capitol and make recommendations with reference thereto, beg leave to report as follows:

We recommend that the sum of Forty-three Thousand Four Hundred Dollars (\$43,300) be appropriated to be expended by the Executive Council for the following repairs and for such improvements in, upon or about the Capitol Building and grounds, the Historical Building, and the grounds surrounding the Soldiers' and Sailors' Monument, as in the judgment of the Executive Council may be necessary.

Two new steel elevator cages, to replace the old wood cages now in use in the Capitol Building. Estimated .....	\$ 800.00
Installing electric elevators in the north and south wings of the Capitol, connecting the second and third floors, making rooms in the third story as easy of access as those in the second story. Estimated. ....	5,000.00
New lamp posts about the Capitol similar to those now on the north side. Estimated .....	200.00
For granite steps on the north and west of the Capitol and repairing those on the south. Estimated .....	15,000.00
For cleaning, painting and sanding window and door frames, painting sash and outside iron work, varnishing doors, and repairing window sills. Estimated .....	1,200.00
Cleaning ceiling and walls in the Senate Chamber and Senate Committee rooms, cleaning and decorating ceiling and walls of rooms occupied by Lieutenant Governor. Estimated .....	1,500.00
Re-decorating the rooms occupied by the Board of Health. Estimated .....	350.00
For permanent cases in the Board of Health Department .....	400.00
Completing vacuum system of heating and ventilating Capitol and Historical Buildings as originally planned. Estimated .....	1,500.00
Two portable vacuum cleaners .....	400.00
Installing electric lights in offices and committee rooms not already supplied. Estimated .....	550.00

Installing electric lights in Law Library, so as to properly light the room and all alcoves. Estimated .....	800.00
Installing electric lights in Supreme Court room. Estimated....	125.00
Repairing stokers, engines, and arches and resetting boilers, etc. Estimated .....	1,500.00
New air compressor, the old one is too small. Estimated.....	150.00
Cement walk from Capitol to Soldiers' Monument. Estimated..	300.00
Retaining wall on the north, south and west of the monument lot and an iron fence on the east, so that the teams can not drive on the lot. Estimated .....	700.00
For installing passenger elevator in the Historical Building. Estimated .....	2,800.00
For changing the air supply in the Historical Building, by taking the air from above the roof, instead of taking the dust laden air from the ground. Estimated .....	800.00
For installing a watchman's clock in the Historical Building and wiring for the same. Estimated .....	600.00
For roller shelving in Newspaper Department of Historical Building. Estimated .....	8,625.00

Respectfully submitted,

O. H. JACOBSON,

*Chairman.*

J. J. DUNNEGAN,

H. W. SPAULDING,

GEO. W. SCHEE,

M. F. McCULLOUGH.

#### REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 114, a bill for an act to amend Section 1, Chapter 184 of the Acts of the Thirty-third General Assembly, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,

*Chairman.*

Senator Adams moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

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

MR. PRESIDENT—Your Committee on Military, to whom was referred Senate File No. 298, a bill for an act to authorize the removal of the

Soldiers' and Sailors' monument in Des Moines, Iowa, and the erection of the same upon the site provided by the City of Des Moines adjacent to the east bank of the Des Moines river between Locust and Walnut streets in said city, 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 Section One of the original bill the following section: "Sec. 2. The city of Des Moines shall deed to the State of Iowa sufficient ground upon which monument may be located, said ground to be the property of the State of Iowa. The city of Des Moines further assumes the obligation to at all times care for and keep the ground surrounding the monument as a park. This to be without expense at any time, to the State of Iowa."

By striking the words and figures "section two (2)" from the original bill and inserting the words and figures "section three (3)". That the bill be referred to the Committee on Appropriations with the recommendation that the bill do pass.

J. D. BROWN,  
*Chairman.*

Senator Brown moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

#### INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 419, a bill for an act to provide for the nomination of 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 Hunter, Senate File No. 420, a bill for an act to abolish the practice of making and noting exceptions to the rulings, decisions, judgments and decrees of courts and to provide a method to obtain the review of same by the Supreme Court.

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

By Committee on Highways, Senate File No. 421, a bill for an act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422) and One Thousand Three Hundred Three (1303) of the Supplement to the Code, 1907, and to repeal Section One Thousand Five Hundred Twenty-eight (1528) of the

Supplement to the Code, 1907, and to enact a substitute therefor, relating to election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

Read first and second time and ordered placed on Calendar.

By Senator McColl, Senate File No. 422, a bill for an act to amend Chapter Ninety-six (96) of the Acts of the Thirty-third General Assembly, and to create the office of County Weed Commissioner, to provide for his appointment and duties.

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

By Senator Francis, Senate File No. 423, a bill for an act to repeal the law as it appears in Section Two Hundred Eleven (211) of the Code, and the law as it appears in Section Two Hundred Twelve (212), Supplement to the Code, 1907, and to enact a substitute therefor relating to the salary of the Attorney General, and the appointment and salary of his assistant and special counsel.

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

#### THIRD READING OF BILLS.

On motion of Senator Hoyt, Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa, with report of committee recommending the adoption of a substitute and passage, was taken up and considered.

Senator Hoyt moved that the substitute be substituted for the original bill.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malm-

berg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Crow, De Wolf, McManus, Proudfoot, Sammis, Savage, Spaulding, Stuckslager, Sullivan, Van Law, Webber—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 Adams Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, 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 Adams moved the adoption of the following amendment:

Amend Section 1 by inserting after the word "to" at the beginning of line three thereof, the words "examine into the records and facts and if the records and facts are as above set forth."

Adopted.

The bill as amended was read for information.

Senator Adams moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Taylor, White, Wilson—34.

The nays were:

None.



**Absent or not voting:**

Balkema, Chase, De Wolf, Hoyt, McColl, McManus, Malmberg, Proudfoot, Sammis, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Van Law, Webber—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

President Clarke resumed the chair at 11:50 o'clock.

Senator Allen of Jefferson moved that when the Senate adjourn it be until 10:00 o'clock Monday morning.

Senator Hammill moved as a substitute that when the Senate adjourn it be until 1:30 o'clock this afternoon.

Substitute lost.

Senator Smith of Mitchell moved as an amendment that when the Senate adjourns it be until 9:00 o'clock Monday morning.

Amendment adopted.

Motion as amended prevailed.

## 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. 251, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement, and equipment of buildings for the State University of Iowa, the State College of Agriculture and Mechanic Arts, and the State Teachers' College, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,  
*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities, beg leave to report they have had the same under consideration and recommend the same do pass.

JAS. A. SMITH,  
*Chairman.*

Passed on file.

Senator Larrabee, from the Committee on Labor, submitted the following report:

MR. PRESIDENT—Your Committee on Labor, to whom was referred Senate File No. 372, a bill for an act to amend Section 2469 Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

To amend the title so as to read as follows: "to amend the law as it appears in Section 2469 of the Supplement to the Code, 1907, relating to the term of office of the Commissioner of Labor.

To amend the bill by placing after the word "each" in the Fourth line thereof the following: "and insert in lieu thereof the word "an," and when so amended the bill do pass.

FREDERIC LARRABEE,  
*Chairman.*

Ordered passed on file.

The President announced the appointment of the following committees on the part of the Senate to visit the state institutions in accordance with the House Concurrent Resolution:

Anamosa, Legel; Oakdale, Davenport, Chase; Cherokee, Savage; Glenwood, Clarinda, Council Bluffs, Adams; Independence Jewell; Eldora, DeWolf; Vinton, Marshalltown; Allen of Jefferson.

The President announced that as President of the Senate in the presence of the Senate he had signed House Files Nos. 29, 11 and 155, and Senate Files Nos. 86 and 124, substitute for Senate File No. 14.

Senator Mattes asked unanimous consent that House File No. 100 be placed at the foot of the Calendar.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Gilliland, Senate File No. 124, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422), Supplement to the Code, 1907, relating to the powers of Boards of Supervisors.

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

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 86, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly, entitled: "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," and relating to the same subject.

Also:

Senate File No. 124, a bill for an act to amend Chapter Sixty-four (64) Acts of the Thirty-third (33rd) General Assembly relating to the government of certain cities.

Also:

Senate File No. 14, a bill for an act to amend Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

On request of Senator Clarkson, leave of absence was granted him until Wednesday morning.

On request of Senator Legel, leave of absence was granted him until Tuesday.

On request of Senator Hoyt, leave of absence was granted him until Tuesday.

The President announced as teller on the part of the Senate Senator Sullivan and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger,

Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gillilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Ham-mill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hunt, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette Leach, Legel, Lenoeker, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Dubuque, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Quigley, Ream, Ripley, Ritter, Rowles, Russell, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Whitney, Wilson, Zeller—136.

Absent or paired:

Chase, De Wolf, Dunlap, Finlayson, Fletcher, Hoyt, Huff, Hunter, Linnan, McCleery, McManus, Miller of Bremer, Milton, Moore, Pickford, Proudfoot, Robbins, Sammis, Savage, Van Camp, Van Law, Webber—22.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Crow, Downey, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Me-

Cullough of Dubuque, Miller of Dubuque, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—42.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Saunders, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager—28.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Neal, Newell, Patterson, Perkins, Ripley, Russell, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stodard, Sullivan Whitney, Zeller—62.

Those voting for Daniel Hamilton were:

Clarkson, Dabney, Quigley, Ream—4.

Absent or paired:

Chase, De Wolf, Dunlap, Finlayson, Fletcher, Hoyt, Huff, Hunter, Linnan, McCleery, McManus, Miller of Bremer, Milton, Moore, Pickford, Proudfoot, Robbins, Sammis, Savage, Van Camp, Van Law, Webber—22.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Cagress, and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Bennett moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 20, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Father J. F. Nugent of Des Moines, Iowa.

On request of Senator Dunnegan leave of absence was granted Senator Quigley for the day.

On request of Senator Malmberg leave of absence was granted Senator Ream for the morning session.

On request of Senator Neal leave of absence was granted Senator Chase until tomorrow.

## PETITIONS AND MEMORIALS.

Senator Proudfoot presented a remonstrance of citizens of Milo, Iowa, against the passage of House File No. 444.

Referred to Committee on Pharmacy.

Senator Proudfoot presented a petition of citizens of Warren county favoring the passage of the five mile limit bill.

Referred to Committee on Suppression of Intemperance.

Senator Stuckslager presented a petition of teachers of Mount Vernon, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Taylor presented a petition of citizens of Centerville, Iowa, favoring Senate File No. 259.

Referred to Committee on Ways and Means.

Senator Taylor presented a petition of citizens of Centerville, Iowa, favoring the fixing of fire insurance rates by law.

Referred to Committee on Insurance.

Senator Smith of Mitchell presented a petition of citizens of Northwood, Iowa, favoring amendment to House File No. 14.

Referred to Committee on Highways.

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

## INTRODUCTION OF BILLS.

By Committee on Banks, Senate File No. 425, a bill for an act to amend the law as it appears in Section Eighteen Hundred Seventy-two (1872) of the Code.

Read first and second time and ordered placed on Calendar.

By Committee on Banks, Senate File No. 426, a bill for an act to amend the law as it appears in Section Eighteen Hundred and Seventy-three (1873) of the Supplement to the Code, 1907.

Read first and second time and ordered placed on Calendar.

By Senator De Wolf, Senate File No. 427, a bill for an act amending Section Thirteen Hundred and Nine (1309) of the Code, relating to the defining of credits for the purpose of taxation.

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

By Senator De Wolf, Senate File No. 428, a bill for an act amending Section Thirteen Hundred and Eleven (1311) of the Code, relating to defining debts for the purpose of taxation.

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

By Senator Chapman, Senate File No. 429, a bill for an act to abolish the common drinking cup.

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

## REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report.

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 329, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 342, a bill for an act to provide for the reorganization of the Supreme Court of Iowa, for the appointment and election of additional judges, and other purposes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 197, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code 1897, relative to the title and disposition of real estate acquired by a school corporation, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 370, a bill for an act amendatory and additional to Paragraph Three (3) of Section Three Thousand 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.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.



Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 43, a bill for an act repealing Section Forty-one (41) of the Code and providing the manner in which the Code and Supplement thereto, together with the Acts of the General Assembly shall be amended, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 82, a bill for an act to amend the law as the same appears in Chapter One Hundred and Eighty-four (184) of the Acts of the Thirty-third General Assembly of the State of Iowa, relative to the limit of indebtedness of independent school districts, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 245, a bill for an act to amend Section Nineteen Hundred Thirteen (1913) Chapter Thirteen (13) Title Nine (IX), relating to filing fees of building and loan associations, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Ways and Means.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Ways and Means.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 424, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422), Supplement to the Code, 1907, relating to the powers of boards of supervisors, 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 Judiciary, to whom was referred Senate File No. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 1 by striking from the Sixth and Seventh line thereof the comma following the word "paid" and the words "two-thirds to the owner and one-third to the husband or wife of such owner," and insert in lieu thereof the words "to the owner or two-thirds to the owner and one-third to the spouse," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided, 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 Judiciary, to whom was referred Senate File No. 338, a bill for an act to define and punish contributory delinquency, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 2 by adding thereto the following: "If the suspension of sentence be not revoked during the full period of two years as herein provided, the sentence shall be by expiration of said period satisfied, and the sentence and bond shall cease to be of further force and effect," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette County, State of Iowa, and regulating the payment thereof, 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 Judiciary, to whom was referred Senate File No. 382, a bill for an act to legalize the acts of the Treasurer of Monroe County, Iowa, relating to the transferring of funds from the District School Fund to the county fund, 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 Judiciary, to whom was referred House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury in cases in which the punishment exceeds a fine of One Hundred Dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information, 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 Gilliland moved that House File No. 12 be made a Special Order following the Special Order assigned for next Thursday.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 346, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes, 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 Judiciary, to whom was referred House File No. 383, a bill for an act to legalize a special election of the independent school district of Paton in the County of Greene, and State of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds, 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 Judiciary, to whom was referred House File No. 64, a bill for an act to amend Section Four Thousand Seven Hundred Seventyfive-c (4775-c) of the Supplement to the Code, 1907, relating to the neglect or refusal to support wife or children or deserting the same, 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 "fix" and before the word "make" in the Tenth line thereof, the word "may" and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

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. 375, a bill for an act to establish a department of Horticulture and Forestry and to make an appropriation thereof, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Strike out the words and figures "Five Thousand Dollars (\$5,000.00)" in the Third and Fourth lines of Section Three of the original bill and insert in lieu thereof the words and figures "Three Thousand Dollars (\$3,000.00)" and when so amended the bill be referred to the Appropriation Committee with recommendation that the same do pass.

L. L. TAYLOR,  
*Chairman.*

Senator Taylor moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

## THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof 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:

By placing a "y" instead of the "e" on the word "durable" in the second line of the second page of the bill.

Adopted.

Senator Hammill offered the following amendment and moved its adoption:

Amend House File No. 199 as follows:

Section one (1), line two (2), insert a comma (,) after the word "sell". Section three (3), line two (2), insert a comma (,) after the word "sell", and line five (5) place quotation marks (" ") before the word "Substitute" and after the word "turpentine", and strike out the word "provided" in line six (6) and insert in lieu thereof the word "and". In line fourteen (14) insert a comma (,) after the word "sold".

Adopted.

The bill as amended was read for information.

Senator Hammill 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Proudfoot, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby,

Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Bennett, Chase, Cowles, Fitchpatrick, Hoyt, Legel, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Stuckslager—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 Hammill House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil, setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil, (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith, with report of the 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:

By inserting for the figures 0.645 the figures 0.945 in the fifth line from the last on page one of the bill.

Adopted.

Senator Hammill offered the following amendment and moved its adoption:

Amend House File No. 198 as follows:

Section one (1), line two (2), insert a comma (,) after the word "sell".

Section three (3), line two (2), insert a comma (,) after the word "sell" and in line ten (10) strike out the figure six (6) and insert in lieu thereof the figure nine (9).

Section five (5), line two (2), insert a comma (,) after the word "sell" and in line five (5) place quotation marks (") before the word "Substitute", also place quotation marks (") after the word "oil" in line six (6). Strike out the word "provided" in line six (6) and insert in lieu thereof the word "and".

Section seven (7), line six (6), insert a comma (,) after the word "Code".

Section nine (9), insert a comma (,) after the word "Code" wherever it appears in this section. Amend by inserting for the figures "6.645" the figures "0.945" in the fifth (5th) line from the last on page one (1) of the bill.

Adopted.

The bill as amended was read for information.

Senator Hammill 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:

Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, Malmberg, Mattes, Neal, Proudfoot, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber—29.

The nays were:

Jewell—1.

Absent or not voting:

Adams, Allen of Pocahontas, Bennett, Chase, Clarkson, Cowles, Fitchpatrick, Hoyt, Legel, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Van Law, White, Wilson—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 Sullivan, Senate File No. 16, a bill for an act to amend the law as the same appears in Section 308 of the Supplement to the Code of 1907, relating to the compensation of county attorneys, with report of committee recommending passage, was taken up, considered, and the report of the committee, adopted.

Senator Sullivan moved that the bill be amended by striking out the word "daily" before the word "Capital".

Adopted.

Senator White moved the previous question on the question "Shall the main question be now put?" the previous question was ordered.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Malmberg, Mattes, Neal, Proudfoot, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van, Law, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Chase, Crow, Fitchpatrick, Francis, Hoyt, Legel, McColl, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Smith of Shelby—14.

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 song "Iowa" by S. H. M. Byers being declared to be recognized as the state song.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns House File No. 248, as requested, a bill for an act to amend the law in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

Substitute for House File No. 280, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-5 (4999-a-5), Supplement to the Code, 1907, and Section Forty-nine Hundred and Ninety-nine-a-10



(4999-a-10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and fire escapes and to provide penalty for removing safeguards.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 411, a bill for an act to legalizing assignments of mortgages and other recorded liens made upon the margin of the records, and making such assignments admissable in evidence.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 amend the law as it appears in Sectoin Six Hundred Seventy-four (674) of the Supplement to the Code, 1907, relating to the compensation of assessors and 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. 129, a bill for an act to amend Chapter Thirteen (13), Title Twelve (XII), of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Dairy Commissioner and State Dairy Inspector, and fixing the salary of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts 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 Senate is asked:

House File No. 277, a bill for an act to amend Chapter Two Hundred (200), Laws of the Thirty-third General Assembly, relating to estates of absentees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 legalize all the elections of the town of Floyd, in the county of Floyd, State of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of the act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly, and defining the terms of office of the councilmen and officers of said town, and providing for future elections 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 House was asked:

Senate File No. 185, a bill for an act to amend Chapter Eleven (11), Laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

C. R. BENEDICT,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 430, a bill for an act to repeal Section Twenty-seven Hundred Forty-seven (2747) of the Code and to enact a substitute therefor relating to the right to vote at school meetings and elections.

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

By Senator Allen of Jefferson, Senate File No. 431, a bill for an act in relation to the running of passenger trains over railroads.

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

By Senator Allen of Jefferson, Senate File No. 432, a bill for an act to amend Section Eleven Hundred Thirty-one (1131) of the Code in relation to voting by women.

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

## REPORTS OF COMMITTEES.

Senator Stuckslager, 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. 392, a bill for an act amending Section Eight Hundred Twenty-five of the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 40, a bill for an act to grant power to cities having a population of thirty thousand or over and organized under Chapter Fourteen-c (14-c), of Title Five (V), of the Supplement to the Code, 1907, and amendments thereto, to assume exclusive charge, custody and control of all trees and shrubbery and the planting and maintenance thereof on the public streets and to provide for the payment of the costs thereof, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 167, a bill for an act to amend the law as it appears in Chapter Forty-two (42) of the Acts of the Thirty-third General Assembly relating to the publication of the proceedings of city and town councils, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 13, a bill for an act to prohibit persons, partnerships, or corporations, owning or operating street car systems, from using or operating any cars, with a side running board unless the same shall be provided with a center aisle or passage way of not less than two feet, running the entire length of such car, and fixing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 397, a bill for an act amending Section Six Hundred Eighty-three (683), Paragraph Three (3) of Section Six Hundred and Eighty-four (684), Section Seven Hundred Ninety-three of the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 388, a bill for an act amending Section Eight Hundred and Ten (810) of the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 389, a bill for an act amending Section Three Thousand Four Hundred Forty-seven (3447) of the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 390, a bill for an act amending Section Seven Hundred Eighty-two (782) of the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 391, a bill for an act amending Section Eight Hundred Twenty-three (823) of the Supplement to the Code and relating to making sewer and street improvements, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 33, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-four-a of the Supplement to the Code and to enact a substitute in lieu thereof relating to organization of consolidated independent school districts, was taken up and considered.

Senator Allen of Pocahontas offered the following amendment and moved its adoption.

Amend by inserting the words "the State of" following the word "of" and before the word "Iowa" in the enacting clause.

Adopted.

The bill as amended was read for information.

Senator Allen of Pocahontas, moved that the rules be suspended, the reading just had be considered the third reading, which motion prevailed.

On question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal Proudfoot, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Van Law, Weber, Wilson—32.

The nays were:

None.

Absent or not voting:

Brown, Chase, Fitchpatrick, Garrett, Gates, Hoyt, Legel, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Sullivan, Taylor, White—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 Balluff, House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (5) of the Supplement to the Code of 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee, adopted.

Senator Balluff moved the adoption of the following amendment:

Amend by striking therefrom the following: "the accused shall have the right of appeal from the findings of said Board to the District Court and such appeal shall be taken in the manner provided for appeals from inferior tribunals to the District Court;".

Adopted.

The bill as amended was read for information.

Senator Balluff 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Malmberg, Mattes, Neal, Proudfoot, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Fitchpatrick, Francis, Hoyt, Larabee, Legel, McColl, McCulloch, McManus, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Stuckslager, Van Law, Weber—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 Smith of Mitchell, Senate File No. 398, a bill for an act to legalize conveyances of real property of ex-

ecutors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee, adopted.

The substitute was read for information.

Senator Smith of Mitchell, moved that the substitute be substituted for the original bill.

Adopted.

Senator Smith of Mitchell, moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bennett, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White—34.

The nays were:

None.

Absent or not voting.

Ames, Balluff, Brown, Chase, Fitchpatrick, Hoyt, Hunter, Legel, McCulloch, McManus, Quigley, Ream, Sammis, Saunders, Savage, 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 Gilliland, Senate File No. 386, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-Three (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the secretary of the board of control of state institutions, with report of committee recommending the adoption of a substitute and passage, was taken up, and considered and the report of the committee adopted.

The substitute was read for information.



Senator Gilliland moved that the substitute be substituted for the original bill.

Adopted.

Senator Gilliland moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Brown, Chase, Fitchpatrick, Garrett, Hoyt, Legel, McCulloch, McManus, Quigley, Ream, Sammis, Saunders, Stuckslager, Sullivan—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 Hammill, House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Hammill moved that the substitute be substituted for the original bill.

Adopted.

Senator Hammill 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:

Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Brown, Chapman, Cowles, Crow, De Wolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Malmberg, Mattes, Neal, Parshall, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White—29.

The nays were:

None.

Absent or not voting:

Adams, Ames, Balkema, Chase, Clarkson, Fitchpatrick, Hoyt, Larrabee, Legel, McColl, McCulloch, McManus, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Stuckslager, Van Law, 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 Cowles Senate File No. 366, a bill for an act to amend Section Four Thousand Eight Hundred Twenty-three (4823) of the Code, 1897, pertaining to malicious mischief and trespass, with report of committee recommending the adoption of a substitute and passage was taken up, considered, and the report of the committee, adopted.

Senator Cowles moved that the substitute be substituted for the Original Bill.

Adopted.

The bill was read for information.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White—39.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Allen of Jefferson, Ames, Chase, Clark-son, Crow, DeWolf, Fitchpatrick, Hoyt, Larrabee, Legel, McManus, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, 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 when the Senate adjourn it be until 1:30 P. M. today.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Gilliland, Senate File No. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a (2348-a) of the Supplement to the Code, 1907, relating to bounties, 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 :

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Saunders, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Weber, White, Wilson—35.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Chase, Fitchpatrick, Francis, Hoyt, Larrabee, Legel, McManus, Malmberg, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell—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. 381, a bill for an act to legalize decrees obtained prior to January 1st, 1907, based on notice of publication, where affidavit of non-residence was not filed as by law provided, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

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:

Adams, Balluff, Bennett, Chapman, Clarkson, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Brown, Chase, Cowles, De Wolf, Fitchpatrick, Hoyt, Legel McManus, Quigley, Ream, Sammis, Savage, Wilson, Crow—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title greed to.

On motion of Senator Saunders, House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen, with report of committee recommending the adoption of a 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.

Adopted.

Senator Saunders 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Ames, Chase, Clarkson, Crow, De Wolf, Hoyt, Legel, McColl, McCulloch, McManus, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby—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 Balluff, Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (5), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Balluff moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, McCulloch, Mattes, Neal, Parshall, Proudfoot, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—31.

The nays were:

Jewell, Smith of Mitchell—2.

Absent or not voting :

Adams, Allen of Pocahontas, Ames, Chase, Cowles, Hoyt, Larrabee, Legel, McColl, McManus, Malmberg, Quigley, Ream, Sammis, Saunders, Schrup, Taylor—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 Hammill, House File No. 247, a bill for an act to amend Section Four Thousand Nine Hundred and Ninety-nine-a-thirty-one (4999-a31) of the Supplement to the Code, 1907, relating to food standards, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill 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 :

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White—29.

The nays were :

None.

Absent or not voting :

Adams, Allen of Pocahontas, Chase, Cowles, Crow, Francis, Hoyt, Larrabee, Legel, McColl, McManus, Mattes, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, 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 Saunders, House File No. 267, a bill for an act to amend Chapter 62 of the Acts of the Thirty-third General Assembly relating to pensions to be paid to policemen, with report of committee recommending passage, was taken up, considered, and the report of the Committee adopted.

Senator Saunders moved that the rule be suspended, and the bill read a third time now, which motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Jefferson, Balluff, Brown, Chapman, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber—29.

The nays were:

McCulloch—1.

Absent or not voting:

Allen of Pocahontas, Ames, Balkema, Bennett, Chase, Clarkson, Cowles, Crow, Francis, Garrett, Hoyt, Legel, McManus, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, White, Wilson—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 McCulloch, Senate File No. 262, a bill for an act amending Section 4999-a38 of Chapter 10-b of the 1907 Code Supplement, relating to the enforcement of the pure drug laws, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator McCulloch moved that the substitute be substituted for the original bill.

Adopted.

Senator McCulloch moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Bennett, Brown, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Ham-

mill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Chapman, Chase, Clarkson, Francis, Hoyt, Larrabee, Legel, McManus, Quigley, Ream, Sammis, Schrup—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 Dunnegan, Senate File No. 145, 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, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Mattes raised the point of order that the bill under consideration carried an appropriation and had not been before the Committee on Appropriations.

The President ruled the point of order well taken.

Senator Dunnegan moved that the bill be referred to the Committee on Appropriations.

Adopted.

So the bill was referred to the Committee on Appropriations.

On motion of Senator Clarkson, Senate File No. 382, a bill for an act to legalize the acts of the treasurer of Monroe county, Iowa, relating to the transferring of funds from the district school fund to the county fund, with report of committee recommending passage, was taken up and considered and the report of the committee adopted.

The bill was read for information.

Senator Clarkson moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Chase, Cowles, De Wolf, Hoyt, Larrabee, Legel, McManus. Quigley, Ream, Sammis, Smith of Mitchell—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 Sullivan, House File No. 162, a bill for an act relating to security for costs in justice courts, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Sullivan moved the adoption of the following amendments:

Amend Section 1 by inserting after the word "time" in the second line thereof the words "within two days".

Amend Section 1 further by inserting after the word "other" in the eleventh line thereof, the words "Justice Court."

Adopted.

The bill was read for information.

Senator Sullivan 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McCulloch, Malmberg, Mattes,

Neal, Parshall, Proudfoot, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber—33.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Chapman, Chase, Clarkson, Cowles, Hoyt, Larrabee, Legel, McColl, McManus, Quigley, Ream, Sammis, Smith of Mitchell, White, Wilson—17.

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. 185, a bill for an act to amend Chapter Eleven (11), Laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

Passed on file.

House File No. 408, a bill for an act to legalize all the elections of the town of Floyd, in the county, of Floyd, State of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of the act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly, and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

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

House File No. 277, a bill for an act to amend Chapter Two Hundred (200), Laws of the Thirty-third General Assembly, relating to estates of absentees.

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

Substitute for House File No. 129, a bill for an act to amend Chapter Thirteen (13), Title Twelve (12) of the Supplement to

the Code, 1907, and providing for the appointment of Dairy Commissioner and State Dairy Inspector, and fixing the salary of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

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

House File No. 153, a bill for an act to amend the law as it appears in Section Six Hundred Seventy-four (674) of the Supplement to the Code, 1907, relating to the compensation of assessors and deputies.

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

House File No. 280, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a5 (4999-a5), Supplement to the Code, 1907, and Section Forty-nine Hundred and Ninety-nine-a10 (4999-a10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes and to provide penalty for removing safeguards.

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

House File No. 411, a bill for an act legalizing assignments of mortgages and other recorded liens made upon the margin of the records, and making such assignments admissible in evidence.

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

House File No. 248, a bill for an act to amend the law in Chapter Sixteen-d (16-d), of the Supplement of the Code, 1907, relative to graduate and registered nurses.

Passed on file.

#### HOUSE CONCURRENT RESOLUTION.

*Whereas*, the patriotic song of Iowa by S. H. Byers, has, for years, been sung in all the schools of the state, and on thousands of public occasions, political and social, and wherever Iowa people come together in other states

*Therefore, Be it Resolved by the House*, the Senate concurring, that it be hereby declared to be recognized as the State Song.

Passed on file.

The President announced as teller on the part of the Senate Senator Savage and as assistant teller, Senator Sullivan.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Durnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krellbill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Lenocker, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Oendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—145.

Absent or paired:

Brown of Wright, Byerly, Chase, Hoyt, Legel, Linnan, McCleery, McManus, Moore, Quigley, Sammis, Savage, Smith of Decatur—13.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Sullivan of Polk.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Crow, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Lenocker, McCullough of Dubuque, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Ritter, Rowles, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—43.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Schee,

Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—64.

Those voting for Daniel Hamilton were:

Clarkson, Dabney, Miller of Bremer, Ream, Sater, Webber—6.

Absent or paired:

Brown of Wright, Byerly, Chase, Hoyt, Legel, Linnan, McCleery, McManus, Moore, Quigley, Sammis, Savage, Smith of Decatur—13.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress, and that no election had occurred.

Senator Allen of Pocahontas moved that another ballot for United States Senator be ordered.

Representative O'Connor of Chickasaw moved as a substitute that after the reading of the Journal, the Joint Convention be dissolved.

Representative Johnson of Mitchell moved as an amendment to the substitute that after a second ballot, the Joint Convention be dissolved.

Senator Saunders of Pottawattamie raised the point of order that the motion was practically identical to the original motion and was therefore out of order.

Point of order sustained.

Senator Allen of Pocahontas moved as a substitute that adjournment be taken until 7:30 o'clock tonight, and that the Joint Convention then proceed to ballot on United States Senator.

Senator De Wolf of Grundy raised the point of order that an amendment to a substitute motion was not in order until the substitute had been adopted.

Point of order sustained.

Roll call demanded on the substitute motion.

On the question "Shall the substitute motion be substituted for the original motion?"

The ayes were:

Adams, Allen of Jefferson, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Chapman,

Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, De Wolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fletcher, Fulton, Garrett, Gilbert, Gilliland, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Hunt, Jacobson, Koontz, Krebill, Kull, Leach, Lenocker, Lounsberry, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Miller of Dubuque, Milton, Murtagh, Neal, O'Connor, Odendahl, Olson, Parshall, Penn, Perkins, Proudfoot, Ream, Ritter, Robbins, Rowles, Sater, Saunders, Savage, Schrup, Skinner, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stephenson, Stipe, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Wilson—84.

The nays were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brockway, Bruce, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout Halgrims, Hammill, Harding, Harvey, Hogan, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Miller of Bremer, Newell, Patterson, Pickford, Ripley, Russell, Schee, Shane, Shankland, Sherman, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Whitney, Zeller—61.

Absent or not voting:

Brown of Wright, Bybee, Byerly, Chase, Fourt, Hoyt, Legel, Linan, McCleery, McManus, Moore, Quigley, Sammis—13.

So the substitute motion was substituted for the original motion.

Senator Allen of Pocahontas moved as an amendment to the motion that the Joint Convention adjourn to 7:30, P. M., tonight, and then to proceed to the election of a United States senator.

On this a roll call was demanded.

On the question, "Shall the Joint Convention adourn until 7:30, P. M.

The ayes were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Bruce, Bybee, Campbell of Ida, Campbell of Webster,

Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Miller of Bremer, Newell, Patterson, Pickford, Ripley, Russell, Schee, Shane, Shankland, Sherman, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Whitney, Zeller—62.

The nays were:

Adams, Allen of Jefferson, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brown of Decatur, Chapman, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, De Wolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fletcher, Fourt, Fulton, Garrett, Gilbert, Gilliland, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Jacobson, Koontz, Krebill, Kull, Leach, Lenoeker, Lounsberry, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Miller of Dubuque, Milton, Murtagh, Neal, O'Connor, Odendahl, Olson, Parshall, Penn, Perkins, Proudfoot, Ream, Ritter, Robbins, Rowles, Saunders, Savage, Schrup, Skinner, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stephenson, Stipe, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Wilson—82.

Absent or not voting:

Brown of Wright, Byerly, Chase, Hogan, Hoyt, Hunt, Legel, Linnan, McCleery, McManus, Moore, Quigley, Sammis, Sater—14.

Substitute motion then prevailed.

Journal of the Joint Convention read and approved.

Joint Convention dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator White moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30 P. M. President Clarke presiding.



## PETITIONS AND MEMORIALS.

Senator Hunter presented a petition of Trust Companies of Iowa relative to the capital stock of trust companies. \*

Referred to Committee on Banks.

Senator Bennett presented a remonstrance of citizens of Lenox, Iowa protesting against House File No. 100.

Referred to Committee on Schools.

Senator Mattes presented a petition of teachers of Sac City, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

Senator Gilliland presented a petition of citizens of Red Oak, Iowa, favoring Senate File No. 77.

Referred to Committee on Schools.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled House File No. 262, a bill for an act concerning the commission plan of government in certain cities, additional to Chapter Fourteen-c (14-c) Title Five (V) of the Supplement to the Code, 1907, and Chapter Sixty-four (64) of the laws of the Thirty-third (33d) General Assembly.

Also:

House File No. 76, a bill for an act to amend Section 1400-f of the Supplement to the Code, 1907, providing for additional forest trees.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*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. 200, a bill for an act to amend Section One Thousand Seven Hundred Fifty-nine-a(1759-a) of the Supplement to the Code, 1907,

relative to insurance of mutual, fire, tornado, and hailstorm assessment insurance 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. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of Iowa; appointing certain person as members of said town council and empowernig them to hold and exercise the duties of said office.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 195, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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 the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly relating to the enticing of children 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 House was asked:

Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred Fifty-three (4853) of the Code, relating to the subject of forgery, and providing 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 House was asked:

Senate File No. 297, a bill for an act making appropriation for the purchase of TwentyThousand (20,000) copies of the Railroad Commissioners' official maps to be distributed by the members of the General Assembly and Railroad 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 House was asked:

Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner to Robert M. Henderson, trustee.

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. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

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 House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities, (additional to Chapter Fourteen (14), of Title Five (V) of the Code, relating to cities under special charter.)

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. 281, in which the concurrence of the House was asked:

House File No. 281, a bill for an act to amend Title (V) Chapter Fourteen (14) of the Code and amendments thereto relating to park commissioners in special charter cities, (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code, and amendments thereto, and enacting substitute therefor.)

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

House File No. 281, a bill for an act to amend Title Five (V) Chapter Fourteen (14) of the Code, and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code and amendments thereto, and enacting a substitute therefor.)

Passed on file.

House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the Laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities, (additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

Passed on file.

House File No. 200, a bill for an act to amend Section One Thousand Seven Hundred Fifty-nine-a (1759-a) of the Supplement to the Code, 1907, relating to insurance of mutual, fire, tornado, and hailstorm assessment insurance associations.

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

House File No. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and State of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

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

Senate File No. 195, a bill for an act to legalize acknowledgements of instruments in writing heretofore taken by notaries public.

Passed on file.

Senate File No. 12, a bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly relating to the enticing of children and providing a penalty for the violation thereof.

Passed on file.

Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof.

Passed on file.

Senate File No. 297, 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 Commission.

Passed on file.

Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustee.

Passed on file.

Senate File No. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 32, a bill for an act to amend Section Five (5) of Chapter One Hundred Fifty-four (154) of the acts of the Thirty-third General Assembly relating to fees for fish and game licenses, 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 amendments:

Strike out the word "ninety" as appears in the fifth line of Section 1, of the bill, and insert in lieu thereof, the words "ninety-five".

Strike out the word "ten" as it appears in the fifth line of Section 2 of the bill, and insert in lieu thereof the word "five".

Adopted.

Senator Clarkson moved that the further consideration of the bill be made a special order to follow Special Order No. 1, tomorrow.

Carried.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 492, a bill for an act to legalize and validate the acts of the City Council of the City of Osceola, Iowa, in varying from and constructing paving and curbing on different portions of Washington and Webster streets in said city on grades different from the established grades.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 156, a bill for an act to provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regulations, and to require work from such persons so committed, and to provide for the supervision of such institutions by the board of control, 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, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Clarkson, Crow, De Wolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Webber, Wilson—33.

The nays were:

None.

Absent or not voting:

Adams, Ames, Bennett, Chase, Cowles, Francis, Hoyt, Legel, McColl, McManus, Quigley, Sammis, Schrup, Spaulding, Stueckslager, 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 Ream, Senate File No. 199, a bill for an act to provide for employment of prisoners in the county jails and for paying their earnings to their families, with report of committee recommending passage, was taken up, considered, and the report of the committee 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Clarkson, Crow, De Wolf, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law, Webber, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Adams, Ames, Bennett, Chase, Cowles, Dunnegan, Hoyt, Legel, McColl, McManus, Mattes, Quigley, Sammis, Saunders, Stuckslager, Sullivan, Taylor—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 Balluff, Senate File No. 83, a bill for an act to repeal Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, relating to the salary of the chief executive of certain state institutions, and the qualification of the superintendent of the school for the deaf and to enact a substitute therefor, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Balluff moved that the substitute be substituted for the original bill.

Adopted.

Senator Gilliland offered the following amendment and moved its adoption: Strike out the words and figures twenty-seven hundred (\$2700) following the word "Glenwood", in sixth line of Section 1, and insert in lieu thereof the words and figures three thousand (\$3000).

Senator Mattes raised the point of order that the bill under consideration carried an appropriation should be referred to the Committee on appropriations.

The President ruled as follows:

The Senate having under consideration Senate File No. 83, a bill relative to the increase of salaries of the superintendents of certain state institutions, the bill having been referred to the Committee on Compensation of Public Officers and reported for passage by that committee, the Senator from Sac, chairman of the Committee on Appropriations raised a point of order against the consideration of the bill by the Senate upon the ground that it should first have consideration by and a report thereon to the Senate from the Committee on Appropriations.

The chair ruled as follows:

The rule of the Senate is that "All bills carrying appropriations shall be referred to the Committee on Appropriations." It is the opinion of the chair that a bill fixing, or changing the amount of salary to be paid a superintendent of one of the state institutions does not "carry an appropriation" within the meaning of this rule. A committee of the Senate derives all its authority from the Senate. Its powers are all delegated powers. It has jurisdiction of only such subject matters as the Senate confers upon it. The senate has never conferred upon the committee on Appropriations jurisdiction to consider and determine the question of compensation of public officers, assuming, as is done for the purposes of this ruling, that superintendents of our state institutions are public officers. But the Senate has conferred that jurisdiction solely upon the Committee, created expressly for that purpose, namely, the Committee on Compensation of Public Officers. It is not within the power of the chair by a ruling to take from one committee the jurisdiction of a subject matter with which the Senate has clothed it and confer it upon another committee. If the Senate should provide by rule that such bills should also have consideration by the appropriations committee that would be another matter, but it is not the question presented here, and the Senate has not done so. To hold upon the question presented that the bill must go to the appropriations committee before it can be considered by the Senate would be to deprive the committee on Compensation of Public Officers of its jurisdiction, to ignore, annul and render futile its action and take away all reason for its existence. It is not a question of propriety or advisability that is presented to the chair, or a question of what might best enable the appropriations committee to do its work, but it is a clear-cut question of parliamentary law under the facts stated. What is said here can have no



application to a bill carrying an appropriation, or that must have an appropriation entirely independent of any provision now made in the law to carry out its purposes. The chair, therefore, reaches the conclusion that the point of order must be overruled, but it still remains for the Senate to make such reference of the bills as it may deem proper for it can at any time refer any subject matter to any committee it may please. The Senate has authority over its committees and can confer jurisdiction. The chair cannot. The chair can only apply the principles of parliamentary law to the situation as he finds it.

Senator Mattes moved that the bill be referred to the Committee on Appropriations.

On this motion a roll call was demanded.

The ayes were:

Ames, Clarkson, Crow, De Wolf, Francis, Garrett, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Mattes, Neal, Parshall, Saunders, Schrup, Smith of Mitchell, Sullivan, Webber, White, Wilson—22.

The nays were:

Allen of Jefferson, Balluff, Bennett, Brown, Cowles, Dunnegan, Fitchpatrick, Gilliland, Malmberg, Proudfoot, Ream, Smith of Shelby, Stuckslager—13.

Absent or not voting:

Adams, Allen of Pocahontas, Balkema, Chapman, Chase, Gates, Hoyt, Legel, McManus, Quigley, Sammis, Savage, Spaulding, Taylor, Van Law—15.

So the bill was referred to the Committee on Appropriations.

On motion of Senator Sullivan House File No. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), acts of the Thirty-third (33d) General Assembly of Iowa, relating to tax levy for park purposes, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

The bill was read for information.

Senator Sullivan 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hunter, Larrabee, McCulloch, Malmberg, Neal, Par-

shall, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Webber, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chase, Cowles, DeWolf, Gates, Hammill, Hoyt, Jewell, Legel, McColl, McManus, Mattes, Proudfoot, Quigley, Sammis, Savage, Spaulding, Stuckslager, Taylor, Van Law—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 Senator Francis, Senate File No. 433, a bill for an act to amend the law as it appears in Section Four Hundred (400) of the Supplement to the Code, 1907, relating to the removal of County Seats and County records.

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

By Senator Francis, Senate File No. 434, a bill for an act to amend the law as it appears in Sections Nineteen Hundred and Eighty-nine-a-five (1989-a5), Nineteen Hundred Eighty-nine-a-eight (1989-a8), Nineteen Hundred and Eighty-nine-a-twelve (1989-a12, and Nineteen Hundred and Eighty-nine-a-twenty-two (1989-a22), Supplement to the Code, 1907, relating to the establishment of drainage districts, the assessment of benefits, and supervision over the work of construction.

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

#### HOUSE MESSAGE CONSIDERED.

House File No. 492, a bill for an act to legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from and constructing paving and curbing on different portions of Washington and Webster streets in said city on grades different from the established grades.

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

## REPORT OF COMMITTEE.

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. 282, a bill for an act to repeal and amend certain sections of the Code, 1897, and Supplement thereto, relating to mines and mining, beg leave to report they have had the same under consideration and recommend the same be amended by adopting a substitute, and when so amended the bill do pass.

J. A. FITCHPATRICK,

Substitute read first and second time.

*Chairman.*

Ordered passed on file.

Senator Clarkson asked unanimous consent that 600 copies of the substitute bill be printed and that the same be not printed in the Journal.

Consent granted.

The President announced that he had in his possession a communication which would require an executive session.

On motion the Senate went into an executive session at 3:10 o'clock,

## EXECUTIVE SESSION.

The president presented the following communication, which was read:

## EXECUTIVE DEPARTMENT.

Des Moines, Iowa, March 20, 1911.

*To the Senate of the Thirty-fourth General Assembly:*

In accordance with the provisions of Chapter 170, Acts of the Thirty-third General Assembly, I have the honor herewith to nominate and with your consent, to appoint as members of the State Board of Education, Honorable A. B. Funk, of Spirit Lake; Honorable George T. Baker, of Davenport and Honorable Thomas D. Foster, of Ottumwa; each to succeed himself for a term of six years beginning July 1st, 1911.

Very truly yours,

B. F. CARROLL,

*Governor.*

The communication was referred to a committee of five, as by law provided.

On motion the Senate resumed regular session at 3:20 o'clock.

Senator Smith of Mitchell moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 21, 1911.

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

Prayer was offered by Rev. James A. Burns, of Albia, Iowa.

On request of Senator Chase, leave of absence was granted Senator Neal until tomorrow.

## PETITIONS AND MEMORIALS.

Senator Mattes presented a remonstrance of teachers of Des Moines against the passage of House File No. 100.

Referred to Committee on Schools.

Senator Webber presented a remonstrance of citizens of Iowa protesting against high license fees for medical peddlers.

Referred to Committee on Pharmacy.

Senator Sullivan presented a remonstrance of teachers of Des Moines against House File No. 100.

Referred to Committee on Schools.

## INTRODUCTION OF BILLS.

By Senator DeWolf, Senate File No. 435, a bill for an act to provide for the registration of labels, trade marks and forms of advertisement.

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

## 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. 52, a bill for an act to amend the law as it appears in Sections Thirteen Hundred Forty-seven-a (1347-a) and Thirteen

Hundred Forty-eight (1348) of the Supplement to the Code, 1907, relating to peddler's tax, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Senator Gates, from the Committee on Commerce and Retail Trade, submitted the following report:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred Senate File No. 148, a bill for an act to prevent adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

CHARLES GATES,  
*Chairman.*

Senator Gates moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred Senate File No. 149, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

CHARLES GATES,  
*Chairman.*

Senator Gates moved the adoption of the report of the Committee.

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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code relating to the compensation of members of the General Assembly.

Passed on file.

Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Balluff, Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Balluff moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Van Law, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Francis, Gilliland, Hoyt, McColl, Neal, Proudfoot, Quigley, Saunders, Savage, Smith of Shelby, Stuckslager, Sullivan, Taylor, Webber—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 Sammis, Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made up under Chapter Five (5), Title Ten (X) of said Code Supplement, relative to trolley or electric railways, was taken up and considered. The bill was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Clarkson, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Mattes, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Wilson—27.

The nays were:

Chase, Malmberg—2.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Cowles, Crow, De Wolf, Garrett, Hoyt, McColl, Neal, Parshall, Quigley, Ream, Savage, Stuckslager, Sullivan, Taylor, Van Law, Webber, White—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 Sammis, Senate File No. 133, a bill for an act to amend Section Two Thousand and Ninety (2090) of the Code Supplement, 1907, relative to the forfeiture of taxes voted in aid of railroads under the provisions of Title Ten (X), Chapter Five (5) of said Code Supplement, with report of committee recommending passage, was taken up and considered.

The bill was read for information.

Senator Sammis moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Parshall, Sammis, Schrup, Smith of Mitchell, Spaulding, Taylor, White, Wilson—27.

The nays were:

Chase, Malmberg—2.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Cowles, De Wolf, Garrett, Hammill, Hoyt, Hunter, Neal, Proudfoot, Quigley, Ream, Saunders, Savage, Smith of Shelby, Stuckslager, Sullivan, Van Law, Webber—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 Spaulding, Senate File No. 376, a bill for an act to amend the law as it appears in Chapter Sixty-four (64), acts of the thirty-third General Assembly relating to the government of certain cities, 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 Shelby offered the following amendment and moved its adoption:



I move to to amend by striking from said bill the words "five" and figures "7000" wherever the same appears and insert in lieu of the word "five" "two thousand five hundred" and for the figures "5000" the figures "2500".

The amendment was lost.

Senator Spaulding moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balluff, Bennett, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, Legel, McManus, Malmberg, Parshall, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Webber—26.

The nays were:

Adams, Ames, Chase, McColl, Sammis, Saunders, White—7.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Chapman, Hammill, Hoyt, McCulloch, Mattes, Neal, Proudfoot, Quigley, Savage, Stuckslager, Sullivan, 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.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 130, a bill for an act making appropriations to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 185, a bill for an act to amend Chapter Eleven (11), laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

Also:

Senate File No. 297, 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.

ED. P. MALMBERG,  
*Chairman*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 130, a bill for an act making appropriations to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 185, a bill for an act to amend Chapter Eleven (11), laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

Also:

Senate File No. 297, 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.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

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. 233, a bill for an act to repeal Paragraph Two (2), of Section One Thousand Three Hundred Four (1304) of the Supplement to the Code, 1907, in relation to the classes of property exempt from assessment of taxes, 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. 233.

## A BILL

For an Act to repeal Paragraph Two (2) of Section One Thousand Three Hundred Four (1304) of the Supplement to the Code, 1907, in relation to the classes of property exempt from assessment of taxes, and to enact a substitute therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Paragraph Two (2) of Section One Thousand Three Hundred Four (1304) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

Sec. 2. All grounds and buildings used for public libraries, including libraries owned and kept up for private individuals, associations or corporations, for public use and not for private profit, and all grounds and buildings used for literary, scientific, charitable, benevolent, fraternal for lodge purposes only, agricultural and religious institutions, and societies devoted solely to the appropriate objects of these institutions, not exceeding one hundred and sixty acres in extent, and not leased or otherwise used with a view to pecuniary profit, but all deeds or leases by which such property is held shall be filed for record before the property above described shall be omitted from the assessment; the books, papers, and apparatus belonging to the above institutions, used solely for the purposes above contemplated, and the like property of students in any such institutions used for their education; moneys and credits belonging exclusively to such institutions, and devoted solely to sustaining them, but not exceeding in amount or income the amount prescribed by their charters of articles of incorporation, and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Committee on Ways and Means; Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637), of the Code, with reference to the incorporation fee to be paid by foreign corporations.

Passed on file.

By Senator Larrabee, Senate File No. 437, a bill for an act to repeal Section Seven Hundred Forty-one-d (741-d), Supplement to the Code, 1907, and to enact a substitute therefor, relating to the erection of a city hall and the purchase of ground therefor in cities of the first class.

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

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, Senate File Nos. 185, 297 and 130.

#### THIRD READING OF BILLS.

On motion of Senator Chase, Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), Acts of the Thirty-third General Assembly relating to the liability of corporations operating a railway for negligence or wrongs of employes, was taken up, and considered.

Further consideration of the bill was postponed on account of Special Order No. 1.

The hour having arrived for Special Order No. 1, on motion of Senator Allen of Pocahontas, Joint Resolution No. 3, joint resolution proposing an amendment to Section One (1) of Article Two (2) of the Constitution of the State of Iowa relating to the right of suffrage, and providing that the same be duly entered upon the Journals of the respective houses and referred to the Legislature to be chosen at the next general election and published as by law provided, 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 Spaulding moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Gilliland moved that the time of Senator Allen of Pocahontas be extended ten minutes.

Motion withdrawn.

Senator Allen of Pocahontas moved that the rules be suspended, the Joint Resolution be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

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

The ayes were:

Allen of Pocahontas, Ames, Balluff, Bennett, Brown, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Larrabee, McColl, McCulloch, Proudfoot, Ream, Smith of Mitchell, Spaulding, Stuckslager—21.

The nays were:

Adams, Allen of Jefferson, Balkema, Balluff, Chapman, Chase, Cowles, DeWolf, Gilliland, Hoyt, Jewell, Legel, McManus, Malmberg, Mattes, Parshall, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, White, Wilson—27.

Absent or not voting:

Neal, Quigley—2.

So the Joint Resolution having failed to receive a constitutional majority was declared lost.

The President announced as teller on the part of the Senate, Senator Savage and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates,

George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—151.

Absent:

Brown of Wright, Byerly, Klay, McCleery, Neal, Quigley, Van Camp—7.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were.

Balluff, Bauman, Black, Boettger, Crow, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Ritter, Rowles, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—46.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Law—34.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—65.

Those voting for Daniel Hamilton were:

Clarkson, Dabney, Miller of Bremer, Ream, Sater, Webber—6.

Absent, Brown of Wright, Byerly, Klay, McCleery, Neal, Quigley, Van Camp—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Smith of Shelby the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Dunnegan moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Senator Proudfoot moved as an amendment that the Senate adjourn until 1:30 o'clock.

The amendment prevailed.

The motion as amended prevailed.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment, at 1:30, P. M., President Clarke presiding.

## INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 438, a bill for an act to fix the standard of measure for buying and selling strawberries and other small fruits and providing for the labeling of packages containing small fruit when the same is sold in packages, and providing penalties for the violation of this act.

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

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 130, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

Also:

Senate File No. 185, a bill for an act to amend Chapter Eleven (11), laws of the Thirty-third General Assembly, and additional to Chapter Five (5) of Title Three (III) of the Code, relating to holding District Courts and assignment of judges therefor.

Also:

Senate File No. 297, 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.

ED. P. MALMBERG,

*Chairman.*

Adopted.

## REPORTS OF COMMITTEES.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor relative to the dragging of public highways and pro-



viding penalty for failure to perform such duties, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking from Section Two (2) all after the word "year" in the Seventh line from the last, and substitute the following in lieu thereof: "Levy one mill on the dollar on the amount of the township assessment for that year, which shall be designated as the dragging fund and shall be expended only for the purpose of dragging the roads within the township, and when so amended the bill do pass.

N. BALKEMA,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House File No. 27, a bill for an act to repeal Chapter 2-a, Title 8, being Sections 1571-a to 1571-l, both inclusive of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, etc., etc., beg leave to report they have had the same under consideration and recommend the same do pass.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 242, a bill for an act to provide for the protection of bridges and drainage ditches and providing penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House File No. 368, a bill for an act to appeal the law as it appears in Section 1483 of the Supplement of the Code of 1907, relative to establishment and width of roads, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

THIRD READING OF BILLS.

The hour having arrived for Special Order No. 2, on motion of Senator Hammill the Senate took up for consideration House File No. 32, a bill for an act to amend Section Five (5) of Chapter One Hundred Fifty-four (154) of the acts of the Thirty-third General Assembly relating to fees for fish and game licenses.

Senator Hammill offered the following substitute for the bill:

SUBSTITUTE FOR HOUSE FILE NO. 32.

A BILL

For an Act to amend Section Five (5) of Chapter One Hundred Fifty-four (154) of the Acts of the Thirty-third General Assembly relating to the disposition of fees for fish and game licenses.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Five (5) of Chapter One Hundred Fifty-four (154) of the Acts of the Thirty-third General Assembly of the State of Iowa be repealed and the following enacted in lieu thereof:

An applicant for a license shall fill out an authorized application blank and subscribe and swear to it before the county auditor, or a notary or justice of the peace. Before the license is issued, the applicant, if a resident of the State of Iowa, shall pay the county auditor the sum of One Dollar (\$1.00) as a license fee, and if a non-resident of the State of Iowa, shall pay him the sum of Ten Dollars (\$10.00) as a license fee.

Ninety-five per cent. of these fees the county auditor shall pay at the end of each month to the state treasurer, who shall place them to the credit of a fund known as the fish and game protection fund, and five per cent. of said fees shall be credited to the general county fund of the county in which such fees are collected.

The substitute was read first and second time.

Senator Hammill moved that the substitute be substituted for the original bill.

Adopted.

Senator Hammill moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Carried.

Senator Hammill moved that the rule be suspended, 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, Balkema, Bennett, Brown, Chase, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Hammill, Hunter, Larrabee, McCulloch, McManus, Malmberg, Proudfoot, Ream, Schurp—19.

The nays were:

Ames, Balluff, Gates, Gilliland, Jewell, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Webber, White—14.

Absent or not voting:

Allen of Pocahontas, Crow, Dunnegan, Francis, Hoyt, Legel, McColl, Mattes, Neal, Parshall, Quigley, Sammis, Savage, Stuckslager, Taylor, Van Law, Wilson—17.

So the bill having failed to receive a constitutional majority was declared lost.

The Senate resumed consideration of Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), acts of the Thirty-third General Assembly relating to the liability of corporations operating a railway for negligence or wrongs of employes.

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 concurred in Senate Amendments to House File No. 199, in which the concurrence of the House was asked:

House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the State Food and Dairy Commissioners in relation thereto; and fixing penalties for the violation 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 House File No. 198, in which the concurrence of the House was asked:

House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

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. 33, in which the concurrence of the House was asked:

House File No. 33, a bill for an act to amend Section Two Thousand Seven Hundred Ninety-four-a (2794-a) of the Supplement to the Code, 1907, relating to the organization of consolidated independent school districts.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to House File No. 219, in which the concurrence of the House was asked:

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (V) of the Supplement to the Code, 1907, relative to the board of police and fire commissioners in certain cities of the first class.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House request the return of Senate File No. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House refuses to concur in Senate amendments to House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to concur in Senate amendments to House File No. 9, in which the concurrence of the House was asked:

House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence and to provide for the publication thereof and the payment 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 House File No. 162, in which the concurrence of the House was asked:

House File No. 162, a bill for an act relating to security for costs in Justice Courts.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 436, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct

law, and making such certified copies competent evidence and to provide for the publication thereof and the payment therefor.

Read first and second time and referred to Committee on Federal Relations.

Senate File No. 162, a bill for an act relating to security for costs in Justice Courts.

Passed on file.

House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the State Food and Dairy Commissioner in relation thereto; and fixing penalties for the violation thereof.

Passed on file.

Senate File No. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

Passed on file.

House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

Passed on file.

House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

Passed on file.

House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation.

Passed on file.

House File No. 33, a bill for an act to amend Section Two Thousand Seven Hundred Ninety-four-a (2794-a) of the Supplement to the Code, 1907, relating to the organization of consolidated independent school districts.

Passed on file.

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two A (2-a) Title Five (V) of the Supplement to the Code, 1907, relative to the board of police and fire commissioners in certain cities of the first class.

Passed on file.

Senator Gilliland moved that the Senate request the return from the House of House File No. 218.

Carried.

Senator Hunter moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 22, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. H. R. Williams, of Sibley, Iowa.

## PETITIONS AND MEMORIALS.

Senator Mattes presented a remonstrance of teachers of Odebolt, Iowa, against House File No. 100.

Referred to Committee on Schools.

Senator Mattes presented a remonstrance of teachers of Des Moines, Iowa, against House File No. 100.

Referred to Committee on Schools.

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 bill in which the concurrence of the Senate is asked:

House File No. 274, a bill for an act repealing Section Twenty-three Hundred and Forty-eight (2348) of the Code, and enacting a substitute therefor providing for a bounty on wild animals, and the proof necessary to secure such bounty.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

House File No. 274, a bill for an act repealing Section Twenty-three Hundred and Forty-eight (2348) of the Code and enacting a substitute therefor providing for a bounty on wild animals and the proof necessary to secure such bounty.

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



## REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 361, a bill for an act to establish and maintain a state normal school at Denison, Iowa, for the education and preparation of teachers for the common schools of Iowa, and providing for the transfer of certain property to the state of Iowa for the use of said school, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 246, a bill for an act to establish and maintain a state normal school for the education and preparation of common and high school teachers, in connection with Tabor College, and making provision and appropriation therefor, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 152, a bill for an act to establish and maintain a second State Normal College for the education and preparation of common and high school teachers, and also for the education of commercial and business course students, and providing for the transfer of certain property to said school and making appropriation 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. 152.

## A BILL

For an Act to establish and maintain a State Normal School for the education and preparation of teachers for the common schools of Iowa, and providing for the transfer of certain property to the State of Iowa for the use of said school.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby established a State Normal School for the training and education of teachers for the common schools of the State of Iowa, which said school shall be called the Shenandoah State Normal School, and the same shall be located at Shenandoah, Page County, Iowa, subject to the conditions and provisions hereinafter mentioned in this act.

Sec. 2. There shall be created, established, and maintained in said Shenandoah State Normal School, such departments of instruction and training as the State Board of Education may deem wise and such officers, professors, instructors and other employes shall be engaged as are found necessary to carry into effect the purposes of this act.

Sec. 3. As soon as practicable after the passage of this act the State Board of Education shall proceed to take over the title to and take possession of certain real estate and personal property, hereinafter described, from the citizens of Shenandoah, Page County, Iowa, said real estate and personal property being given to the State of Iowa in consideration of the state establishing and maintaining said school at said city of Shenandoah, for the purposes herein provided. Said property to be so given, transferred and used, being now the property owned and used by the Western Normal College, consisting of lots numbered 165, 166, 167, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197 and 198, all in Crippen's addition to the city of Shenandoah, Page County, Iowa, and the buildings located thereon, and the equipment contained therein; also lots numbered 71, 72, 73, 74, 75, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 128, 129, 130, 131, 132, 168, 169, 182 and 183, all in Crippen's addition to Shenandoah, Page County, Iowa, also the northeast ten acres of Section 30, township 69 north, Range 39, west of the Fifth P. M., Page County, Iowa.

Sec. 4. When said building and property have been regularly conveyed to the State of Iowa, the State Board of Education shall take possession thereof and shall proceed to open said school, which opening shall not be later than December 1, 1911.

Sec. 5. 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 be reported out without recommendation.

H. L. ADAMS,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Mattes moved that the bill be referred to the Committee on Appropriations.

Carried..

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 318, a bill for an act to provide for the commission form of school districts and the adoption thereof by special election; also providing for the election of members of the citizens' school board in such districts and defining the powers of said commission and board, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 48, a bill for an act to amend Sections 2794-a, Supplement to the Code, 1907, and 2803, 2818, Code, 1897, and repeal Sections 2831 and 2832, Supplement to the Code, 1907, and Sections 2835, Code 1897, and enact substitutes therefor, relative to the election and organization and duties of the county Board of Education, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 385, a bill for an act to amend Section Twenty Seven Hundred and Sixty-eight, Supplement to the Code, 1907, relative to the liability of school treasurer, and providing for deposit of school funds at

interest, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 78, a bill for an act to repeal Section 2743, 2745, 2751, 2753, 2790, 2797, of the Code, 1897, and Sections 2744, 2752, 2800 and 2801 of the Supplement to the Code, and enact substitutes therefor; and to amend Section 2780, Code 1897, and Sections 2754, 2794 and 2794-a, Supplement to the Code, 1907, relative to the unit of school organization, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Stuckslager moved that House File No. 111 be re-referred to the Committee on Cities and Towns.

Carried.

Senator Hammill moved that the request of the House for the return of Senate File No. 345 be granted.

Carried.

Senator Hammill moved that the Senate insist upon the Senate amendments to House File No. 177 and request a Conference Committee.

Carried.

The President appointed as such Conference Committee on the part of the Senate, Senators Hammill, Sullivan, Smith of Shelby and De Wolf.

#### REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 423, a bill for an act to repeal the law as it appears in Section Two Hundred Eleven (211) of the Code, and the law as it appears in Section Two Hundred Twelve (212), Supplement to the Code, 1907, and to enact a substitute therefor relating to the salary of

the attorney general, and the appointment and salary of his assistant and special counsel, beg leave to report they have had the same under consideration and recommend the same be re-referred to the Committee on Compensation of Public Officers.

JOS. MATTES,  
*Chairman.*

Senator Hunter moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Compensation of Public Officers.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 407, a bill for an act to make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa Railroad Commission, and the printing of briefs and the traveling expenses of one of the railroad commissioners, Clifford Thorne, while in attendance at the final hearing in the case before the Interstate Commerce Commission involving general advance in rates, beg leave to report they have had the same under consideration and recommend the same be re-referred to the Committee on Claims.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Claims.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 289, 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 salary of the commandant of the Iowa Soldiers' Home, beg leave to report they have had the same under consideration and recommend the same be re-referred to the Committee on Compensation of Public Officers.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Compensation of Public Officers.

Senator Hunter, from the Committee on Banks, submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred Senate File No. 37, a bill for an act to repeal Paragraph Four (4) of Section Eighteen Hundred Fifty (1850) of the Supplement to the Code, 1907, 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 amended by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 37.

A BILL

For an Act to repeal Paragraph Four (4) of Section Eighteen Hundred Fifty (1850) of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the investment of funds of savings banks.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Paragraph Four (4) of Section Eighteen Hundred Fifty (1850) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

4. In notes or bonds secured by mortgage or deed of trust upon unincumbered real estate in the state of Iowa, and on unincumbered farm lands in the states of Kansas, Nebraska, South Dakota, North Dakota, Minnesota, Wisconsin, Illinois and Missouri, excepting lands lying west of the One-hundredth (100th) Prime Meridian, in amounts not to exceed Fifty (50 per cent.) per cent of its actual value exclusive of buildings, and on unincumbered improved real estate in cities containing a population of one hundred thousand (100,000) within the same territory, provided, however, that the amount loaned on such real estate shall not exceed Fifty per cent. of its actual value.

In all cases an abstract of title and an appraisalment made under oath by three disinterested appraisers shall accompany all such loans and all mortgages and assignments of mortgages, shall be recorded in the county in which the security is located. Provided, however, that the aggregate of loans made on real estate outside of the state of Iowa shall not exceed twenty-five per cent of the average daily deposits during the preceding twelve months, and when so amended the bill do pass.

ROBERT HUNTER,  
*Chairman.*

Substitute read first and second time.

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. 405, a bill for an act to pension the survivors of the

Iowa Frontier Guard, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

J. D. BROWN,

*Chairman.*

Senator Brown moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 224, a bill for an act to amend the law as it appears in Section Two Thousand Seventy-one (2071) of the Supplement to the Code of 1907, and Chapter One Hundred Twenty-four (124), acts of the Thirty-third General Assembly relating to the liability of corporations operating a railway for negligence or wrongs of employes.

Senator Smith of Mitchell moved that the consideration of Special Order No. 3, Senate File No. 387, be postponed until 2:00 o'clock tomorrow afternoon and be made a special order for that hour.

Carried.

Senator De Wolf moved that the time of Senator Chase be extended 10 minutes in order to close the debate on Senate File No. 224, now under consideration.

Carried.

Senator Chase 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, McColl, Malmberg, Neal, Ream, Smith of Mitchell, Smith of Shelby, Sullivan, Webber, Wilson—21.

The nays were:

Adams, Brown, De Wolf, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, Proudfoot, Sammis, Saunders, Spaulding, White—15.

Absent or not voting:

Balluff, Bennett, Cowles, Crow, Larrabee, McManus, Mattes, Parshall, Quigley, Savage, Schrup, Stuckslager, Taylor, Van Law  
—14.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Hunter filed the following motion: I move that the vote by which Senate File No. 224 failed to pass the Senate and the vote by which the same passed to its third reading, be reconsidered.

#### THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 77, a bill for an act to amend the law as it appears in Sections 2634-d, 2734-e, 2734-g, 2734-q and 2738 of the Supplement to the Code of 1907, to repeal Section 2634-h of the Supplement to the Code of 1907, and 2734-h of the Supplement to the Code of 1907, as amended by Chapter 181, acts of the Thirty-third General Assembly, and to enact substitutes therefor, to repeal Sections 2734-i and 2734-k of the Supplement to the Code, 1907, relating to the issuance, validation, registration and renewal of state and county certificates to teachers and enrollment fee in the County Normal Institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates was taken up and considered.

Further consideration of the bill was postponed on account of the Joint Convention.

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—152.

Absent:

Byerly, Klay, Koontz, McCleery, Moore, Stipe—6.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were :

Balluff, Bauman, Black, Boettger, Crow, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Leach, Legel, Lenter, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ritter, Rowles, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—46.

Those voting for Horace E. Deemer were :

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Spaulding, Speer, Stuckslager, Sullivan, Van Camp, Van Law—36.

Those voting for W. S. Kenyon were :

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Stillman, Stoddard, Whitney, Zeller—64.

Those voting for Daniel Hamilton were :

Clarkson, Dabney, Miller of Bremer, Ream, Sater, Webber—6.

Absent: Byerly, Klay, Koontz, McCleery, Moore, Stipe—6.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Clarkson of Monroe the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator De Wolf moved that House File No. 56 be withdrawn from the Committee on Manufactures and referred to the Committee on Judiciary.

Carried.

Senator Spaulding, from the Committee on Manufactures, returned to the Senate House File No. 56, and it was thereupon referred to the Committee on Judiciary.

Senator Clarkson moved that the Senate do now adjourn until 1:30 this afternoon.

Carried.

The Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30 o'clock, President Clarke presiding.

#### 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. 128, a bill for an act to amend Section 1986 as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches and drains, 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 Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 115, a bill for an act for the protection of public health and for the prevention of fraud by regulating the sale of eggs for food purposes; providing penalties for the violation thereof, and providing for the enforcement thereof, beg leave to report they have the same under consideration and recommend the same be amended as follows:

Amend Section One, by inserting between the word "use" and the word "any" in the tenth line of said Section, the word "in", and by striking out of the tenth and eleventh lines, the words "to be sold," and to further amend by adding "Sec. 6. 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.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Public Health to whom was referred Senate File No. 429, a bill for an act to abolish the common drinking cup, beg leave to report they have the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 417, a bill for an act to amend Section Nine (9) of Chapter One Hundred Sixty-eight (168) of the Acts of the Thirty-third General Assembly, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Public Health to whom was referred Senate File No. 396, a bill for an act to establish a department in connection with the soldiers' orphans home, for the education and treatment of dependent, deformed and crippled children and youth of Iowa, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Appropriations.

T. W. BENNETT,  
*Chairman.*

Senator Bennett moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 195, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public, additional to Section Twenty-nine Hundred and Forty-two (2942) of the Code.

Also:

Senate File No. 144, a bill for an act to amend Section Four Thousand and Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof.

Also:

Senate File No. 12, a bill for an act to amend the law as it appears in Section Sixteen (16) of the Chapter Fourteen (14) of the acts of the Thirty-third General Assembly relating to the enticing away of children, and providing a penalty for the violation thereof.

Also:

Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, Commissioner, to Robert M. Henderson, Trustee, dated June 30th, 1867, filed for record in the office of the recorder of Pocahontas County, Iowa, on September 13th, 1867, and recorded in land deed record "C" beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance.

Also:

Substitute for Senate File No. 2, a bill for an act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected.

Also:

Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 247, a bill for an act to amend Section Four Thousand Nine Hundred and Ninety-nine-a-thirty-one (4999-a31) of the Supplement to the Code, 1907, relating to food standards.

Also:

House File No. 267, a bill for an act to amend Chapter 62 of the acts of the Thirty-third General Assembly relating to pensions to be paid to policemen.

Also:

House File No. 281, a bill for an act to amend Title Five (V) Chapter Fourteen (14) of the Code and amendments thereto relating to Park Commissioners in special charter cities; repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive, of the Code and amendments thereto, and enacting substitutes therefor, and to make Sections Eight Hundred Fifty-b (850-b) to Eight Hundred Fifty-n (850-n) inclusive, Supplement to the Code, 1907, as amended by Chapters Fifty-six (56), Fifty-seven (57) and Fifty-eight (58), laws of the Thirty-third General Assembly, and Section Eight Hundred Fifty-two (852) Supplement to the Code, 1907, relating to Park Commissioners, their powers and duties and the assessment, levy and collection of taxes, applicable to cities acting under special charters.

Also:

House File No. 14, a bill for an act to repeal Section Fifteen Hundred Sixty-nine (1569) of the Code and to enact a substitute therefor, relating to the passing of vehicles on public highways.

Also:

House File No. 220, a bill for an act to amend the law as it appears in Chapter Sixty (60) of the laws of the Thirty-third (33) General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)

Also:

Senate File No. 195, a bill for an act to legalize acknowledgements of instruments in writing heretofore taken by notaries public, additional to Section Twenty-nine Hundred and Forty-two (2942) of the Code.

Also:

Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof.

Also:

Senate File No. 12, a bill for an act to amend the law as it appears in Section Sixteen (16), of Chapter Fourteen (14), of the Acts of the Thirty-third General Assembly relating to the enticing away of children, and providing a penalty for the violation thereof.

Also:

Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustee, dated June 30th, 1867, filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13, 1867, and recorded in land deed record "C" beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance.

Also:

Substitute for Senate File No. 2, a bill for an act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine, or naphtha may be inspected.

Also:

Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator De Wolf, Senate File No. 439, a bill for an act providing for reciprocal relations with other states upon the subject of insurance.

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

By Senator Taylor (by request), Senate File No. 440, a bill for an act relating to the rendering of verdicts by juries in civil actions in courts of record, additional to Chapter Nine of Title Eighteen of the Code.

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

REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 83, a bill for an act to repeal Section Twenty-seven Hundred Twenty-seven-c (2727-c) of the Supplement to the Code, 1907, relating to the salary of the chief executive of certain state institutions and the qualification of the superintendent of the school for the deaf and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be referred back to the Senate without recommendation.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 156, a bill for an act to create a permanent tax commission, to define its powers and duties, to transfer to said commission the power and duties of the executive council relating to taxation, to make an appropriation therefor, and to repeal all acts inconsistent herewith, 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 create a State Tax Commission, to define its powers and duties, to transfer to said Commission the powers and duties of the Executive Council relating to assessment and taxation, to make appropriation therefor, and to amend all acts inconsistent herewith.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Prior to the adjournment of the Thirty-fourth General Assembly, the Governor, with the advice and consent of the Senate, shall appoint three electors of the State, not more than two of whom shall belong to the same political party and one of whom shall be a duly licensed attorney-at-law, as members of a Commission to be known as a State Tax Commission. Said members shall hold office as designated by the Governor, one until July 1, 1913, one until July 1 1915, and one until July 1, 1917; subsequent appointments shall be made as above provided and shall be for a term of six years, except appoint-



ments to fill vacancies, which shall be for the unexpired term. The terms of the members first appointed shall begin on the first Monday in May, 1911, and the Chairman of the Commission for each biennial period shall be the member whose term first expires. The Governor may, by and with the consent of the Senate, during a session of the General Assembly, remove any member of the Commission for malfeasance or non-feasance in office, or for any cause that renders him ineligible to appointment or incapable or unfit to discharge the duties of his office, and his removal when so made shall be final. When the General Assembly is not in session the Governor may suspend any members so disqualified, and shall appoint another to fill the vacancy thus created, subject, however, to the action of the Senate when next in session. All vacancies on said Commission that may occur while the General Assembly is not in session shall be filled by appointment by the Governor, which appointment shall expire at the end of thirty (30) days from the time the General Assembly next convenes. and vacancies occurring during a session of the General Assembly shall be filled as regular appointments are made and before the end of said session.

Sec. 2. No person appointed as a member of such Commission shall hold any other office under the laws of this or any other State or under the Government of the United States, nor hold any position of trust or profit or engage in any occupation or business, interfering with or inconsistent with his duties, or serve on or under any committee of any political party, and each such Commissioner shall devote his entire time, for at least eleven months in the year, to the duties of his office.

Sec. 3. Each Commissioner prior to the beginning of his term of office and before entering upon the discharge of the duties thereof, shall take, subscribe and file with the Secretary of State the oath of office prescribed by the Constitution, and shall also file with him a bond in the sum of Ten Thousand Dollars (\$10,000.00). conditioned as provided in Section Eleven Hundred Eighty-three (1183) of the Code and to be approved by the Governor. Each of said Commissioners shall receive a salary of Thirty-five Hundred Dollars (\$3500.00) per annum, payable in the same manner as salaries of other state officers are paid.

Sec. 4. The Commissioners first appointed under this act, after having duly qualified, shall meet at the Capitol in Des Moines on the first Monday in May, 1911, and enter upon the discharge of their duties. A majority of said Commission shall constitute a quorum for the transaction of business and so far as practicable, Sundays and legal holidays excepted, the said Commission shall be in continuous session and open for the transaction of business; sessions shall stand and be deemed to be adjourned from day to day without formal entry thereof upon the records. The Commission may hold sessions at any place within the State other than at the Capitol when deemed by it to be necessary to facilitate the performance of its duties.

Sec. 5. Said Commission may for each biennial period appoint a Secretary, who shall be a competent statistician, shall be removable at the pleasure of the Commission and shall receive a salary of not more than Three Thousand Dollars (\$3,000.00) per annum, to be determined by the Commission. It may also appoint one Clerk at a salary of not more than Twelve Hundred Dollars (1200.00) per annum, one Clerk at a salary of not more than One Thousand Dollars (\$1000.00) per annum, one of which clerks shall be a competent stenographer and may employ such expert and additional clerical assistance as may be necessary to properly perform its duties and may fix the compensation therefor, but the aggregate amount of compensation for such expert and additional clerical assistance shall not exceed Five Thousand Dollars (\$5000.00) per annum. The Secretary shall keep full and accurate minutes of all hearings, transactions and proceedings of the Commission and shall perform such other duties as may be required by the Commission. The Commission shall have power to make all needful rules, not inconsistent with the law, for the performance of its duties as a Board of Assessments or otherwise and for conducting hearings or other proceedings before it.

Sec. 6. The Commission shall keep its office at the Capitol and shall be provided by the Executive Council with suitable rooms, necessary office furniture, supplies, stationery and books, and all authorized expenses of the Commission and of its employes shall be audited and paid as other state expenses. The Commissioners, the Secretary, Clerks and assistants shall receive from the State their actual and necessary transportation, hotel and other expenses while traveling on the business of the Commission but any claims for expenses before being presented to the Executive Council shall be sworn to by the party who incurred the expense and be approved by the Chairman of the Commission or by a majority of the members thereof. No such expense shall be incurred except in accordance with the rules or by direction of the Commission nor shall such expense be allowed the members, the Secretary, Clerks or employees of the Commission while in the city of Des Moines.

Sec. 7. It shall be the duty of the Commission and it shall have power and authority:

a. To have and exercise general supervision over the administration of all the assessment and tax laws of the State, over assessors, and over local and county boards of review, to the end that all assessments of property may be relatively just and equal and in substantial compliance with the law.

b. To confer with, advise and give the necessary instructions and directions to assessors throughout the State as to their duties under the laws of the State, and to that end may call meetings of the assessors of the various counties to be held at such times and places within the counties as may be designated by the Commission.

c. To order the re-assessment of any or all real or personal property in any assessment district in the State when in the judgment of

said Commission such re-assessment is necessary to the end that the property of such assessment district shall be assessed in compliance with law. Such re-assessment may be made by the Commission or its representative when deemed by it to be advisable.

d. To direct proceedings, actions and prosecutions to be instituted to enforce the laws relating to the penalties, liabilities and punishment of public officers, persons or officers or agents of corporations for failure or neglect to comply with the provisions of the statutes governing the return, assessment and taxation of property, or to cause complaints to be made against assessors members of boards of review or other assessing or taxing officers to the proper district judge for their removal from office for official misconduct or neglect of duty.

e. To require county attorneys to commence and prosecute actions and proceedings for penalties, forfeitures, removals and punishments for violations of the laws of the State in respect to the assessment and taxation of property in their respective counties.

f. To require township, town, city, county and other public officers to report information as to the assessment of property, collection of taxes, receipts from licenses and other sources, the expenditure of public funds for any and all purposes, and such other information as may be needful in the work of the Commission, and to require individuals, partnerships, companies, associations and corporations to furnish information concerning their capital, funded or other debt, current assets and liabilities, value of property, earnings, operating and other expenses, taxes and all other facts which may be needful to enable the Commission to ascertain the value and the relative burdens borne by all kinds of property in the state; such information in each instance to be furnished in such form and upon such blanks as the Commission may prescribe.

g. To summon witnesses to appear and give testimony, and to produce records, books, papers and documents relating to any matter under investigation by the Commission, and to cause the deposition of witnesses residing within or without the state or absent therefrom, to be taken, upon notice to the interested party, if any, in like manner as depositions of witnesses are taken in civil actions pending in the district court, in any matter which the commission shall have authority to investigate or determine.

h. To visit the counties in the state unless prevented by other necessary official duties, for the investigation of the work and the methods adopted by assessors and local and county boards of review in the assessment, equalization and taxation of property.

i. To examine carefully into all cases where evasion or violation of the laws for assessment and taxation of property is alleged, complained of or discovered, and to ascertain wherein existing laws are defective or are improperly or negligently administered.

j. To investigate the tax systems of other states and countries and to formulate and recommend such legislation as may be deemed expe-

dient to prevent evasion of assessment and tax laws and to secure just and equitable taxation and improvement in the system of taxation in the State, but nothing herein contained shall be construed as authorizing the Commission or any of its members or employes to visit any foreign country for the purpose of making investigations.

k. To inquire into the system of accounting for public funds in use in townships, towns, cities and counties and to devise, prescribe and enforce a uniform system of accounting and reporting the receipts and disbursements of public funds in such townships, towns cities and counties.

l. To consult and confer with the Governor of the State upon the subject of assessment and taxation, the administration of the laws in relation thereto and the progress of the work of the Commission and to furnish the Governor from time to time such information as he may require.

m. To transmit to the Governor, at least sixty (60) days before the meeting of the Legislature a report, in tabular form, showing all the taxable property in the State and the value of the same, with recommendations for improvements in the system of taxation, and to exercise and perform such other powers and duties as may be granted to or imposed upon the Commission by law.

Sec. 8. Meetings or hearings authorized to be held by the provisions of this act may be held by one member of the Commission, but when so held a full record of the facts presented shall be preserved to be considered by the Commission. Expenses of witnesses and other expenses of a local character incident to hearings pertaining to matters within a county shall be paid out of the county funds of the county in which the hearing is had and the Board of Supervisors shall audit said expenses.

Sec. 9. Any member of the Commission or its Secretary may administer oaths to witnesses in any matter under investigation or consideration by the Commission. Should any witness fail to obey any summons to appear before the Commission or refuse to testify or answer any material questions or to produce records, books, papers or documents when requested so to do, he shall be subject to punishment as for like failure or refusal to obey an order of the district court, and such failure or refusal shall be reported, by the Commission, to the Attorney General, who shall thereupon institute proceedings, or direct the County Attorney of the County in which such failure or refusal occurs, to institute proceedings in the proper court to compel obedience to any summons or order of the Commission or to punish the witness for any such neglect or refusal. Any person who shall testify falsely in any material matter under consideration by the Commission shall be guilty of and punished for perjury. In the discretion of the Commission, officers who serve summons and subpoenas, and witnesses attending, shall receive like compensation as officers and witnesses in the district court.

Sec. 10. The State Tax Commission upon assuming its official duties shall become successors to the Executive Council in all matters relating to assessment and taxation and thereupon all power and authority vested in or conferred upon said Executive Council relating to assessment or taxation shall devolve upon and thenceforth be performed by said Commission.

Sec. 11. The authority, powers, functions and duties which shall devolve upon and be exercised and performed by said Commission shall extend to and include all those conferred or imposed by law upon the Executive Council, either as a State Board of Review, or as a Board of Assessment and Taxation, and shall include the power and authority of the Executive Council as a board for the assessment and taxation of all kinds and classes of property now assessed by said Executive Council, and all proceedings, hearings or other matters before the Executive Council as a state board of review or as an assessing or taxing board, and all investigations or other official work undertaken by said Executive Council, with reference to matters of review, assessment or taxation, pending at the time the State Tax Commission assumes its duties, shall be continued, carried on and completed by and before said State Tax Commission. All records, books, papers, documents and memoranda in the official custody or possession of the Executive Council as a state board of review or a board of assessment and taxation shall be transferred to the State Tax Commission at the time said Commission assumes the duties of its office and the Commission shall thereupon and thenceforth have official possession and custody of the same, and the Executive Council shall be relieved of any further duties or responsibilities relating to matters of review, assessment and taxation, and wherever in the law the term "Executive Council" is used in connection with matters of assessment, taxation and review, it shall be construed to mean "State Tax Commission," and all reports now required to be made to or by the Executive Council as a state board of review or of assessment and taxation, shall after the State Tax Commission assumes its duties be made to or by that body.

Sec. 12. On or before July 1, 1913, the State Tax Commission shall prepare and submit to the Governor a thorough and complete revision and codification of all the laws of the State relating to assessment and taxation, which, revision and codification, under the direction of the Executive Council, shall be printed and distributed among the members of the General Assembly and elsewhere, as other documents are distributed.

Sec. 13. There is hereby appropriated out of any funds in the State Treasury, not otherwise appropriated, the sum of Twenty-five Thousand Dollars (\$25,000.00) per annum to carry out the provisions of this act.

Sec. 14. All acts or parts of act inconsistent with this act are hereby amended to conform with its provisions.

Sec. 15. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital and the Register and Leader, newspapers published in the City of Des Moines, Iowa, and when so amended the bill do pass.

JOS. MATTES,

*Chairman.*

Substitute read first and second time.

Report of committee adopted.

#### INTRODUCTION OF BILLS.

By Senator Wilson, Senate File No. 441, a bill for an act creating a State Teachers' Board of Retirement, and authorizing the creation of a state teachers' retirement fund and the retirement of teachers on life annuities.

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

By Senator Ream, Senate File No 442, a bill for an act to amend the law as it appears in Section Fifteen Hundred Seventy-one-k (1571-k) Supplement to the Code, 1907, and Section Seven Hundred Fifty-five (755) of the Code, relating to the authority of cities and towns to pass and enforce ordinances regulating the speed of motor vehicles.

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

Senator De Wolf submitted the following communication from the State Board of Health, which was ordered printed in the Journal.

HON. SHERMAN W. DEWOLF.

SENATE CHAMBER.

*My Dear Senator:—*

I wish to call your attention to a matter which I consider to be a great menace to the health of the citizens of our state. I now refer to the pollution of the streams of Iowa. This is becoming more and more dangerous every day, and should receive at this session of the legislature careful consideration, as the legislature will not again be in session, unless specially called, for two years. All of the streams of Iowa are becoming so filthy and unsanitary that fish life is being destroyed and the people are drinking their own sewage. This is becoming a source whereby disease and death are becoming almost constant visitors to the homes of our people.

The legislature is the custodian of the people's rights, and privileges, and many mistakes have been made in the past and are now being made by neglecting to enact proper legislation in order that the conservation of human life may be maintained. It is hard to have charge of so important a department as the office of the Secretary of the State Board of Health, and to know that conditions exist which are causing sickness, death and sorrow in the homes of those who have a right to claim protection by law from the legislative assembly, and feel that there is no law giving power to change such unsanitary conditions.

I herewith attach a copy of a telegram sent to Surgeon General Wyman of the Public Health and Marine Hospital Service, Washington, D. C., which is as follows:

Des Moines, March 17, 1911.

WALTER WYMAN, *Surgeon, General, Washington, D. C.:*

"Could you communicate with Geological Survey for me, relative to co-operation with our state in making a survey of the streams of Iowa, in regard to their pollution? It is the purpose of the Iowa State Board of Health to bring the matter before our legislature now in session. Answer paid here."

GUILFORD H. SUMNER,  
*Secretary.*

The following reply has been received which is self explanatory:

Washington, D. C., March 20, 1911.

DR. SUMNER, *Sec'y, State Board of Health,*  
DES MOINES, IOWA.

"Geological Survey does not have law to investigate pollution of streams. In bills before last congress, affecting this service, such provisions were included but they did not become a law. Intention is to make similar request next congress."

WYMAN, *Surgeon-General.*

The above telegrams will convey to you the efforts which the Secretary of the State Board of Health has made to bring about better conditions in regard to protecting the water supply of our state. Only for the activity of the Iowa State Board of Health in the recent epidemic of Typhoid Fever, in the city of Des Moines, and a report of which has been rendered to each member of the legislature, many of the members of the legislature might have been afflicted with this dread disease. This furnishes only one illustration of what is taking place by water pollution within the borders of Iowa.

The present legislature should not adjourn without making some provision at least for a complete examination of the streams of Iowa relative to their pollution. We may talk about drinking water, but where are we to go to get a good drink of water? Unless activity is commenced along these lines to provide good, wholesome drinking water, we will be obliged to drink wine in order to avoid drinking our own sewage.

We cannot impress upon you and the other members of the legislature, too earnestly at this time, that it is essentially necessary that the people be protected and some legislation along this line be enacted to the end that all cities and towns now discharging sewage into any streams, whose waters are or may be used for human or animal consumption, should file plans of their sewerage system and such other data as may be specified, to a sanitary commission of engineers, working under the direction of the State Board of Health, during the next two years, for the purpose of furnishing to the legislature a report with recommendations; and all cities and towns which desire in the future to discharge sewage or sewage effluents into any such streams or water supply should be required to file plans of their proposed systems.

I need only to add in conclusion that at the present time, the water supply at Iowa City is in a sad state of pollution, owing to conditions which exist all along the river above Iowa City, the seat of Iowa's principal educational institution, the state university.

The State Board of Health joins in the general good wishes for better work than ever before, but for its own particular part must continue in its improverished way until July 1st, 1911, when it is hoped that the present legislature will have made ample provisions for the work of the Board in accordance with its duties, and will have furnished the necessary funds with which it shall find itself provided by the present legislature.

Citizens who have been interested in public health progress, and who have followed the work of the State Board of Health, as well as members of the legislature, realize that it is impossible to pass and adequately finance all the really good health measures presented, but it is most desirable at this time that the legislature and the public indicate their opinion of the work of the State Board of Health; and I would most earnestly recommend that the present legislature so organize and strengthen the State Board of Health that it may do efficient, active, energetic and profitable work.

Very respectfully,

GUILFORD H. SUMNER,  
*Secretary, State Board of Health.*

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 77, a bill for an act to amend the law as it appears in Sections Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, to repeal Section Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h) of the Supplement Code, 1907, as amended by Chapter One Hundred Eighty-one (181) acts of the Thirty-third General Assembly, and to enact substitutes therefor to repeal Section Twenty-seven Hundred Thirty-four-i



(2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Senator Cowles 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:

Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hoyt, Jewell, Larrabee, McCulloch, Neal, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, White, Wilson—31.

The nays were:

Allen of Pocahontas, Clarkson, De Wolf, Gates, Hammill, Hunter, Malmberg, Mattes, Parshall, Proudfoot, Smith of Mitchell, Spaulding—12.

Absent or not voting:

Adams, Balkema, Legel, McColl, McManus, Saunders, Sullivan—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 passed the following bill in which the concurrence of the Senate is asked: House File No. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said Board to the State Veterinary Surgeon and to establish a commission of animal 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. 342, a bill for an act to repeal Section

1067 of the Code, 1897, and enact a substitute therefor relating to the election of the Clerk and Reporter of the Supreme Court, and relating to their removal from office.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked: House File No. 335, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance 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. 278, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (VI) of Title Twelve (XII) 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. 353, a bill for an act to amend Sections One Thousand Eighty-seven-a4 (1087-a4) and One Thousand Eighty-seven-a19 (1087-a19) of the Supplement to the Code, 1907, as amended, relating to the 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 the bill in which the concurrence of the House was asked: Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, and providing for an additional judge of the District Court in the First Judicial District and for his appointment and election and regulating terms in said district.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced that as President of the Senate in the presence of the Senate he had signed Senate File Nos. 7, 73, 195, 144, 12 and Substitute for Senate File No. 2, and House File Nos. 220, 281, 267, 247 and 14.

## THIRD READING OF BILLS.

On motion of Senator Saunders, House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen, was taken up and considered.

Senator Saunders moved that the Senate recede from its amendment to House File No. 9.

Carried.

Senator Saunders moved that the vote by which House File No. 9 passed the Senate and the vote by which it passed to its third reading be reconsidered.

Carried.

Senator Saunders offered the following amendment and moved its adoption:

I move to strike out Section One (1) of the substitute and insert in lieu thereof the following:

"Sec. 1. The law as it appears in Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly is hereby amended by striking out all after the period in the thirty-seventh (37) line of said section up to and including the period in the forty-seventh (47) line at the end of the word "retirement," and inserting the following in lieu thereof:

Any member of the fire department who may be entitled to benefits under the provisions of this act, and who have served twenty-two (22) years or more in such fire department, of which the last five (5) year's service shall have been continuous, or has reached the age of fifty (50) years, may make application to the Board of Trustees to be retired from such fire department and thereupon it shall be the duty of the Board of Trustees to order the retirement of such member, and upon retirement, he shall be paid a monthly pension equal to one-half ( $\frac{1}{2}$ ) the amount of salary received by him as monthly compensation at the date of his retirement.")

Adopted.

Senator Saunders 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, McColl, Malmberg, Mattes, Neal, Parshall, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White—35.

The nays were:

None.

Absent or not voting:

Adams, Balkema, Clarkson, De Wolf, Jewell, Larrabee, Legel, McCulloch, McManus, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, 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 Sullivan, Senate File No. 443, a bill for an act granting additional powers to cities of the first class, including cities acting under the commission plan of government, relating to the granting of franchises.

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

Senator Stuckslager moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 23, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. James P. Burling, of Des Moines, Iowa.

## PETITIONS AND MEMORIALS.

Senator Hunter presented a remonstrance from laboring men of Sioux City against the passage of the wage exemption bill.

Referred to Committee on Judiciary.

Senator Gates presented a remonstrance of citizens of Butler county against the white slave traffic.

Referred to Committee on Judiciary.

## INTRODUCTION OF BILLS.

By Senator Malmberg, Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

*Whereas*, In pursuance of a resolution of the Council of the incorporated town of Prairie City, Jasper County, Iowa, there was on the 6th day of September, 1907, submitted to the legal voters of said town a proposition to vote bonds in the sum of Five Thousand Seven Hundred (\$5,700.00) Dollars, for the purpose of establishing and maintaining a lighting plant in said town, which proposition was carried by more than a two-third vote of all the voters voting at the said election, and

*Whereas*, on the 6th day of September, 1907, the council of said town met in adjourned session and levied a tax of two and one-half mills on all taxable property in said town for the purpose of paying interest on said bonds, and

*Whereas*, There has been received from the treasurer of Jasper County, Iowa, the sum of Three Hundred Eighty-eight Dollars and Sixty-seven cents (\$388.67) realized by reason of said levy, and

*Whereas*, The said council has abandoned the establishment of said lighting plant and issuance of said bonds in payment thereof, for the reason that the said proposition voted on at the said election was insufficient, and

*Whereas*, Said town council has since said time entered into a contract with a private corporation to furnish light to said town, and there is no further use for said lighting plant fund, and no demands which can be legally paid from said funds, and

*Whereas*, Said town council did by resolution, on March 13th, 1911, transfer the sum of Three Hundred Eighty-eight Dollars and Sixty-seven cents (\$388.67) for the lighting plant fund to the general fund of said town, and

*Whereas*, Doubts have arisen and now exist as to the legality of said acts and proceedings of said town council, the submission of said proposition to establish a lighting plant at said special election, the levy of said tax and to the transferring of said funds, therefor,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the acts and proceedings of the council of the incorporated town of Prairie City, Jasper County, Iowa, in calling said election, the submission of said proposition and the form thereof; the levy of said tax of two and one-half mills, the transferring of said sum of Three Hundred Eighty-eight Dollars and Sixty-seven cents (\$388.67) from the lighting plant fund to the general fund of said town, and the resolutions passed in relation thereto are hereby declared to be legal and valid as though the law had in all respects been fully complied with, but nothing in this act shall effect pending litigation.

Sec. 2. This act being deemed of immediate importance, shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Prairie City News, a newspaper published at Prairie City, Iowa, said publication to be without expense to the state.

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

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, and providing for an additional judge of the District Court in the First Judicial District and for his appointment and election and regulating terms in said district.

Passed on file.

House File No. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said board to the state veterinary surgeon and to establish a commission of animal health.

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

House File No. 342, a bill for an act to repeal Section 1067 of the Code, 1897, and enact a substitute therefor relating to the election of the clerk and reporter of the Supreme court, and relating to their removal from office.

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

House File No. 353, a bill for an act to amend Sections One Thousand Eighty-seven-a4 (1087-a-4) and One Thousand Eighty-seven A-19 (1087-a19) of the Supplement to the Code, 1907, as amended, relating to the holding of primary elections by political parties.

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

House File No. 278, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (6) of Title Twelve (XII) of the Code.

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

House File No. 335, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.

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

#### 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 the following bill as requested by the Senate:

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities and towns have heretofore changed the name or names of certain platted streets.

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. 103, a bill for an act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of review may complete their duties.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 139, a bill for an act to repeal Section Four Hundred Ninety-six (496) of the Supplement to the Code, 1907, relative to the compensation of Deputy County Recorders 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. 173, 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 insecticides and fungicides 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 passed the follownig bill in which the concurrence of the House was asked:

Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 103, a bill for an act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of review may complete their duties.

Passed on file.



House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

Passed on file.

House File No. 139, a bill for an act to repeal Section Four Hundred Ninety-six (496) of the Supplement to the Code, 1907, relative to the compensation of deputy county recorders and to enact a substitute therefor.

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

Senate File No. 173, 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 insecticides and fungicides by persons other than registered pharmacists.

Passed on file.

Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

Passed on file.

#### REPORTS OF COMMITTEES.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House File No. 120, a bill for an act to provide that undertakers shall report to the mayor of a town or to the township clerk, the name and residence of persons dying of tuberculosis and providing for the disinfection of the premises and a penalty for failure to comply with the provisions of 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:

#### A BILL

For an Act to amend the law as it appears in Section One (1) of Chapter One Hundred Fifty-six (156) of the Session laws of the Thirty-third General Assembly, relating to the quarantine of communicable diseases.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section One (1) of Chapter One Hundred Fifty-six (156) of the session laws of the Thirty-third Gen-

eral Assembly, be and the same is hereby amended by striking out of lines eleven, twelve, thirteen and fourteen of said section the following: "but quarantine shall not be established or maintained or fumigation required except in cases of scarlet fever (including scarlet rash and scarlatina,) smallpox, diphtheria (including membranous croup,) cholera, leprosy, cerebro-spinal meningitis and bubonic plague" and inserting in lieu thereof the following: "quarantine shall be established and maintained and fumigation required in all cases of communicable diseases where the local or state board of health deem it necessary to properly protect the health of the inhabitants," and when so amended the bill do pass.

T. W. BENNETT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 110, a bill for an act to amend Section Nine Hundred and Ten (910) of the Code, relating to the sale or exchange of bonds and refunding of the same, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 180, a bill for an act to repeal Paragraph Thirteen (13) under Section Forty-eight (48) of the Code, and enact a substitute therefor relating to persons and bodies corporate, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 317, a bill for an act relating to the regulation of the methods of procedure in the superior and district courts of the State of Iowa and in the Supreme Court of the state, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 111, a bill for an act to amend Section Four Hundred and Four (404) of the Code, relating to the sale or exchange of bonds and refunding of the same, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 440, a bill for an act relating to the rendering of verdicts by juries in civil actions in courts of record, additional to Chapter Nine of Title Eighteen of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gillilland moved the adoption of the report of the committee.

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 making it criminal to receive payment for laying tile, knowing that such tile is laid contrary to the survey and plans, and specification furnished, and concealing such fact, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 408, a bill for an act amendatory to Chapter Six (6), Title Three (III) of the Code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more; providing for the number of jurors in such courts in such cities, and the manner of their selection, providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government 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 Judiciary, to whom was referred House File No. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the County of Page, and State of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Section 2 by striking from the second line thereof the word "legislation" and inserting in lieu thereof the word "litigation," and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 492, a bill for an act to legalize and validate the acts of the City Council of the City of Osceola, Iowa, in varying from and constructing paving and curbing on portions of Washington and Webster streets in said city on grades different from the established grades, 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 Allen of Jefferson, 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. 207, a bill for an act to repeal Section Three (3), of Chapter One Hundred Forty-two (142) of the laws of the Thirty-third General Assembly relating to the sale of intoxicating liquors by persons convicted of violating the laws in respect to the sale of intoxicating liquors and those permanently enjoined for such violation, and to enact a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

W. S. ALLEN.

*Chairman.*

Senator Allen of Jefferson moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 294, a bill for an act providing for a librarian of state institutions, defining the duties of the office and making an appropriation for salary and expenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOS. MATTES,

*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 295, a bill for an act to provide for the payment of traveling expenses of members of the Board of Control of state institutions, its secretary and other employes and agents, and repealing the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-Five (2727-a5) of the Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 195, a bill for an act to legalize acknowledgments of instruments in writing heretofore taken by notaries public, additional to Section Twenty-nine Hundred and Forty-two (2942) of the Code.

Also:

Senate File No. 144, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing a penalty for the violation thereof.

Also:

Senate File No. 12, a bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the acts of the Thirty-third General Assembly relating to the enticing away of children and providing a penalty for the violation thereof.

Also:

Senate File No. 73, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustees, dated June 30th, 1867, filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13th, 1867, and recorded in land deed record "C" beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance.

Also:

Senate File No. 2, a bill for an act to provide for the labeling of any of the products of petroleum known as gasoline, benzine or naphtha, sold or kept for sale within this state, to fix a punishment for the violation thereof and to provide when and the manner in which gasoline, benzine or naphtha may be inspected.

Also:

Senate File No. 7, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

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

#### THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort, was taken up and considered.

Senator Brown moved that the Senate concur in the following House amendment:

#### A BILL

For an Act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code is hereby repealed and the following enacted in lieu thereof: "If any person, either verbally or by any written or printed communication, maliciously threaten to accuse another of a crime or offense, or to do any injury to the person or property of another, with intent to extort any money or pecuniary advantage whatever, or to compel the person so threatened to do any act against his will, he shall be imprisoned in the penitentiary not to exceed five (5) years, or be fined not exceeding One Thousand Dollars (\$1,000.00), or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment."

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

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Francis, Garrett, Gates, Hunter, Jewell, Legel,

McCulloch, Malmberg, Mattes, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Webber, White—34.

The nays were:

None.

Absent or not voting:

Chase, Fitchpatrick, Gilliland, Hammill, Hoyt, Larrabee, McColl, McManus, Neal, Parshall, Proudfoot, Ream, Spaulding, Stuckslager, Van Law, Wilson—16.

So the House amendments having received a constitutional majority, were declared concurred in.

On motion of Senator Sammis, House File No. 346, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Quigley, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Brown, Hammill, Hoyt, Larrabee, McColl, McManus, Parshall, Proudfoot, Ream, Saunders, Stuckslager, Sullivan—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, House File No. 383, a bill for an act to legalize a special election of the independent school district



of Paton in the county of Greene, and state of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds, 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, 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 Jefferson, Ames, Balluff, Bennett, Chapman, Chase, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Clarkson, Cowles, Crow, Hammill, Hoyt, Jewell, Parshall, Proudfoot, Smith of Mitchell, Taylor, Van Law—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Clarkson moved that Senate File No. 282 be made a special order for 9:30 tomorrow morning.

The motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities and towns have heretofore changed the name or names of certain platted streets.

Senator Hunter asked unanimous consent to move that the vote by which House File No. 218 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Consent granted.

Senator Hunter moved that the vote by which Senate File No. 218 passed the Senate, and the vote by which the same passed to its third reading be reconsidered.

Carried.

Senator Hunter offered the following amendment and moved its adoption. I move to amend enacting clause of House File No. 218 by inserting between the words "of" and "Iowa" the words "the state of".

Adopted.

Senator Hunter 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Cowles, Crow, Gilliland, Hammill, McManus, Proudfoot, Saunders, Smith of Mitchell, 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 Schrup, Senate File No. 103, a bill for an act to amend Section Thirteen Hundred Seventy (1370) relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes.

Senator Schrup moved that the Senate concur in the following House amendments:

A BILL

For an Act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of Review may complete their duties.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section One Thousand Three Hundred Seventy (1370) of the Code is hereby amended by adding thereto after the period (.) following the word "done" in said section, the following:

"Provided, however, that in townships having a population of Twenty Thousand (20,000) or more, and situated entirely within the limits of a city under special charter, and in cities having a population of Twenty Thousand (20,000) or more, including cities under special charter, the Board of Review may begin the performance of the duties herein defined on and after the First day of March each year."

Sec. 2. This act being deemed of immediate importance, shall take effect from and after its passage and approval and publication thereof had in the Register and Leader and Des Moines Capital, newspapers published in Des Moines, Iowa.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, DeWolf, Dunningan, Fitchpatrick, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Matthes, Neal, Ream, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Cowles, Crow, Gilliland, Hammill, Hoyt, McManus, Parshall, Proudfoot, Quigley, Saunders, Smith of Mitchell, Stuckslager—12.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Van Law, Senate File No. 173, 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 insecticides and fungicides by persons other than registered pharmacists, was taken up and considered.

Senator Van Law moved that the Senate concur in the following House amendment:

Amend Senate File No. 173 by striking out the words "of any kind" as they occur in the fourth line of Section One of the printed bill and substituting therefor, the following: "consisting of hellebore, Paris green, nicotine preparations, arsenical preparations, copper sulphate, formaldehyde and crude carbolic acid."

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

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Cowles, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Chapman, Chase, Crow, Hammill, Hoyt, Larrabee, Legel, McManus, Proudfoot, Ream, Smith of Mitchell, Stuckslager, Webber—13.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Adams, Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the water-works fund by the town council of the incorporated town of Fayette, Fayette county, state of Iowa, and regulating the payment 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 Adams moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law—33.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Ames, Chase, Crow, Hammill, Hoyt, Hunter, McManus, Neal, Proudfoot, Sammis, Smith of Mitchell, Stuckslager, Webber, White, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The hour having arrived for Special Order No. 1, on motion of Senator Saunders, Senate File No. 158, a bill for an act to amend Sections Thirteen Hundred Thirty-four (1334), Thirteen Hundred Thirty-four-a (1334-a) and Thirteen Hundred Thirty-four-b (1334-b) of the Supplement to the Code and to repeal Sections Thirteen Hundred Thirty-seven (1337) and Thirteen Hundred Thirty-seven-a (1337-a) of the Supplement to the Code, and Thirteen Hundred Thirty-eight (1338) of the Code, and to enact substitutes therefor and relating to the assessment and taxation of railways and to requirements of railroad companies and duties of executive council in connection therewith, was taken up and considered, with the report of the committee without recommendation.

Senator Neal moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Clarkson moved that the time of Senator Saunders be extended five minutes.

Motion prevailed.

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:

Adams, Balkema, Balluff, Cowles, DeWolf, Dunnegan, Fitchpatrick, Hunter, Jewell, Larrabee, Legel, McManus, Malmberg, Quigley, Ream, Saunders, Savage, Schrup, Stuckslager, Sullivan, Webber—21.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—29.

Absent or not voting:

None.

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 adopted the following Concurrent Resolution, in which the concurrence of the Senate is asked:

Concurrent Resolution relative to adjournment from Saturday, March 25, 1911, after taking the Joint Ballot, to Tuesday, March 28, 1911.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Smith of Mitchell moved that when the Senate adjourn it be until 1:55 o'clock.

Carried.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black,

Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenoeker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

**Absent or paired :**

Byerly, Dewey, Halgrims, Klay, Koontz, McCleery, Stipe, Taylor of Union—8.

President Clarke announced the Joint Convention duly organized with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were :

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, Mc-

Manus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—50.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stuckslager, Sullivan, Van Camp, Van Law—34.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Hammill, Harding, Harvey, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller,—65.

Those voting for Daniel Hamilton were:

Webber—1.

Absent or paired:

Byerly, Dewey, Halgrims, Klay, Koontz, McCleery, Stipe, Taylor of Union—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Clarkson moved that the Senate do now adjourn.

Carried.

The Senate adjourned.



## AFTERNOON SESSION.

The Senate met pursuant to adjournment, at 1:55 o'clock, President Clarke presiding.

## REPORTS OF COMMITTEES.

Senator Spaulding, from the Committee on Manufactures, submitted the following report:

MR. PRESIDENT—Your Committee on Manufactures, to whom was referred Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the word and figure "five" in line three of Section Three and substituting in lieu thereof the word "fifteen" and the figure "15," and when so amended the bill do pass.

H. W. SPAULDING,  
*Chairman.*

Ordered passed on file.

## INTRODUCTION OF BILLS.

By Senator Neal, Senate File No. 445, a bill for an act to amend the law as it appears in Section Seventeen Hundred and Fifty-nine-h (1759-h) of the Supplement to the Code, 1907, and to provide additional requirements, supplemental and amendatory to Title Nine (9), Chapter Five (5), all relating to mutual hail insurance companies doing business in Iowa.

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

Senator Gilliland moved that Special Order No. 2, House File No. 12, be deferred until after the disposal of Special Order No. 3.

Motion prevailed.

## THIRD READING OF BILLS.

The hour having arrived for Special Order No. 3, on motion of Senator Smith of Mitchell, the Senate took up for consideration Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311) of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits, and private banks.

Senator Smith of Mitchell offered the following amendment and moved its adoption:

I move to amend by striking out all of the bill after the enacting clause and inserting in lieu thereof the following:

Section 1. Section Thirteen Hundred and Ten (1310), of the Code is hereby amended by striking from the last line thereof the words "as provided in this chapter," and substituting therefor the words "and, excepting shares of stock of national, state and savings banks and loan and trust companies, and moneyed capital as hereinafter defined, shall be taxed upon the uniform basis throughout the state of five (5), mills on the dollar of actual valuation, same to be assessed and collected where the owner resides. The millage tax here provided for shall be in lieu of all other taxes upon moneys and credits, and the amount collected in the various taxing districts of the state shall be divided between the various funds upon the same pro rata basis as other taxes collected in such taxing district are apportioned. All moneyed capital within the meaning of Section Five Thousand Two Hundred and Nineteen (5219) of the Revised Statutes of the United States shall be listed and assessed against the owner thereof at his place of business, and if a corporation at its principal place of business, at the same rate as state, savings, national bank and loan and trust company stock is taxed, in the same taxing district, and at the actual value of the moneyed capital so invested. The person or corporation using moneyed capital in competition with bank capital shall furnish the assessor upon demand a full and complete itemized sworn statement showing the amount of moneyed capital so used."

Sec. 2. Section Thirteen Hundred and Eleven (1311), of the Code is hereby amended by adding thereto the following words: "Provided, however, that no deduction for debts shall be allowed from the shares of stock of any state, savings or national bank or loan and trust companies, nor from moneyed capital used in competition with banks, within the meaning of Section Five Thousand Two Hundred and Nineteen (5219), of the Revised Statutes of the United States."

Sec. 3. The law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, is hereby amended by striking from lines four and five of Subdivision Five thereof the words "and of debts owing by such bank, as provided in this chapter," and also by striking from line six of said Subdivision Five the words "exempt, or."

Sec. 4. Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

"Shares of stock of national banks and state and savings banks and loan and trust companies, located in this state, shall be assessed to the individual stock-holders at the place where the bank or loan and trust company is located. At the time the assessment is made the officers of national and state and savings banks and loan and trust companies shall

furnish the assessor with lists of all the stock-holders and the number of shares owned by each, and the assessor shall list to each stock-holder under the head of corporation stock the total value of such shares. To aid the assessor in fixing the value of such shares, the said banking corporations shall furnish him a verified statement of all the matter provided in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, which shall also show separately the amount of the capital stock and the surplus and undivided earnings, and the assessor from such statement shall fix the value of such stock, based upon the capital, surplus and undivided earnings. In arriving at the total value of the shares of stock of such banking corporations, the amount of their capital actually invested in real estate owned by them and in the shares of stock of corporations owning only the real estate, (inclusive of leasehold interests, if any,) on or in which the bank or trust company is located shall be deducted from the real value of such shares, and such real estate shall be assessed as other real estate, and the property of such corporation shall not be otherwise assessed. Said shares of stock and moneyed capital shall be assessed upon the basis of twenty per cent. of the actual value ascertained as herein provided, which twenty per cent. of the actual value shall be taken and considered as the taxable value and taxed as other property in such taxing district.

Sec. 5. The provisions of this act shall be in effect and govern the assessments made in the year 1911, and subsequent years. If assessment of any such stock or moneyed capital is not made during 1911 within the time now provided by law, or is illegally or irregularly made, the assessor of the taxing district is hereby granted until June 1, 1911, in which to rectify the irregularity or correct the illegality, or re-assess such stock or moneyed capital, and the board of review of the taxing district is during the month of June, 1911, authorized and directed to review such assessment following the proceedings now provided by law as to original assessments.

Sec. 6. If the taxable value of property in any city acting under special charter is not twenty-five per cent. of the actual value as assessed, the council of such city shall when the total levy for all city purposes has been completed certify such total levy to the county treasurer of the county wherein such city is situated, and when the millage tax herein provided for is collected, the county treasurer shall pay to the treasurer of such city from said millage tax the proportion thereof that the levy so certified bears to the total other tax levied against property in said city.

Adopted.

Senator Saunders offered the following amendment and moved its adoption: I move to amend Senate File Three Hundred Eighty-seven (387) by adding as Section Seven (7) the following:

Sec. 7. The provisions of this act as to the assessment and taxation of moneys and credits other than moneyed capital and shares of stock of

state and national banks and loan and trust companies shall not apply to taxes levied for the year 1911.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Senate File Three Hundred Eighty-seven (387) by adding as Section Eight (8) the following:

Sec. 8. 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 Cowles offered the following amendment and moved its adoption: I move to amend Section Four of said bill as amended as follows:

Strike out the last four lines of said Section Four and insert the following in lieu thereof:

"Capital shall be taxed upon the uniform basis throughout the state of twelve and one-half (12 1-2) mills in the dollar of actual valuation. The millage tax here provided for shall be in lieu of all other taxes and the amount collected in the various taxing districts of the state shall be divided between the various funds upon the same pro rata basis as other taxes collected in such taxing district are apportioned.

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 Speaker on the part of the House has appointed the following Conference Committee to consider House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, relative to the title and disposition of real estate acquired by a school corporation, Representatives Ripley, Perkins, Harding, O'Connor.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 amend Title Twelve (12), Chapter Twelve (12), Supplement to the Code, 1907, requiring certain

boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 312, a bill for an act authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 164, a bill for an act to amend Section One Thousand Nine Hundred Eighty-nine-a-8 (1989-a-8) of the Supplement to the Code, 1907, relating to the letting of contracts for levies, drains and ditches.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 248, a bill for an act making all children received in the Soldiers' Orphans' Home, wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) 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. 484, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 470, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance commissioner.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 103, a bill for an act to establish the office of Commerce-Counsel and defining the powers and duties of the same.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

HOUSE CONCURRENT RESOLUTION.

*Resolved by the House, the Senate concurring,* that this Assembly adjourn Saturday, March 25, 1911 after the taking of the Joint Ballot to reconvene Tuesday, March 28th, 1911, at 10 o'clock, A. M.

Passed on file.

House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, relative to the title and disposition of real estate acquired by a school corporation.

Passed on file.

House File No. 243, a bill for an act to amend Title Twelve (XII) Chapter Twelve (12), Supplement to the Code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

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

House File No. 312, a bill for an act authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal.

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

House File No. 164, a bill or an act to amend Section One Thousand Nine Hundred Eighty-nine-a8 (1989-a8) of the Supplement to the Code, 1907, relating to the letting of contracts for levies, drains and ditches.

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

Senate File No. 248, a bill for an act making all children received in the Soldiers' Orphans' home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

Passed on file.

House File No. 484, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

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

House File No. 470, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner.

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

House File No. 103, 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 Spaulding moved that Senate File No. 156 be made a special order to follow the special order fixed for 9:30 o'clock tomorrow morning.

Carried.

Senator De Wolf moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 24, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. Enoch Hill of Greenfield, Iowa.

## PETITIONS AND MEMORIALS.

Senator Stuckslager presented a petition of citizens of Linn county favoring Senate File No. 95.

Referred to Committee on Appropriations.

Senator Allen of Jefferson presented a petition of citizens of Des Moines, Iowa, favoring the commission plan of school government.

Referred to Committee on Cities and towns.

Senator Brown presented a petition of merchants of Creston, Iowa, favoring Senate File No. 259.

Referred to Committee on Commerce and Retail Trade.

## INTRODUCTION OF BILLS.

By Committee on Banks, Senate File No. 446, a bill for an act to confer additional powers upon trust companies and to prescribe the conditions under which they may transact business.

Placed on the Calendar.

By Senator Jewell, Senate File No. 447, a bill for an act to amend the law as it appears in Section Twenty-four Hundred and Fifty (2450) of the Supplement to the Code, 1907, relating to the canvass of statements of general consent to sell intoxicating liquors under the mullet law.

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



By Senator Allen of Jefferson, Senate File No. 448, a bill for an act to amend Section Thirteen Hundred Twenty-four (1324) of the Code relating to the assessment and valuation of corporate stock.

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

By Senator Balkema, Senate File No. 449, a bill for an act to repeal Sections Two Thousand Five Hundred Three (2503), Two Thousand Five Hundred Four (2504), Two Thousand Five Hundred Five (2505), Two Thousand Five Hundred Six (2506), Two Thousand Five Hundred Seven (2507), Two Thousand Five Hundred Eight (2508), Two Thousand Five Hundred Eight-a (2508-a) Two Thousand Five Hundred Nine (2509), Two Thousand Five Hundred Nine-a (2509-a) and Two Thousand Five Hundred Ten (2510) of the Supplement to the Code, 1907, relating to the test of illuminating oil and inspection of petroleum products and enacting substitutes therefor.

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

By Senator Balkema, Senate File No. 450, a bill for an act to amend the law as it appears in Chapter One Hundred Fifty-six (156) Section One (1) of the laws of the Thirty-third General Assembly, relating to quarantine and fumigation.

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

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 16, a bill for an act to repeal Section Four Hundred and Ninety-one (491) of the Code, relative to the compensation of deputy county treasurer, and to enact a substitute therefor.

C. R. BENEDICT,  
*Chief Clerk.*

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 173,

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 insecticides and fungicides by persons other than registered pharmacists.

Also:

Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

Also:

Substitute for Senate File No. 103, a bill for an act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of review may complete their duties.

ED. P. MALMBERG,

*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 173, 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 insecticides and fungicides by persons other than registered pharmacists.

Also:

Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

Also:

Substitute for Senate File No. 103, a bill for an act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of review may complete their duties.

Also:

House File No. 33, a bill for an act to amend Section Two Thousand Seven Hundred Ninety-four-a (2794-a) of the Supplement to the Code, 1907, relating to the organization of consolidated independent school districts.

Also:

House File No. 162, a bill for an act relating to security for costs in justice courts.

Also:

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (V) of the Supplement to the Code, 1907, relative to the board of police and fire commissioners in certain cities of the first class.

Also:

House File No. 156, a bill for an act to provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regulations and to require work from such persons so committed, and to provide for the supervision of such institutions by the Board of Control.

Also:

House File No. 198, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof, and repealing Sections in conflict therewith.

Also:

House File No. 199, a bill for an act to prevent the adulteration of and deception in the sale of Oil of Turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for Oil of Turpentine; defining the duties of the State Food and Dairy Commissioner in relation thereto; and fixing penalties for the violation thereof.

Also:

House File No. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), Acts of the Thirty-third (33d) General Assembly of Iowa, relating to tax levy for park purposes.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

#### REPORTS OF COMMITTEES.

Senator Stuckslager, 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. 402, a bill for an act to amend Section One Thousand Five (1005) of the Supplement to the Code, 1907, with addi-

tional provisions in regard to the fire fund, 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 Cities and Towns, to whom was referred Senate File No. 18, a bill for an act repealing Section One (1), Chapter Fifty-two (52) of the Acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for violation thereof, 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. 18

A BILL

For an Act repealing Section One (1), Chapter Fifty-two (52) of the Acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping the same, and fixing a penalty for violation thereof.

*Be it Enacted by the General Assembly of the State of Iowa:*

1. Every person, partnership, company or corporation, owning or operating a street railway in this state, shall equip all of its passenger cars of thirty feet and more in length over all, with power brakes other than hand, 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. Provided, however, that no street railway shall be required to equip more than one-half of such cars affected by this act, and not now so equipped, before January 1st, 1912, and all of such cars shall be so equipped before January 1st, 1913; and when so amended the bill do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 54, a bill for an act to amend Section Twenty-six Hundred Twenty-six (2626) of the Code, and Section Twenty-seven

Hundred Thirty-eight (2738) of the Supplement to the Code of 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 indefinitely postponed.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 221, 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 do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Ordered passed on file.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House File No. 335, a bill for an act to amend Section Seventeen Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies, beg leave to report they have had the same under consideration and recommend the same do pass.

C. H. VAN LAW,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred House File No. 200, a bill for an act to amend Section One Thousand Seven Hundred Forty-nine-a (1749-a) of the Supplement to the Code, 1907, relating to insurance of mutual, fire, tornado and hailstorm assessment insurance associations, beg leave to report they have had the same under consideration and recommend the same do pass.

C. H. VAN LAW,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 337, a bill for an act to enable minors between the

ages of 16 and 21 years to contract for life and accident insurance, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. VAN LAW,  
*Chairman.*

Senator Van Law moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### HOUSE MESSAGE CONSIDERED.

House File No. 16, a bill for an act to repeal Section Four Hundred Ninety-one (491) of the Code, relative to the compensation of deputy county treasurer, and to enact a substitute therefor.

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

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311) of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Further consideration of the bill was postponed.

The President announced that the hour had arrived for the special order on Senate File No. 282.

Senator Allen of Jefferson moved that the consideration of Senate File No. 282 be made a special order for 10 o'clock next Tuesday and that it shall take precedence of all special orders until disposed of.

Motion prevailed.

Senator Sammis called up the House Concurrent Resolution relative to adjournment from March 25th to March 28th.

Senator Sammis moved that the Senate concur in the House Concurrent Resolution.

On this motion a roll call was demanded.

The ayes were:

Allen of Jefferson, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Garrett, Legel, McManus, Malmberg, Neal, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Van Law, Webber, White—25.

The nays were:

Adams, Allen of Pocahontas, Balkema, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Mattes, Parshall, Smith of Mitchell—16.

Absent or not voting:

Ames, Cowles, Dunnegan, Gates, Quigley, Spaulding, Sullivan, Taylor, Wilson—9.

So the Senate concurred in the Concurrent Resolution.

On motion of Senator Spaulding, Senate File No. 156, a bill for an act to create a permanent tax commission, to define its powers and duties, to transfer to said commission the power and duties of the executive council relating to taxation, to making an appropriation therefor and to repeal all acts inconsistent herewith, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Shelby moved that the consideration of Senate File No. 156, be deferred until after the disposition of Senate File No. 387.

Motion prevailed.

The Senate resumed consideration of Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311) of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321) relating to the taxation of moneys and credits and private banks and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Further consideration of the bill was postponed on account of the Joint Convention.

## 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. 423, a bill for an act to amend Section Eighteen Hundred Twenty-two (1822) of the Code, relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under Chapter Nine, Title Nine, 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. 212, a bill for an act to legalize the incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the Council of said town.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced that as president of the Senate, in the presence of the Senate, he had signed Senate Files Nos. 173, 103 and 202, and House Files Nos. 283, 162, 156, 219, 199, 198 and 33.

The President announced as teller on the part of the Senate, Senator Sullivan, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

## 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fralley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—145.

Absent or paired:

Black, Byerly, Cowles, De Wolf, Enger, Fletcher, Hoyt, Klay, Koontz, McCleery, Savage, Speer, Taylor of Union—13.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Grundy.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Boettger, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—46.

Those voting for Horace E. Deemer were :

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Decatur, Smith of Shelby, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were :

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller,—64.

Those voting for Daniel Hamilton were :

Ream, Webber—2.

Absent or paired :

Black, Byerly, Cowles, De Wolf, Enger, Fletcher, Hoyt, Klay, Koontz, McCleery, Savage, Speer, Taylor of Union—13.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Hoyt moved that the Senate do now adjourn until 2 o'clock.

Senator Chapman moved as an amendment that the Senate adjourn until 1:30 o'clock.

Carried.

Motion as amended prevailed.

Senate adjourned.

#### AFTERNOON SESSION.

Senate met pursuant to adjournment at 1:30, P. M., President Clarke presiding.

#### PETITIONS AND MEMORIALS.

Senator Allen of Jefferson presented a petition of women of Jefferson county favoring votes for women on certain subjects.

Referred to Committee on Constitutional Amendments and Suffrage.

Senator Van Law presented a petition of citizens of Audubon and Guthrie counties favoring the five mile limit law.

Referred to Committee on Suppression of Intemperance.

#### INTRODUCTION OF BILLS.

By Senator Chase, Senate File No. 451, a bill for an act to require all persons, partnerships, companies or corporations owning or operating a railway in this state to equip the cab of all locomotive engines with frost glass in front of the seat of the engineer and fireman of said engine, and providing a penalty for the violation thereof.

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

By Senator Francis, Senate File No. 452, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Royal, Clay county, Iowa.

*Whereas*, the Town of Royal, Clay County, Iowa, was incorporated by order and decree of the district court of Iowa, in and for Clay County, on the thirtieth day of August, 1910, and the first election of officers for said town confirmed and approved by said court, and

Whereas, at said election, six councilmen were elected for said town, pursuant to the provisions of Section Six Hundred and Forty-five (645), of the Code of 1897, and said councilmen have qualified and acted as such, and have passed and adopted ordinances and resolutions, and performed such other acts as properly devolve upon such council by law; and

Whereas, it has been since discovered that said Section Six Hundred and Forty-five (645), of the Code was amended by Chapter 26 of the Acts of the Thirty-second General Assembly, reducing the number of councilmen in towns to five councilmen at large, and doubts have arisen as to the legality of the said acts, resolutions and ordinances of said town council because of the larger number of its councilmen than was required by said statute as amended; Therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the ordinances, resolutions and acts of the Town of Royal, Clay county, Iowa, not inconsistent with the laws of the state, and the proceedings of the council of said town in reference thereto, be and the same are hereby rectified, confirmed and legalized in every respect and declared to be valid and binding to the same extent as though Section Six Hundred and Forty-five (645), of the Code of Iowa, so far as the same relates to the number of councilmen had not been amended by a subsequent act of the General Assembly of the State of Iowa.

Sec. 2. This act shall in nowise affect pending litigation.

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, a newspaper published at Des Moines, Iowa, and the Royal Banner, a newspaper published at Royal, Iowa, which publication shall be without expense to the state.

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

By Senator Saunders, Senate File No. 453, a bill for an act to repeal Section Three Thousand Five Hundred and Sixty-four (3564) of the Code, relating to the demurrer pleadings and enacting a substitute therefor.

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

#### 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. 354, a bill for an act authorizing and directing the Board of Railroad Commissioners to show on all official railroad maps issued by them certain established and defined river to river highways extend-

ing across the state of Iowa from east to west; further designating them on said maps by their accepted names, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred House File No. 103, 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 striking out the words and figures in the eleventh and twelfth lines of Section Three "Five Thousand (\$5,000) Dollars" and insert in lieu thereof the words and figures "Four Thousand (\$4,000) Dollars," and that when so amended the bill do pass.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the committee.

Adopted.

Senator Francis, from the Committee on Elections, submitted the following report:

MR. PRESIDENT—Your Committee on Elections, to whom was referred House File No. 353, a bill for an act to amend Section One Thousand Eighty-seven-a-19 (1087-a-19) of the Supplement to the Code, 1907, as amended, 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 do pass.

L. E. FRANCIS,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate File No. 46, a bill for an act creating Section Four Thousand Nine Hundred and Eighteen-a (4918-a), to the Code, prohibiting candidates for office from giving away, paying for, or treating to any drinks, cigars or other refreshments, or paying for or providing for the admission to shows, entertainments, or other performances, and providing a penalty

therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,  
*Chairman.*

Senator Francis moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate File No. 352, a bill for an act to amend Section 1087-a-1 of the Supplement of 1907 to the Code, relating to the nomination of officers by primary election, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,  
*Chairman.*

Senator Francis moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred House File No. 342, a bill for an act to repeal Section One Thousand Sixty-seven (1067) of the Code, and enact a substitute therefor, relating to the appointment of the clerk and reporter of the Supreme Court and to their removal from office, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,  
*Chairman.*

Senator Francis moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Elections, to whom was referred Senate File No. 28, a bill for an act to amend Section 1087-a-10, 1087-a-22, 1087-a-27 of the Supplement to the Code, 1907, and Sections 1150, 1151, 1157, and 1162 of the Code, 1897, and repealing Chapter 1, acts of the Special Session of the Thirty-second General Assembly, and enacting a substitute therefor, relative to the nomination of candidates for the of-

vice of United States senator in the congress of the United States, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

L. E. FRANCIS,  
*Chairman.*

Senator Francis moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

#### INTRODUCTION OF BILLS.

By Senator Stuckslager, Senate File No. 454, a bill for an act to legalize the action of the board of directors of the Independent school district of Walker, Linn county, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

*Whereas*, The Board of Directors of the independent school district of Walker, Linn county, Iowa, did in the years 1903 and 1910 inclusive levy a school house tax for the purpose of creating a fund to be expended toward the erection and equipment of a new school building; and

*Whereas*, Doubt has arisen as to the legality of the acts of said board of directors and officers and of the said tax levy, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the acts of said board of directors of the independent district of Walker, Linn County, Iowa, in levying said schoolhouse tax, are hereby legalized and confirmed, and that the officers and directors of said district are hereby authorized and empowered to expend the funds derived from such taxes for the purposes for which they were assessed.

Sec. 2. Nothing in this act shall effect in any way pending litigation in relation to the subject matter hereof.

Sec. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Walker News, a newspaper published at Walker, Iowa, which publication shall be without expense to the state.

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

Senator Sullivan called up the House Concurrent Resolution relative to a state song.

Senator Sullivan moved that the Senate concur in the House Concurrent Resolution.

Motion prevailed.

On request of Senator Hoyt leave of absence was granted Senator Savage for today.

HOUSE MESSAGES CONSIDERED.

Senate File No. 212, a bill for an act to legalize the incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town.

Passed on file.

House File No. 423, a bill for an act to amend Section Eighteen Hundred Twenty-two (1822) of the Code (relating to beneficiary associations composed of the members of any one religious denomination) and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under Chapter Nine, Title Nine, of the Code.

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

Senator Chase submitted the following song on "Iowa" which was read and ordered printed in the Journal.

Air: "Maryland! My Maryland!"

IOWA.

Oh land of storm and land of sun,  
Iowa! my Iowa!  
Thy children love thee, every one,  
Iowa! my Iowa!  
With joyful heart they sing of thee,  
And ring thy praises full and free  
In loud resounding jubilee,  
Iowa! my Iowa!  
Thy rolling prairies broad and fair,  
Iowa! my Iowa!  
Are bright and blest beyond compare,  
Iowa! my Iowa!  
With milk and honey how they flow,  
Best heritage of man below,  
Where all may reap who care to sow,  
Iowa! my Iowa!



Thy summer's heat and winter's cold,  
   Iowa! my Iowa!  
 Rear loyal freeman strong and bold,  
   Iowa! my Iowa!  
 Thy daughters fair thy vestals be,  
 Who guard the flame of purity  
 Seen from afar o'er land and sea.  
   Iowa! my Iowa!  
  
 Thy happy homes their altars keep,  
   Iowa! my Iowa!  
 On truth's foundations firm and deep,  
   Iowa! my Iowa!  
 They guard their children's weal and woe,  
 who heed not folly's idle show,  
 But vices scorn of high and low,  
   Iowa! my Iowa!  
  
 Keep watch and ward through changing time.  
   Iowa! my Iowa!  
 In deeds work out thy faith sublime,  
   Iowa! my Iowa!  
 Still may God's hidden things be shown  
 To thee, before the seen and known,  
 Of riches vain, so quickly flown,  
   Iowa! my Iowa!  
  
 A beacon light so shalt thou gleam,  
   Iowa! my Iowa!  
 The weak lift up, the lost redeem,  
   Iowa! my Iowa!  
 The dream of by-gone ages dumb,  
 The hope of ages yet to come,  
 Triumphant in the day of doom.  
   Iowa! my Iowa!

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311) of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

On the adoption of the amendment offered by Senator Cowles a roll call was demanded.

The ayes were:

Allen of Pocahontas, Chapman, Chase, Dunnegan, Gilliland, Hunter, Larrabee, McColl, McManus, Proudfoot, Sammis, Smith of Shelby, Stuckslager; Sullivan, Van Law, Webber—16.

The nays were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Clarkson, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, White, Wilson—29.

Absent or not voting:

Brown, Cowles, Savage, Schrup, Taylor—5.

So the amendment was lost.

Senator Chase offered the following amendment and moved its adoption: I move to amend by striking out the last five lines of Section 4 of the bill commencing with the words "said shares".

Senator Smith of Shelby offered the following amendment as a substitute for the amendment offered by Senator Chase: I move as a substitute for the amendment pending the following:

Strike out the last sentence of Section 4 and insert the following: "Said shares of stock and moneyed capital shall be assessed upon the same relative value as other property of individuals in the town or city where the same is assessed.

Lost.

On the adoption of the amendment offered by Senator Chase a roll call was demanded.

The ayes were:

Adams, Balluff, Chase, Clarkson, Crow, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hoyt, Malmberg, Neal, Sullivan, Taylor, Webber, Wilson—17.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, DeWolf, Fitchpatrick, Gates, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law White—29.

Absent or not voting:

Brown, Cowles, Quigley, Savage—4.

So the amendment was lost.

Senator Francis offered the following amendment and moved its adoption:

I move to strike out the last sentence of Section 4 and amend the bill by adding the following as Section 5, immediately following Section 4:

"Sec. 5. For the purpose of placing the taxation of bank and loan and trust company stock moneyed capital as nearly as possible upon a taxable value relatively equal to the taxable value at which other property is now actually assessed throughout the state as compared with the actual value thereof, it is hereby provided that state, savings and national bank stock and loan and trust company stock and moneyed capital shall be assessed and taxed upon the taxable value of twenty per cent of the actual value thereof, determined as herein provided, which twenty per cent of the actual value shall be taken and considered as the taxable value and shall be taxed as other property in such taxing district.

Adopted.

Senator Balluff offered the following amendment and moved its adoption:

I move to amend by striking out Section 7 and inserting the following in lieu thereof:

Sec. 7. If the taxable value of property in any city acting under special charter is not twenty-five per cent. (25 per cent.) of the actual value as assessed, the shares of stock and moneyed capital referred to in Section 5 hereof shall be assessed upon a taxable value which shall be on the basis of eighty per cent. (80 per cent.) of the taxable value of other property in such city. The council of such city, when the total levy for all city purposes has been completed, shall determine the amount of such total levy based upon twenty-five per cent. (25 per cent.) of such actual value and shall certify such total levy thus determined to the county treasurer wherein such city is situated, and when the millage tax herein provided for is collected, the county treasurer shall pay to the treasurer of such city from said millage tax the proportion thereof that the levy so certified bears to the total other tax levied against property in said city.

Adopted.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend Section Four by striking out of line 14 the word "banking" and strike out of line 21 the word "banking."

Adopted.

Senator DeWolf moved the previous question.

On the question "Shall the main question be now put?" the previous question was ordered.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, White, Wilson—42.

The nays were:

Dunnegan, Garrett, Malmberg, Taylor, Webber—5.

Absent or not voting:

Cowles, Quigley, Savage—3.

Senator Smith of Mitchell offered the following amendment to the title and moved its adoption:

I move to amend the title to the bill by substituting the following in lieu thereof:

A BILL

For an Act amending Sections Thirteen Hundred and Ten, (1310), and Thirteen Hundred and Eleven, (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation 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 Webber filed the following explanation of his vote:

My reasons for voting against the bill under consideration, being the Substitute for Senate File No. 387, are as follows:

First—The bill in my judgment is illegal for the reason that I do not think it possible to value property for assessment purposes on a different basis.

Second—Section Two of the bill is illegal within the meaning of the construction of Code Section 1309 in so far as it refers to national bank stock.

Third—the bill is unfair and unjust in that it attempts to tax banking capital at a higher rate than other property is taxed.

J. F. WEBBER.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 173, 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 insecticides and fungicides by persons other than registered pharmacists.

Also:

Senate File No. 202, a bill for an act amending Section Two Thousand Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

Also:

Substitute for Senate File No. 103, a bill for an act to amend Section One Thousand Three Hundred Seventy (1370) of the Code, relating to the time in which local boards of review may complete their duties.

Also:

Senate File No. 248, a bill for an act making all children received in the soldiers' orphans' home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

Also:

Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, and providing for an additional judge of the district court in the First Judicial District

and for his appointment and election and regulating terms in said district.

ED. P. MALMBERG,

*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 248, a bill for an act making all children received in the soldiers' orphans home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

Also:

Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, and providing for an additional judge of the district court in the First Judicial district and for his appointment and election and regulating terms in said district.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

Senator Adams moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 25, 1911.

The Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. W. F. Harned of Des Moines, Iowa.

On request of Senator Hammill leave of absence was granted Senator De Wolf for today.

On request of Senator Clarkson leave of absence was granted Senator Wilson for today.

On request of Senator Hunter leave of absence was granted Senator Webber for today.

On request of Senator Adams leave of absence was granted Senator Savage for today.

On request of Senator Hammill leave of absence was granted Senator Sammis for today.

On request of Senator Hoyt leave of absence was granted Senator Schrup for the day.

## PETITIONS AND MEMORIALS.

Senator Chase presented a petition of Northwestern Iowa Poultry Association favoring House File No. 382 creating a poultry bureau.

Referred to Committee on Agriculture.

Senator Chapman presented a petition of citizens of Cedar county in favor of the Five Mile Limit bill.

Referred to Committee on Suppression of Intemperance.

## INTRODUCTION OF BILLS.

By Senator Crow, Senate File No. 455, a bill for an act to amend Section One (1) of Chapter One Hundred Twenty-one (121), acts of the Thirty-third General Assembly relative to additional help for county auditors in levee or drainage districts; drainage record.

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

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

House File No. 313, a bill for an act requiring the owners or operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employees, and provide a penalty for its 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 Senate is asked:

House File No. 20, a bill for an act to repeal Section Two Hundred Ninety-eight (298) of the Supplement to the Code, 1907, and Chapter Sixteen (16) of the Acts of the Thirty-third General Assembly, relative to the compensation of deputy clerk of the district court 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. 17, a bill for an act to repeal Section Four Hundred Eighty-one (481) of the Code, relative to the compensation of deputy county auditor, and to enact a substitute therefor.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker, in accordance with House Joint Resolution, has appointed the following committees on the part of the House, to visit the institutions under control of the board of control:

Anamosa, Moore; Fort Madison and Mt. Pleasant, Harding and Larrabee; Oakdale and Davenport, Crist and Brockway; Cherokee, Beebe; Glenwood, Clarinda and Council Bluffs, Dixon, Escher and Hayes; Independence, Felt; Eldora, Ripley and Larrabee. Vinton and Marshalltown, Kull.

C. R. BENEDICT,  
*Chief Clerk.*



Also:

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

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

House File No. 313, a bill for an act requiring the owners or operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employees, and provide a penalty for its violation.

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

House File No. 20, a bill for an act to repeal Section Two Hundred Ninety-eight (298) of the Supplement to the Code, 1907, and Chapter Sixteen (16) of the acts of the Thirty-third General Assembly, relative to the compensation of deputy clerk of the district court and to enact a substitute therefor.

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

House File No. 17, a bill for an act to repeal Section Four Hundred Eighty-one (481) of the Code, relative to the compensation of Deputy County Auditor, and to enact a substitute therefor.

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

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

Passed on file.

House Joint Resolution relative to naming committees to visit state institutions.

Passed on file.

## 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. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, gifts, transfers, and inheritances, both collateral and direct, and repealing the law as it appears in Chapter Four (4), of Title Seven (VII), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33) General Assembly 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:

Amend Paragraph Three (3) of Section Two (2) by substituting a period (.) for the comma (,) after the word "decedent" in the third (3) line of said paragraph, and by striking out all of paragraph three (3), Section Two (2) following said word "decedent"; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 300, a bill for an act to repeal Section Thirteen Hundred Ten (1310) of the Code, relating to assessment for taxation of moneys, credits, annuities, bank notes and stock, and to enact a substitute therefor, etc., beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 301, a bill for an act to amend Section Three Thousand Thirty-eight (3038) of the Code, relating to contracts for the payment of interest, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 315, a bill for an act to permit township trustees, city and town councils and boards of directors of incorporated cemetery associations, having the custody and control of any cemetery in the state, to levy a tax on cemetery lots, and providing for the collection of the tax and for the sale of lots upon which the tax has not been paid, and for the control of cemetery funds, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 30, a bill for an act to amend Section One Thousand and Three Hundred Nineteen (1319) of the Code, 1907, relative to the taxation of corporate property, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

First—Strike out Section Two (2) of the bill.

Second—Strike out Section Three (3) of the bill; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 39, a bill for an act to amend Chapter Eighty-one (81) of the Acts of the Thirty-third General Assembly 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 be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways, to whom was referred Senate File No. 170, a bill for an act to amend Section Fifteen Hundred Seventy-two of the Code, relating to bridges, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Highways, to whom was referred House File No. 171, a bill for an act to amend Section Fifteen Hundred Fifty-six (1556) of the Code, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

So the bill was indefinitely postponed.

Adopted.

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

Senator Spaulding asked unanimous consent that Senate File No. 156 be made a special order to follow special order on Senate File No. 282 fixed for Tuesday morning at 10 o'clock.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Smith of Shelby, Senate File No. 320, a bill for an act authorizing the curator of historical collections to collect and disseminate information regarding birds, fish and other wild animal life in Iowa, and appropriating five thousand dollars

(\$5,000.00) annually out of the fish and game protection fund therefor, with report of committee recommending indefinite postponement, was taken up, considered and the report of the committee adopted.

So the bill was indefinitely postponed.

Senator Gilliland moved that Senate File No. 336 be made a special order to follow the disposition of Senate File No. 156.

Motion prevailed.

President Pro Tem James A. Smith was called to the Chair at 9:30 o'clock.

#### THIRD READING OF BILLS.

On motion of Senator Chase, Senate File No. 49, a bill for an act to amend Section One (1) Chapter Twenty-two (22) of the acts of the Thirty-second General Assembly of the state of Iowa relating to the compensation of county recorders, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Chase moved that the substitute be substituted for the original bill.

Adopted.

Senator Chase 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Malmberg, Mattes, Neal, Proudfoot, Quigley, Smith of Shelby, Sullivan, Taylor, White—24.

The nays were:

Adams, Brown, Chase, Clarkson, Jewell, Larrabee, Legel, McColl, Parshall, Ream, Smith of Mitchell—11.

Absent or not voting:

Allen of Pocahontas, Cowles, DeWolf, Hoyt, McCulloch, McManus, Sammis, Saunders, Savage, Schrup, Spaulding, Stuckslager, Van Law, Webber, Wilson—15.

So the bill having failed to receive a constitutional majority was declared lost.

President Clarke resumed the Chair at 10:05 o'clock.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 212, a bill for an act to legalize the incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town.

ED. P. MALMBERG,

*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 212, a bill for an act to legalize the incorporation of the town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town.

Also:

House File No. 383, a bill for an act to legalize a special election of the independent school district of Paton, in the county of Greene, and State of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds.

Also:

House File No. 346, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

Also:

House File No. 218, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

Senator Chase filed the following motion: I move to reconsider the vote by which Senate File No. 49 failed to pass the Senate and the vote by which the same passed to its third reading.

THIRD READING OF BILLS.

On motion of Senator Proudfoot, House File No. 492, a bill for an act to legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from and constructing paving and curbing on portions of Washington and Webster streets in said on grades different from the established grades, 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 reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor—30.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Cowles, De Wolf, Gilliland, Larrabee, McCulloch, McManus, Parshall, Sammis, Saunders, Savage, Schrup, Spaulding, Stuckslager, Van Law, Webber, White, Wilson—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 Fitchpatrick, Senate File No. 365, a bill for an act to amend the law as it appears in Section Nineteen Hundred Eighty-nine-a9 (1989-a9) of the Supplement to the Code, 1907, relating to interest on warrants drawn upon drainage funds, with report of committee recommending the adoption of a substi-

tute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Fitchpatick moved that the substitute be substituted for the original bill.

Adopted.

Senator Fitchpatrick moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Cowles, DeWolf, Francis, Larrabee, McCulloch, McManus, Parshall, Sammis, Savage, Schrup, Stuckslager, Sullivan, Van Law, Webber, White, 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 Dunnegan, House File No. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and State of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Dunnegan moved the adoption of the following amendment: Amend Section 2 by striking from the second line thereof the word "legislation" and inserting in lieu thereof the word "litigation".

Adopted.



Senator Dunnegan offered the following amendment and moved its adoption: I move to amend by striking out the words "of the town council" as the same appears in the third from the last line of Section One thereof.

Adopted.

The bill was read for information.

Senator Dunnegan 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabe, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor—33.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Cowles, DeWolf, McCulloch, McManus, Parshall, Sammis, Saunders, Savage, Schrup, Spaulding, Stueckslager, Van Law, Webber, White, 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 Francis, House File No. 251, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts, and the state teachers' college, 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 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Cowles, DeWolf, McCulloch, McManus, Sammis, Saunders, Savage, Schrup, Stuckslager, Van Law, Webber, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

On request of Senator Proudfoot, leave of absence was granted Senator Smith of Shelby for the remainder of the day.

On request of Senator Gilliland leave of absence was granted Senator Van Law for the day.

#### THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition, was taken up, considered, and the report of the committee adopted.

Senator Clarkson moved the adoption of the following amendment: Amend Section 1, by striking from the sixth and seventh line thereof the comma (,) following the word "paid" and the words "two-thirds to the owner and one-third to the husband or wife of such owner" and insert in lieu thereof the words "to the owner or two-thirds to the owner and one-third to the spouse."

Adopted.

The bill was read for information.

Senator Clarkson moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law—33.

The nays were:

None.

Absent or not voting:

Adams, Chase, Cowles, DeWolf, McColl, McCulloch, McManus, Mattes, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Van Law, Webber, White, 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 Sullivan, Senate File No. 18, a bill for an act repealing Section 1, Chapter 52 of the acts of the Thirty-third General Assembly and providing a substitute therefor, requiring any person, partnership or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof, with report of committee recommending the adoption of a substitute and passage, was taken up, considered and the report of the committee adopted.

The substitute was read for information.

Senator Sullivan moved that the substitute be substituted for the original bill.

Adopted.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell,

Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, White—37.

The nays were:

None.

Absent or not voting:

Ames, Balluff, Cowles, DeWolf, Fitchpatrick, McManus, Sammis, Savage, Schrup, Smith of Shelby, Van Law, Webber, Wilson—13.

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. 387, as passed by the Senate on yesterday, be printed in the Journal of today.

Motion prevailed.

SENATE FILE NO. 387.

A BILL

For an Act amending Sections Thirteen Hundred and Ten (1310) and Thirteen Hundred and Eleven (1311) of the Code and the law as it appears in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks, and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Thirteen Hundred and Ten (1310) of the Code is hereby amended by striking from the last line thereof the words "as provided in this chapter," and substituting therefor the words "and, excepting shares of stock of national, state and savings banks and loan and trust companies, and moneyed capital as hereinafter defined, shall be taxed upon the uniform basis throughout the state of five (5) mills on the dollar of actual valuation, same to be assessed and collected where the owner resides. The millage tax here provided for shall be in lieu of all other taxes upon moneys and credits, and the amount collected in the various taxing districts of the state shall be divided between the various funds upon the same pro rata basis as other taxes collected in such taxing district are apportioned. All moneyed capital within the meaning of Section Five Thousand Two Hundred and Nineteen (5219) of

the Revised Statutes of the United States shall be listed and assessed against the owner thereof at his place of business, and if a corporation at its principal place of business, at the same rate as state, savings, national bank and loan and trust company stock is taxed, in the same taxing district, and at the actual value of the moneyed capital so invested. The person or corporation using moneyed capital in competition with bank capital shall furnish the assessor upon demand a full and complete itemized sworn statement showing the amount of moneyed capital so used."

Sec. 2. Section Thirteen Hundred and Eleven (1311) of the Code is hereby amended by adding thereto the following words:

"Provided, however, that no deduction for debts shall be allowed from the shares of stock of any state, savings or national bank or loan and trust company, nor from moneyed capital used in competition with banks, within the meaning of Sec. Five Thousand Two Hundred and Nineteen (5219) of the Revised Statutes of the United States."

Sec. 3. The law as it appears in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, is hereby amended by striking from lines four and five of Sub-division Five thereof the words "and of debts owing by such bank as provided in this chapter," and by also striking from line six of said Sub-division Five the words "exempt or."

Sec. 4. Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

"Shares of stock of national banks and state and savings banks, and loan and trust companies, located in this state, shall be assessed to the individual stock-holders at the place where the bank or loan and trust company is located. At the time the assessment is made the officers of national banks and state and savings banks and loan and trust companies shall furnish the assessor with lists of all the stock-holders and the number of shares owned by each, and the assessor shall list to each stock-holder under the head of corporation stock the total value of such shares. To aid the assessor in fixing the value of such shares, the said corporations shall furnish him a verified statement of all the matter provided in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, which shall also show separately the amount of the capital stock and the surplus and undivided earnings, and the assessor from such statement shall fix the value of such stock based upon the capital, surplus, and undivided earnings. In arriving at the total value of the shares of stock of such corporation, the amount of their capital actually invested in real estate owned by them and in the shares of stock of corporations owning only the real estate, (inclusive of leasehold interests, if any,) on or in which the bank or trust company is located, shall be deducted from the real value of such shares, and such real estate shall be assessed as other real estate, and the property of such corporation shall not be otherwise assessed

Sec. 5. For the purpose of placing the taxation of bank and loan and trust company stock and moneyed capital as nearly as possible upon a taxable value relatively equal to the taxable value at which other property is now actually assessed throughout the state as compared with the actual value thereof, it is hereby provided that state, savings and national bank stock and loan and trust company stock, and moneyed capital shall be assessed and taxed upon the taxable value of twenty per cent of the actual value thereof, determined as herein provided, which twenty per cent of the actual value shall be taken and considered as the taxable value and shall be taxed as other property in such taxing district.

Sec. 6. The provisions of this act shall be in effect and govern the assessments made in the year 1911, and subsequent years. If assessment of any such stock or moneyed capital is not made during 1911 within the time now provided by law, or is illegally or irregularly made, the assessor of the taxing district is hereby granted until June 1, 1911, in which to rectify the irregularity or correct the illegality, or re-assess such stock or moneyed capital, and the board of review of the taxing district is during the month of June, 1911, authorized and directed to review such assessment following the proceedings now provided by law as to original assessment.

Sec. 7. If the taxable value of property in any city acting under special charter is not twenty-five per cent (25%) of the actual value as assessed, the shares of stock and moneyed capital referred to in Section Five (5) hereof shall be assessed upon a taxable value which shall be on the basis of eighty per cent (80%) of the taxable value of other property in such city. The council of such city, when the total levy for all city purposes has been completed, shall determine the amount of such total levy based upon twenty-five percent (25%) of such actual value and shall certify such total levy thus determined to the county treasurer of the county wherein such city is situated, and when the millage tax herein provided for is collected, the county treasurer shall pay to the treasurer of such city from said millage tax the proportion thereof that the levy so certified bears to the total other tax levied against property in said city.

Sec. 8. The provisions of this act as to the assessment and taxation of moneys and credits other than moneyed capital and shares of stock of state and national banks and loan and trust companies, shall not apply to taxes levied for the year 1911.

Sec. 9. 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.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Jefferson, Senate File No. 338, a bill for an act to define and punish contributory delinquency, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Jefferson moved the adoption of the following amendment: Amend Section 2 by adding thereto the following:

“If the suspension of sentence be not revoked during the full period of two years as herein provided, the sentence shall be by expiration of said period satisfied, and the sentence and bond shall cease to be of further force and effect.”

Adopted.

Senator Allen of Jefferson 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Spaulding, Sullivan, Taylor, White—35.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Cowles, DeWolf, Larrabee, McManus, Proudfoot, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Webber, Wilson—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 Hunter, Senate File No. 425, a bill for an act to amend the law as it appears in Section 1872 of the Code, was taken up and considered.

The bill was read for information.

Senator Hunter moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Chapman, Chase, Crow, Dunnegan, Fitchpatrick, Fran-

cis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, White—34.

The nays were:

Jewell—1.

Absent or not voting:

Bennett, Brown, Clarkson, Cowles, DeWolf, McManus, Proudfoot, Sammis, Savage, Schrup, Smith of Shelby, Taylor, Van Law, Webber, Wilson—15.

Senator Hunter moved that the title of the bill be amended as follows: Amend the title by adding thereto the following:

“relating to the quarterly statement of savings and state banks, and providing a penalty for failure to file same.”

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, House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen, was taken up and considered.

Senator Saunders moved that the vote by which House File No. 9 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Saunders offered the following amendment and moved its adoption: I move to amend Section One, by striking out the word “or” in the tenth line of the Section and inserting in lieu thereof the word “and”.

Adopted.

Senator Saunders 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor—30.

The nays were:

None.

Absent or not voting:

Bennett, Brown, Chase, Clarkson, Cowles, DeWolf, Hoyt, Jewell, McColl, McManus, Malmberg, Proudfoot, Sammis, Savage, Schrup, Smith of Shelby, Van Law, Webber, White, Wilson—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Adams, from the Committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 399, a bill for an act to amend Section 2634-f of the Supplement to Code, 1907, relating to the granting of state certificates to teachers, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*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. 164, a bill for an act to amend Section One Thousand Nine Hundred Eighty-nine-a8 (1989-a8) of the Supplement to the Code, 1907, relating to the letting of contracts for levees, drains and ditches, 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 Agriculture to whom was referred House File No. 274, a bill for an act repealing Section Twenty-three Hundred and Forty-eight (2348) of the Code, and enacting a substitute

therefor providing for a bounty on wild animals, and the proof necessary to secure such bounty, beg leave to report that 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 Agriculture to whom was referred Senate File No. 355, a bill for an act to amend the law as it appears in Section Twenty-three Hundred Forty-one-a (2341-a) of the Supplement to the Code, 1907, relating to the Registration of Stallions, 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 Agriculture, to whom was referred Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks, and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c) Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907, (and also Sections One (1), Two (2), Three (3) and Four (4) of Chapter One Hundred Thirty-five (135) of the laws of the Thirty-third General Assesmbly,) 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 regulating the keeping, offering for public service and sale of stallions, jacks and registered or pedigreed stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. No person, firm, company or corporation shall offer for public service, sale, exchange or transfer in this state any stallion or jack over two years old unless and until he shall have caused the name,

age, color and pedigree of the animal to be enrolled by the secretary of the state board of agriculture and shall have procured from him a certificate of such enrollment. The secretary of the state board of agriculture shall recognize only such animals as have been recorded in some stud book recognized by the department of agriculture of the state of Iowa, and the certificate of pedigree shall accompany the application for enrollment. The state of Iowa shall be paid the sum of one dollar for each annual certificate of soundness issued by the secretary of the state board of agriculture according to the methods hereinafter provided.

Sec. 2. The owner or keeper of each and every stallion or jack over two years old kept for public service or for sale, exchange or transfer shall make oath before an officer duly authorized to administer an oath that the stallion or jack is to the best of his knowledge free from hereditary, contagious or transmissible disease, or in lieu thereof a certificate signed by a duly qualified veterinarian who shall be a regular graduate of a recognized veterinarian college, certifying that such animal is free from hereditary, contagious or transmissible disease, and shall file the same with the secretary of the state board of agriculture. Any veterinarian who knowingly or willfully makes a false report upon the disease or freedom from disease, or soundness or unsoundness of the animal brought to him for examination shall be punished by the revocation of his veterinarian certificate. The owner and keeper of each and every stallion or jack over two years old kept for public service or for sale, exchange or transfer shall between the dates of January first (1) and April first (1) of each year after their first registration make application for the renewal of the certificate in the form and manner as above described.

Sec. 3. The presence of any one of the following named diseases shall disqualify a stallion or jack for public service and no certificate shall be issued by the secretary of the state board of agriculture: Glanders, farcy, maladie du coit, coital exanthema, urethral gleet, mange, melanosis.

Stallions or jacks possessing any of the following named unsoundnesses may receive a certificate but each certificate and every advertisement shall state in large type or writing that the stallion or jack is unsound and shall specify the unsoundness or unsoundnesses which said stallion or jack has: Blindness, cataract, amaurosis, laryngeal hemiplegia (roaring or whistling), pulmonary emphysema (heaves, broken wind), bone spavin, ringbone, side bone, navicular disease, bog spavin, curb, with curby formation of hock, periodic ephthemia (moon blindness), chorea (St. Vitas' dance, crampiness, shivering, string halt).

In cases where stallions or jacks possess any of the above named unsoundnesses in a very aggravated or serious form, the department of agriculture may upon investigation disqualify such stallion or jack from public service, if they consider him so unsound as to be unfit for breeding purposes.

Sec. 4. Any owner or keeper of a registered stallion or jack over two years old offered for public service or for sale, exchange or transfer

who represents or holds such animal as registered shall keep a copy of the state registration and certificate of soundness upon the door or stall of the stable where such animal is usually kept, and where such animals are advertised each and every advertisement shall contain a copy of such certificates or the substance thereof. Where certificates of registration have heretofore been issued by the state board of agriculture an additional certificate of registration shall not be required, but application for certificate of soundness shall be made as hereinbefore provided. Any owner or keeper of a stallion or jack over two years old other than registered offered for public service or for sale, exchange or transfer must advertise said stallion or jack by having and posting hand bills or posters not less than five by seven inches in size, and said bills or posters must have printed thereon, immediately preceding or above the name of the stallion the words "grade stallion" (or jack) in type not smaller than one inch in height, said bills or posters to be posted in a conspicuous manner at all places where the said stallion or jack is kept for public service, sale, exchange or transfer, together with a copy of the certificate of soundness issued by the secretary of the state board of agriculture, and where such animals are advertised each and every advertisement shall contain a copy of the said certificate or the substance thereof and the words "grade stallion" (or jack).

Sec. 5. When complaint is made to the state board of agriculture that a stallion or jack is diseased and on investigation it is by the department deemed necessary, an examination shall be made by the state veterinarian or his duly authorized deputy; the owner of such stallion or jack shall select some recognized graduate veterinarian to act with the state veterinarian and the said veterinarian shall, on receipt of a notice act jointly with the state veterinarian, and these two shall appoint a third graduate veterinarian to act with them and their decision shall be final. In case all three or any two of the experts declare the stallion or jack is eligible to receive or retain a license, then the expense of the consultation shall be paid by the state board of agriculture out of funds collected for registration fees, or if three or any two of the experts declare the stallion or jack not to be eligible in accordance with the provisions of this act, the expense incurred shall be paid by the person owning the animal and it may be collected in the same manner as in any case of appeal in civil action.

Sec. 6. If the owner of any registered animal shall sell, exchange or transfer the same, he shall file certificate, accompanying the same with a fee of fifty cents, with the secretary of the state board of agriculture, who shall, upon receipt of the original state certificate, properly transferred, and the required fee, issue a new certificate to the then new owner of the animal, and all fees provided by this act shall go into the treasury of the department of agriculture.

Sec. 7. Every person, firm, company or corporation importing any stallion or jack into the state of Iowa for use or public service, sale, exchange or transfer, shall first secure certificate of freedom from disease from a recognized state or federal veterinarian, certifying that said

animal is free from any or all diseases referred to in Section Three of this act. The federal admission certificate shall be accepted for horses imported from foreign countries.

Sec. 8. Any person who shall fraudulently represent any animal, horse, cattle, sheep or swine to be registered, or any person who shall post or publish or cause to be posted or published any false pedigree or certificate of soundness, or shall use any stallion or jack over two years old for public service, or sell, exchange or transfer any stallion or jack over two years old, representing such animal to be registered, without first having such animal registered, and obtaining the certificate of soundness from the state board of agriculture, as hereinbefore provided, or who shall violate any of the provisions of this act, shall be guilty of a misdemeanor, and be punished by a fine of not more than One Hundred Dollars, or imprisoned in the county jail not exceeding thirty days or both by fine and imprisonment.

Sec. 9. This act shall take effect and be in force from and after the first day of January, Nineteen Hundred Twelve (1912), and Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b) Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d and Twenty-three Hundred Forty-one-e (2341-e) of the Supplement to the Code, 1907, are hereby repealed on and after the first day of January, Nineteen Hundred Twelve (1912). Nothing in this act shall be construed so as to affect litigation arising prior to the first day of January, Nineteen Hundred Twelve (1912); and when so amended the bill do pass.

J. H. ALLEN,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 248, a bill for an act making all children received in the soldiers' orphans' home wards of the state, and authorizing the placing of them with persons of families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

Also:

Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227) of the Supplement to the Code, 1907, and providing for an additional judge of the district court in the First Judicial District and for his appointment and election and regulating terms in said district.

Also:

Senate File No. 212, a bill for an act to legalize the incorporation of the town of Kiron, Crawford County, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the council of said town.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled Substitute for Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort.

ED. P. MALMBERG,  
*Chairman Senate Committee,*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

REPORTS OF COMMITTEES.

Senator Proudfoot, 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. 269, a bill for an act to provide additional support for the wardens of the reformatory at Anamosa and the State Penitentiary at Ft. Madison, to fix the compensation of certain officers and employees and to enlarge the support fund of said institutions; repealing Sections 5717 and 5718, Chapter 2, Title 26, of the Code, and the law as found in Sections 5716 and 5718-a-28, Chapter 2, Title 26, 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:

“Strike from Section One (1) the first three (3) lines of the same and the words “Section Five Thousand Seven Hundred and Sixteen (5716),” and insert in lieu thereof the following:

“Section 1. The law as it appears in Section Five Thousand Seven Hundred and Sixteen (5716), Chapter Two (2), Title XXVI, of the Supplement to the Code, 1907, is hereby amended so that the same shall read as follows.”

Strike from Section Two (2), the words “Section Five Thousand Seven Hundred and Seventeen (5717),” where the same appears in the fifth (5th)

line thereof; strike from said section the word "used," where the same occurs in the fifth (5th) line thereof, and insert in lieu the word "issued."

Amend Section Three (3) by striking from the third (3d) line thereof, the word "Section Five Thousand Seven Hundred and Eighteen (5718)."

Further amend said section by inserting after the word "Penitentiary" in the sixth (6th) line thereof the words "at Ft. Madison," and by inserting after the word "Reformatory," in the seventh (7th) line thereof, the words "at Anamosa." Also amend the bill by striking therefrom the publication clause, and when so amended the bill be referred to the Committee on Appropriations, recommending passage.

A. V. PROUDFOOT,  
*Chairman.*

Senator Proudfoot moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

Also:

MR. PRESIDENT—Your Committee on Penitentiaries and Pardons to whom was referred Senate File No. 285, a bill for an act to provide for the paroling of patients in the State Hospital for inebriates and certain female patients from State Hospitals for the insane, and for the return of patients who violate their paroles, and repealing the law as it appears in Section Twenty-three Hundred Ten-a-nineteen (2310-a-19) 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:

Strike from Section One (1) the first three (3) lines of the Section and the words "Section Two Thousand Three Hundred and Ten-a-19 (2310-a-19)" wherever the same occurs in the Fourth (4th) line of the bill and insert in lieu thereof, the following.

Section 1. The law as it appears in Section Two Thousand Three Hundred and Ten-a-19 (2310-a-19) of the Supplement to the Code, 1907, is hereby amended so that the same shall read as follows. Also amend by striking from said bill the publication clause, and when so amended the bill do pass.

A. V. PROUDFOOT,  
*Chairman.*

Ordered passed on file.

The President announced that as President of the Senate, he had in the presence of the Senate signed Senate Files Nos. 212, 248, 274 and 52, and House Files Nos. 11, 346, 218 and 383.

## THIRD READING OF BILLS.

On motion of Senator Balkema, Senate File No. 115, a bill for an act for the protection of public health and for the prevention of fraud by regulating the sale of eggs for food purposes; providing penalties for the violation thereof, and providing for the enforcement thereof, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Balkema moved the adoption of the following amendment:

Amend Section One by inserting between the word "use" and the word "any" in the tenth line of said section, the word "in", and by striking out of the tenth and eleventh lines the words "to be sold," and to further amend by adding:

"Sec. 6. 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."

Adopted.

The bill was read for information.

Senator Quigley offered the following amendment and moved its adoption: I move that Section 4 be amended by striking out the words and figures Twenty-five (25) and inserting the word and figure Five (5) in lieu thereof.

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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Gates, Hammill, Hoyt, Hunter, Larrabee, Legel, McCulloch, Neal, Parshall, Proudfoot, Quigley, Saunders, Smith of Mitchell, Spaulding, Sullivan—26.



The nays were:

Ames, Chase, Garrett, Jewell, Mattes, Ream, White—7.

Absent or not voting:

Adams, Cowles, DeWolf, Francis, Gilliland, McColl, McManus, Malmberg, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORTS OF COMMITTEES.

Senator Sullivan, from the Committee on Printing, submitted the following report:

MR. PRESIDENT: Your Committee on Printing to whom was referred Senate File No. 9, a bill for an act to abolish the offices of state printer and state binder, to provide for the state printing and binding by the competitive contract system, to repeal Sections 117 and 118 and to enact substitutes therefor, and to amend Sections 119, 127, 129, 130, 133, 138, 139 and 141, of the Code and the law as it appears in Section 165 and 168, Supplement to the Code, 1907, relative to state printer and state binder and state printing and binding, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOHN B. SULLIVAN,  
*Chairman.*

Ordered passed on file.

Senator Spaulding asked unanimous consent that 400 extra copies of Substitute for Senate File No. 156 be printed.

Consent granted.

#### INTRODUCTION OF BILLS.

By Senator Francis (by request), Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred and Eighty-nine-a (2589-a) of the Supplement to the Code, 1907, and enact a substitute therefor, and to amend Section Twenty-five Hundred and Eighty-seven of the Code, all relating to the practice of pharmacy.

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

## REPORTS OF COMMITTEES.

Senator Hoyt, 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. 15, a bill for an act to amend the law as the same appears in Section 303-a of the Supplement to the Code, 1907, relating to the appointment and compensation of assistants to the county attorney, 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. 15.

## A BILL

For an Act to Repeal Section Three Hundred Three-a (303-a) of the Supplement to the Code, 1907, Relative to the Compensation of Assistant County Attorneys.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Three Hundred Three-a (303-a) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

"In counties having a population of thirty-six thousand (36,000) or more, the county attorney thereof, with the approval of the Board of Supervisors, may appoint a practicing attorney who is a resident of his county, as his assistant, whose salary shall be fixed by the Board of Supervisors at any regular or special session. In counties having a population of thirty-six thousand (36,000) and less than sixty thousand (60,000), the compensation of such assistant shall be not to exceed one thousand dollars (\$1,000.00) per annum. In counties of sixty thousand (60,000), and less than ninety-five thousand (95,000), the salary shall be not to exceed fifteen hundred dollars (\$1,500.00) per annum and in counties having a population of ninety-five thousand (95,000) or over, the salary shall be not to exceed two thousand dollars (\$2,000.00) per annum. In counties of less than thirty-six thousand (36,000) he may appoint deputies who shall act without compensation from the county to assist him in the discharge of his duties. In any county, with the approval of the district court, he may procure such assistance in the trial of a person charged with a felony, as he shall deem necessary, and such assistant upon presenting the board of supervisors a certificate of the district judge before whom said cause was tried, certifying to the service rendered, shall be allowed a reasonable compensation therefor to be fixed by the Board of Supervisors; but nothing in this section shall prevent the Board of Supervisors from employing an attorney to assist the county attorney in any cause or proceeding in which the state or county is interested"; and when so amended the bill do pass.

E. H. HOYT,  
*Committee*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 280, a bill for an act to amend Section Twenty-seven Hundred Forty-two (2742) of the Supplement to the Code, 1907, relating to the compensation of County Superintendents, 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. 280.

A BILL

For an Act to Amend Section Twenty-seven Hundred Forty-two (2742) of the Supplement to the Code of 1907, Relating to the Compensation of County Superintendents.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Twenty-seven Hundred Forty-two (2742) of the Supplement to the Code of 1907, be and the same is hereby amended by striking out in the first and second lines of said section the words "twelve hundred and fifty (1250) dollars per year" and inserting in lieu thereof, words as follows:

Thirteen hundred (1300) dollars per annum in counties having a population of less than fifteen thousand (15,000); and fourteen hundred dollars (1400) in counties having a population of over fifteen thousand (15,000) and less than twenty thousand (20,000); and fifteen hundred dollars (1500) in counties having a population of over twenty thousand (20,000) and less than thirty thousand (30,000); and sixteen hundred dollars (1600) in counties having a population of over thirty thousand (30,000) and less than forty thousand (40,000); and eighteen hundred dollars (1800) in counties having a population of over forty thousand (40,000) and less than sixty thousand (60,000); and two thousand dollars (2,000) in counties having a population of sixty thousand (60,000) or over"; and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 312, a bill for an act amending the law as it appears in Section 479 of the Supplement to the Code, 1907, relating to the salary of County Auditors, beg leave to report they have

had the same under consideration and recommend the same be indefinitely postponed.

E. H. HOYT,  
*Chairman.*

Senator Hoyt moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT: Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 289, 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 salary of the Commandant of the Iowa Soldiers' Home, beg leave to report they have had the same under consideration and recommend the same be amended as follows: by striking out Section Two (2), publication clause of the bill; and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 367, a bill for an act to amend Section Two Hundred and Ninety-seven (297) of the Code, relating to the salaries of clerks of the district court, in counties having a population less than forty-five thousand, 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. 367.

A BILL

For an Act to Amend Section Two Hundred and Ninety-seven (297) of the Code, relating to the Salaries of Clerks of the District Court, in Counties having a population less than Forty-five Thousand.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The law as it appears in Section Two Hundred and Ninety-seven (297) of the Code is hereby amended to read as follows:

"The clerks of the district courts shall receive as full annual compensation for all services the following: In counties having a population of less than fifteen thousand (15,000) the salary shall be twelve hundred dollars (\$1200); in counties having a population of fifteen thousand (15,000) and not exceeding twenty thousand (20,000) the salary shall be thirteen hundred dollars (\$1300); in counties having a population of

twenty thousand (20,000) and not exceeding twenty-five thousand (25,000) the salary shall be fourteen hundred dollars (\$1400); in counties having a population of twenty-five thousand (25,000) and not exceeding thirty thousand (30,000) the salary shall be fifteen hundred dollars (\$1500); in counties having a population of thirty thousand (30,000) and not exceeding thirty-five thousand (35,000) the salary shall be sixteen hundred dollars (\$1600); in counties having a population of thirty-five thousand (35,000) and not exceeding forty thousand the salary shall be eighteen hundred dollars (\$1800); in counties having a population of forty thousand (40,000) and not exceeding forty-five thousand (45,000) the salary shall be two thousand dollars (\$2,000). The Board of Supervisors shall, in addition to the salary fixed for clerks, allow them annually out of the probate fees, as additional compensation, an amount not exceeding three hundred dollars"; and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT: Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 140, a bill for an act to amend the law as it appears in Section 479 of the Supplement to the Code, 1907, relating to the salary of County Auditors, 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. 140.

A BILL

For an Act to Repeal Section Four Hundred Seventy-nine (479) of the Supplement to the Code of 1907 Relating to the Compensation of County Auditors.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Four Hundred Seventy-nine (479) of the Supplement to the Code of 1907 is hereby repealed and the following enacted in lieu thereof: County Auditors shall receive as full annual compensation for all services the following: in counties having a population of less than fifteen thousand (15,000), fourteen hundred dollars (\$1,400); in counties having a population of fifteen thousand (15,000) and not exceeding twenty thousand (20,000), the sum of fifteen hundred dollars (\$1,500); in counties having a population of twenty thousand (20,000) and not exceeding twenty-five thousand (25,000), the sum of sixteen hundred dollars (\$1,600); in counties having a population of twenty-five thousand (25,000) and not exceeding thirty-thousand (30,000), the sum of seventeen hundred dollars (\$1,700); in counties exceeding thirty thousand (30,000), the sum of eighteen hundred dollars (\$1,800); in all

counties having drainage districts, and in all counties exceeding thirty thousand (30,000) population, the Board of Supervisors may allow such additional compensation to the Auditor, deputy or clerks as it may deem reasonable"; and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Francis, House File No. 353, a bill for an act to amend Sections One Thousand Eighty-seven-a4 (1087-a4) and One Thousand Eighty-seven-a19 (1087-a19) of the Supplement to the Code, 1907, as amended, relating to the holding of primary elections by political parties, 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 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, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Sullivan, White—32.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Chase, Cowles, DeWolf, Garrett, Gates, Gilliland, McCulloch, McManus, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, Wilson—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 Allen of Pocahontas, Senate File No. 457, a bill for an act to repeal Section Forty-six Hundred Eighty-five (4685) of

the Code relating to the taking of depositions and to enact a substitute therefor.

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

By Senator Clarkson, Senate File No. 458, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Thirty-nine (2539) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), acts of the Thirty-third General Assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.

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

#### THIRD READING OF BILLS.

On motion of Senator Hunter, Senate File No. 426, a bill for an act to amend the law as it appears in Section Eighteen Hundred and Seventy-three (1873) of the Supplement to the Code, 1907, was taken up and considered.

The bill was read for information.

Senator Hunter moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, White—36.

The nays were:

None.

Absent or not voting:

Adams, Cowles, DeWolf, Francis, Gates, McCulloch, McManus, Sammis, Savage, Schrup, Smith of Shelby, Van Law, Webber, Wilson—14.

Senator Hunter moved to amend the title as follows: I move to amend the title to Senate File No. 426 by adding the following,

“relating to the examination of state and savings banks and the publication of the reports.”

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. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Section 4 by striking out all of said section, and inserting in lieu thereof the following:

Section 4. The county shall not be liable for negligence in the maintenance of such bridge except for that part which it shall undertake to exclusively maintain and where there is a contract for joint maintenance of the entire structure, it shall only be liable for that part or portion which is within the boundary lines of the state of Iowa.”

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor—37.

The nays were:

None.

Absent or not voting:

Chase, Cowles, DeWolf, McCulloch, McManus, Sammis, Savage, Schrup, Smith of Shelby, Van Law, Webber, 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 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. 321, a bill for an act to repeal Section 118, Acts of the Thirty-third General Assembly and to enact a substitute therefor, 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 indefinitely postponed.

J. H. ALLEN,  
*Chairman.*

Senator Allen of Pocahontas moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

The President announced as teller on the part of the Senate, Senator Sullivan, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in 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 Jefferson, Ames, Balluff, Bauman, Beans, Beebe, Bennett, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunnegan, Edmunds, Ellis, Felt, Finlayson, Fitchpatrick, Fourt, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Jacobs, Jacobson, Jewell, Johnson, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Louns-

berry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Saunders, Shane, Shankland, Skinner, Smith of Adams, Smith of Mitchell, Spaulding, Speer, Stephenson, Stillman, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Whitney, Zeller—117.

Absent or paired :

Balkema, Bascom, Black, Brockway, Bybee, Byerly, Cowles, DeWolf, Dunlap, Enger, Escher, Fletcher, Fraley, Harding, Harvey, Hayes, Hoyt, Huntley, Hutchins, Klay, Koontz, Krebill, McCleery, McManus, Moore, Murtagh, Patterson, Sammis, Sater, Savage, Schee, Schrup, Sherman, Smith of Decatur, Smith of Shelby, Stipe, Taylor of Union, Van Camp, Van Law, Webber, Wilson—41.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator De Wolf of Grundy.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were :

Balluff, Bauman, Boettger, Clarkson, Crow, Dabney, Downey, Dunnegan, Ellis, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Stephenson, Taylor of Appanoose, Townsend, White of Benton, White of Iowa—38.

Those voting for Horace E. Deemer were :

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsbury, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Speer, Stuckslager, Sullivan—29.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Beebe, Brady, Brown of Wright, Bruce, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Felt, Finlayson, Fitchpatrick, Fourt, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Ham-mill, Huff, Hunter, Jacobs, Jewell, Johnson, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Newell, Per-kins, Pickford, Ripley, Russell, Shane, Shankland, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—50.

Absent or paired:

Balkema, Bascom, Black, Brockway, Bybee, Byerly, Cowles, De-Wolf, Dunlap, Enger, Escher, Fletcher, Fraley, Harding, Harvey, Hayes, Hoyt, Huntley, Hutchins, Klay, Koontz, Krebill, McCleery, McManus, Moore, Murtagh, Patterson, Sammis, Sater, Savage, Schee, Schrup, Sherman, Smith of Decatur, Smith of Shelby, Stipe, Taylor of Union, Van Camp, Van Law, Webber, Wilson—41.

President Clarke announced that no one had received a major-ity of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Stuckslager moved that the Senate do now adjourn.

Carried.

The Senate adjourned until Tuesday morning at 10 o'clock.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 28, 1911.

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

Prayer was offered by E. R. Zeller, Winterset, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Savage for the day.

## INTRODUCTION OF BILLS.

By Senator Webber, Senate File No. 459, a bill for an act to legalize certain warrants of the City of Ottumwa, Iowa.

*Whereas*, The City of Ottumwa, County of Wapello, State of Iowa, did hitherto make expenditures in the amount of \$73,036.89, and

*Whereas*, Said City of Ottumwa, issued warrants in the sum of \$73,036.89, to evidence the indebtedness incurred in making said expenditures, and

*Whereas*, Said warrants did not when issued and do not now exceed the Constitutional limitation of indebtedness, and

*Whereas*, Said expenditures were all made for purposes authorized by law, and

*Whereas*, The City of Ottumwa has been and now is enjoying the use and benefit of said expenditures, and

*Whereas*, The result of said expenditures were well worth the price, the City of Ottumwa contracted should be paid therefor, and

*Whereas*, Doubts have arisen concerning the legality of the aforesaid warrants and accrued interest, or a portion thereof, on the ground that the aforesaid expenditures or a portion thereof, were contracted in excess of the City's authorized annual revenue, and

*Whereas*, Doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that aforesaid expenditures, or a portion thereof, were not provided for in the City's annual appropriations, and

*Whereas*, Doubts have arisen concerning the legality of aforesaid warrants, or a portion thereof, on the ground that the indebtedness which

said warrants evidence, was contracted in excess of the Statutory limitation of indebtedness, now therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the acts of the City Council of the City of Ottumwa, in the County of Wapello, State of Iowa, in making expenditures for the City of Ottumwa and issuing warrants therefor in the sum of \$73,036.89 and accrued interest be and the same are hereby legalized, as though the law had in all respects been complied with.

Sec. 2. The aforesaid warrants of the City of Ottumwa, in the sum of \$73,036.89, with accrued interest, be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

Sec. 3. Nothing in this act shall affect any pending litigation.

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, a newspaper published at Des Moines, Iowa, and the Ottumwa Courier, a newspaper published at Ottumwa, Iowa, without expense to the State.

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

By Senator Chapman, Senate File No. 460, a bill for an act to legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

*Whereas*, Upon petition of a majority of the qualified electors of the Independent School District of Bennett, Cedar County, Iowa, a special election was held in said district on the 14th day of March, 1910, to vote on the issuance of \$10,000.00 bonds for the erection and furnishing of a school building in said district; and

*Whereas*, Notice of said election was given by publication once each week in the four succeeding weeks preceding said election in the "Tipton Advertiser," a weekly newspaper published at Tipton, in said county; to-wit: On February 17, 24, March 3d and 10th, there being no newspaper in said district and by posting notice of said election in four public places in said school district, one of which was on the front door of the school house in said district; and

*Whereas*, At said election eighty-three votes were cast for and forty-one votes cast against the issuance of said bonds and the said proposition was declared duly carried; and

*Whereas*, Said bonds to the amount of \$10,000.00 were issued pursuant to said vote, bearing interest at five per cent per annum and were sold at par, and,

Whereas, A contract has been let for the construction of a school building in said district, and

Whereas, Doubts have arisen as to the sufficiency of the notice of said election and of the legality of the election and of the proceedings of the Board of Directors and officers of said district in the issuance of said bonds; therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the election and vote for the issuance of bonds to the amount of \$10,000.00 held and had by the independent school district of Bennett, Cedar county, Iowa, on the 14th day of March, 1910, for the erection and furnishing of a school building, and the acts of the board of directors and officers of said school district in issuing said bonds, be, and the same are hereby legalized, and the bonds so issued by said school district under and by virtue of the authority aforesaid, be, and the same are hereby, legalized and declared valid. This act shall not affect pending litigation.

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, both publications to be without expense to the state.

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

By Committee on Banks Senate File No. 461, a bill for an act to amend the law as it appears in Section Eighteen Hundred Seventy-one (1871) of the Supplement to the Code, 1907, relating to examinations of savings and state banks, and reports of same to the state auditor, and providing a penalty for failure to file such reports.

Read first and second time and ordered placed on Calendar.

#### 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. 338, a bill for an act to amend Section Eight (8) Chapter Sixty-four (64) of the Acts of the Thirty-third General Assembly, and to repeal Subdivision B, Subdivision C, and Subdivision D of Section One Thousand Fifty-six-a-Thirty-two (1056-a-32) Supplement to the Code, 1907, and to enact a substitute therefor relating to the Civil Service Commissioners, their duties and powers under commission form 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 Senate is asked:

House File No. 253, a bill for an act amending the law as it appears in Section Seven Hundred and Twenty (720) of the Supplement to the Code, 1907, as amended by the laws of the Thirty-third (33rd) General Assembly, making said statute applicable to city and town halls and fire stations.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 44, a bill for an act to repeal Section Three Hundred Three-a (303-a) of the Supplement to the Code, 1907, relative to the compensation of assistant county attorneys, 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. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

The hour having arrived for Special Order No. 1, on motion of Senator Clarkson, the Senate took up for consideration Substitute for Senate File No. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478), of the Code 1897; to repeal Section Twenty-four Hundred Eighty-four (2484), of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485), of the Code, 1897, and enact a substitute therefor, to amend Section Twenty-four Hundred Eighty-six (2486), of the Code, 1897, to repeal Section Twenty-four Hundred Eighty-seven (2487), of the Code, 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-eight (2488), Supplement to the Code 1907, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-nine (2489), of the Code, 1907, and enact a substitute therefor, to amend

the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a), of the Supplement to the Code 1907, to repeal Section Twenty-four Hundred Ninety-three (2493), of the Code 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code, 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties, requiring surveys of mines and records to be kept thereof, requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways and equipments thereof, the amount of ventilation, stopping and breaks-through, means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipment for shafts, slopes or drifts and fixing the age within which boys may work in the mine, and providing for the safety of employees, where explosives are used, the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foremen in certain cases, defining the duties of mine foremen and definition of mine-foreman, the duties of workmen in mines and mining and defining the power and duties of mine owners, lessees, operator and person in charge, the character and kind of illuminating oils and other substances and providing penalties, with report of committee recommending the adoption of a 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.

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend the pending bill by inserting the word "reasonable" following the word "stairway" and before the word "free" in the eighth line of Section Twelve of the original bill.

Strike out the word "it" in the last line Section Thirteen (13) of the original bill, following the word "that" and before the word "may", and insert the following in lieu thereof: "the air current".

Strike out the words "car when on the" as found in lines five and six (5-6), Section Twenty (20), of the original bill.



Strike out the word "car" in the sixth line Section Twenty (20) of the original bill and insert in lieu thereof the word "track".

Insert a comma (,) following the word "roof" in the fifth line of Section Fourteen (14) and the following words: "standing water".

Strike out the following words as found in lines six, seven and eight (6, 7, 8) of Section Fourteen (14) of the original bill: "such passage or traveling ways must be so graded and drained that water will not accumulate in any depression or dip of the seam."

Strike out the words "or other law" as found in lines one (1) and two (2), Section Fifty-five (55) of the original bill.

Strike out the words "for tamping", line five (5), Section Thirty-seven (37) of the printed bill.

Adopted.

Senator Allen of Jefferson offered the following amendment and moved its adoption:

I move to amend Section 14 of the Substitute to Senate File No. 282, by adding to said Section the following, to wit:

But if any dispute or difference should arise as to the findings or orders of the mine inspector, in the premises, between such inspector and employer operating the mine, or between such inspector and at least five operatives working in the mine, then and in that case the inspector shall furnish, on demand, to the aggrieved party or parties, a copy of the findings or orders complained of and he shall also file the originals thereof in the office of the Board of State Mine Inspectors, and the aggrieved party or parties may have the right to appeal from said findings and orders to the District Court of any county in which said mine is located on the same terms and conditions, so far as applicable, as those provided for the trial and appeal under Section 2 hereof.

Further consideration of the bill was postponed on account of the Joint Convention.

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

The President announced as teller on the part of the Senate, Senator Sullivan, and as assistant teller, Senator Hoyt.

The Senate proceeded to the House chamber under the direction of the Sergeant-at-Arms.

## JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present.

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crow, Cunningham, Dabney, Dawson, Dewey, Downey, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Johnson, Klay, Koontz, Krebill, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Russell, Sammis, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—137.

Absent or paired:

Brockway, Byerly, Crist, Daniels, DeWolf, Dixon, Dunlap, Escher, Harvey, Hayes, Hoyt, Jewell, Kull, McCleery, Moore, Perkins, Rowles, Sater, Savage, Smith of Decatur, Taylor of Union—21.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress,

and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

L

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, Downey, Dunnegan, Ellis, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Ream, Ritter, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—44.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Dewey, Edmunds, Finlayson, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsberry, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Huff, Hunter, Huntley, Hutchins, Jacobs, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—59.

Those voting for Martin J. Wade were:

Quigley—1.

Absent or paired:

Brockway, Byerly, Crist, Daniels, DeWolf, Dixon, Dunlap, Escher, Harvey, Hayes, Hoyt, Jewell, Kull, McCleery, Moore, Perkins, Rowles, Sater, Savage, Smith of Decatur, Taylor of Union—21.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the chamber and resumed its sitting.

Senator Francis 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, P. M., President Clarke presiding.

On request of Senator Adams leave of absence was granted Senator Jewell for the day.

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 462, a bill for an act relating to mutual insurance companies.

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

By Senator Francis, Senate File No. 463, a bill for an act to legalize a certain school election held in the independent school district of Emmetsburg, Palo Alto county, Iowa, on the thirteenth day of March, 1911.

*Whereas*, on the 13th day of March, 1911, there was submitted to the qualified electors of the independent school district of Emmetsburg, the following proposition:

Shall the Board of Directors of the Independent School District of Emmetsburg be authorized to issue negotiable bonds of the district in an amount not to exceed the sum of \$10,000.00, the proceeds of which are to be used in the purchase of a new site for the east side school house, and for the removal of the present school building to the new site and for the necessary remodeling of the building and for the completing and equipping it with heating plant and toilets and for the purchase of additional grounds in connection with high school, and

*Whereas*, doubts have arisen as to the legality of the proposition so submitted because of its calling for the removal of a school building from its present site and for the remodeling of the same, and because of its calling for the purchase of additional grounds in connection with the high school in said district, and doubt has been expressed as to whether said proposition is within the purview of Section 2812-D of the Supplement to the Code of 1907, and

*Whereas*, said proposition was carried by more than a majority of the qualified electors in said district voting thereon, Therefor

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the action of the Board of Directors of said Independent School District of Emmetsburg, Iowa, in submitting said proposition to the electors at the school election on March 13th, 1911, and the action of the said electors in voting favorably thereon, be, and the same are hereby legalized and validated, and the same are hereby declared to be not in excess of the powers conferred by Section 2812-d of the Supplement to the Code of 1907.

Sec. 2. Nothing in this act shall be construed so as to affect pending litigation.

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

By Senator Francis (by request), Senate File No. 464, a bill for an act to preserve the right of appeal from a judgment or order dissolving a temporary injunction.

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

By Senator Saunders, Senate File No. 465, a bill for an act to amend Section Seven Hundred and Seventy-nine (779) of the Supplement to the Code, 1907, and providing for the construction, reconstruction and repair of fixtures and apparatus for lighting streets and highways in cities and towns and providing for the assessment of the expense thereof for the abutting property owners.

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

Senator Smith of Mitchell offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

*Be it Resolved, by the Senate, the House Concurring*, that a joint convention of the General Assembly be held on Thursday, April 6th, at 8:00

o'clock p. m. in the Chamber of the House of Representatives for the purpose of electing a State Printer and State Binder.

Laid over.

Senator Sullivan asked unanimous consent to have House File No. 278 be withdrawn from the Committee on the Suppression of Intemperance and referred to the Committee on Pharmacy.

Consent granted.

Senator Balluff moved that the House be requested to return to the Senate House File No. 219.

Carried.

Senator Van Law offered the following motion and moved its adoption:

I move that the Committee on the Suppression of Intemperance be and is hereby requested to return to the Senate forthwith, with or without recommendation as it may be advised, Senate File No. 98.

On the motion a roll call was demanded.

Those favoring the motion were:

Adams, Ames, Balkema, Bennett, Brown, Chase, Clarkson, Francis, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—22.

The nays were:

Allen of Jefferson, Balluff, Chapman, Cowles, Crow, Fitchpatrick, McManus, Mattes, Ream, Schrup, Webber, White, Wilson—13.

Absent or not voting:

Allen of Pocahontas, De Wolf, Dunnegan, Garrett, Gates, Hoyt, Jewell, Malmberg, Parshall, Quigley, Sammis, Savage, Stuckslager, Sullivan, Taylor—15.

So the motion prevailed.

#### THIRD READING OF BILLS.

Senate resumed consideration of Substitute for Senate File No. 282, a bill relating to mines and mining.

Senator Clarkson offered the following amendment to the amendment offered by Senator Allen of Jefferson and moved its adoption:

I move to amend the amendment by adding thereto the following: When appeal is taken as herein provided the case shall be docketed and precedence given over all other cases excepting criminal cases where the party is in jail, and the inspector may bring the case on for hearing before any judge of the judicial district where the mine is located by giving five days' notice in writing to the opposite party and if the evidence fails to show that the order was not a reasonable one as made by the inspector the findings and order of the inspector shall stand as made by him.

The amendment to the amendment was adopted.

The amendment as amended was adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by adding to Section Two (2) the following: "Provided that nothing herein contained shall be constituted to prevent the Governor from proceeding under the law provided for the suspension or removal of state officers for malfeasance or non-feasance in office.

Adopted.

Senator Gilliland offered the following amendment and moved its adoption:

I move to strike out of Section 55 all after the words "supports" in the sixteenth line and insert in lieu thereof the following:

"The burden of proof shall rest upon the plaintiff to show that the order of the inspector was a reasonable one or the proposed change, improvement or device reasonably required for the purposes intended; and if the evidence in the whole case proves that the order as made by the inspector was a reasonable one or the proposed change, improvement or device necessary for the purposes intended, the judge shall forthwith issue a mandatory order for compliance therewith, and enter the same of record in the district court of the county in which the hearing is had or the mine in controversy located, and shall fix in connection with such order the time in which appeal may be taken to the board of examiners and the amount of bond required for such appeal. If no appeal is taken within the time so fixed and the defendant has failed to comply with the order made by the judge, such defendant may be charged with contempt of court and upon conviction thereof be fined not to exceed five hundred dollars (\$500.00) and committed to the county jail until such fine is paid.

The clerk of the district court where such petition has been filed shall issue subpoenas at the request of either party, and witnesses shall be required to respond thereto as in other cases, and it shall be a part of the County Attorney's official duty to represent the plaintiff in all matters pertaining to the proceedings. Pending such proceedings, the judge may, if in his judgment it is deemed advisable for the safety of the employees, order the mine closed until such changes are made as have been directed by him."

Senator Clarkson offered the following amendment to the amendment of Senator Gilliland and moved its adoption:

I move to strike from the amendment beginning with the word "and" in line 10 and ending with the word "appeal" in line 13, reading as follows: "and shall fix in connection with such order the time in which appeal may be taken to the board of examiners and the amount of bond required for such appeal."

Also by striking out the words: "No appeal taken within the time fixed."

The amendment to the amendment was adopted.

The amendment of Senator Gilliland as amended was adopted.

Senator Webber offered the following amendment and moved its adoption: I move to amend Section One of the printed bill, being the Substitute for Senate File No. 282, as follows: Change the word six and the figure 6 in the fifth line to the word three and figure 3 and also make the same changes in line seven and also strike out all of line seven following the word "thereafter" and also all of line eight preceeding the word "any".

Senator McCulloch moved the previous question on the pending amendments and the bill.

The motion was lost.

On the adoption of the amendment offered by Senator Webber a roll call was demanded.

On the question, "Shall the amendment be adopted?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Hammill, Hoyt, Hunter, Legel, McCulloch, McManus, Mattes, Proudfoot, Schrup, Smith of Shelby, Spaulding, Webber, White—24.



The nays were:

Chase, Clarkson, DeWolf, Francis, Garrett, Gilliland, Larrabee, McColl, Malmberg, Parshall, Ream, Sammis, Saunders, Smith of Mitchell, Sullivan, Van Law—16.

Absent or not voting:

Allen of Pocahontas, Bennett, Chapman, Jewell, Neal, Quigley, Savage, Stuckslager, Taylor, Wilson—10.

So the amendment was adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Section 45 by striking out all of said section down to the word "he" in line twenty of the printed substitute and insert in lieu thereof the following:

Sec. 45. It shall be the duty of the mine foreman or pit boss in charge of any mine or part thereof to make careful inspection of the mine from day to day by himself or assistant and at such other times as in his judgment conditions may require. He shall give such directions and formulate such rules for the guidance of the men employed in the mine as skillful and safe operation of the mine may require. He shall see that the mines are supplied with props of proper lengths, caps and other timbers necessary to securely prop the roof of such mine, and the rooms wherein the men are employed, and such material shall be conveniently placed for the use of the miners."

On the adoption of the amendment a roll call was demanded.

On the question, "Shall the amendment be adopted?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Hammill, Hoyt, Legel, McColl, McCulloch, McManus, Parshall, Proudfoot, Saunders, Smith of Shelby, Spaulding, Taylor, Webber—23.

The nays were:

Chase, Clarkson, DeWolf, Francis, Garrett, Larrabee, Malmberg, Ream, Sammis, Smith of Mitchell, Sullivan, Van Law, Wilson—13.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chapman, Gilliland, Hunter, Jewell, Mattes, Neal, Quigley, Savage, Schrup, Stuckslager, White—14.

So the amdenment was 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 House was asked:

Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 371, a bill for an act to legalize the acts of the Town Council of the town of Blanchard, in the county of Page, and State of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

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. 234, a bill for an act to repeal Section Eighteen Hundred and Eighty-one (1881) of the Code and to enact a substitute therefor relating to the report by the Auditor of State to the Governor of the condition of 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. 485, a bill for an act providing for the commitment of boys and girls to the Industrial School and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the Acts of the Thirty-third (33rd) 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. 317, a bill for an act to prevent procreation of habitual criminals, idiots, feeble-minded and imbeciles.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 providing that all common carriers operating trains within the State of Iowa, and conveying live stock, shall provide a car equipped with sleeping berths or bunks, for the persons in charge of such live stock.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Allen of Jefferson, from the Committee on Suppression of Intemperance returned to the Senate House File No. 278, which was thereupon referred to the Committee on Pharmacy.

Senator Mattes filed the following motion:

I move to reconsider the vote by which Substitute for Senate File No. 18 passed the Senate and the vote by which the same passed to its third reading.

#### HOUSE MESSAGES CONSIDERED.

House File No. 338, a bill for an act to amend Section Eight (8), Chapter Sixty-four (64) of the acts of the Thirty-third General Assembly, and to repeal Subdivision B, Subdivision C, and Subdivision D of Section One Thousand Fifty-six-a-Thirty-two (1056-a-32, Supplement to the Code, 1907, and enact a substitute therefor relating to the civil service commissioners, their duties and powers under commission form of government.

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

House File No. 253, a bill for an act amending the law as it appears in Section Seven Hundred and Twenty (720) of the Supplement to the Code, 1907, as amended by the laws of the Thirty-third (33d) General Assembly, making said statute applicable to city and town halls and fire stations.

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

House File No. 44, a bill for an act to repeal Section Three Hundred Three-a (303-a) of the Supplement to the Code, 1907, rela-

tive to the compensation of assistant county attorneys, and to enact a substitute therefor.

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

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

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

Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

Passed on file.

House File No. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

Passed on file.

Senate File No. 234, a bill for an act to repeal Section Eighteen Hundred and Eighty-one (1881) of the Code and to enact a substitute therefor relating to the report by the auditor of state to the Governor of the condition of banks.

Passed on file.

House File No. 485, a bill for an act providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the acts of the Thirty-third (33) General Assembly.

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

House File No. 121, a bill for an act providing that all common carriers operating trains within the state of Iowa, and conveying live stock, shall provide a car equipped with sleeping berths or bunks, for the persons in charge of such live stock.

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

House File No. 317, a bill for an act to prevent procreation of habitual criminals, idiots, feeble-minded and imbeciles.

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

Senator Brown asked unanimous consent to have Substitute for Senate File No. 52 withdrawn from the Committee on Enrolled Bills.

Consent granted.

Senator Malmberg from the Committee on Enrolled Bills, returned to the Senate Substitute for Senate File No. 52.

#### THIRD READING OF BILLS.

On motion of Senator Saunders, Substitute for Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the state of Iowa, relating to the crime of malicious threats to extort, was taken up and considered.

Senator Saunders moved that the Senate reconsider the vote by which the Senate concurred in the House amendments to the bill.

Carried.

Senator Saunders moved that the Senate refuse to concur in the House amendments.

On the question, "Shall the Senate refuse to concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hoyt, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Chase, Clarkson, Cowles, Francis, Hammill, Hunter, Jewell, McCulloch, Mattes, Quigley, Savage, Schrup, Stuckslager—15.

So the Senate refused to concur in the House amendments.

## REPORTS OF COMMITTEE.

Senator Hoyt, 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. 327, a bill for an act to amend Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation 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 by the adoption of the following substitute:

## SUBSTITUTE FOR SENATE FILE NO. 327.

## A BILL

For an Act to repeal Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the secretary of the State Board of Health and enacting a substitute therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

The Secretary of the State Board of Health shall receive such salary as the Board shall fix, not to exceed Twenty-four Hundred (\$2,400) Dollars per annum, payable upon the certificate of the president to the State Auditor, who shall issue his warrant for the amount due, upon the State Treasurer, provided however, that the aforesaid Twenty-four Hundred (\$2,400) Dollars shall be in lieu of any and all other compensation he may receive in any official capacity. Each member of the Board shall receive only actual traveling and other necessary expenses incurred in the performance of his duties, said expenses to be itemized, verified, certified, audited, and a warrant drawn therefore in the same manner as the Secretary's salary, and when so amended the bill do pass.

E. H. HOYT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Compensation of Public Officers, to whom was referred Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-14 (5718-a-14) of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole, 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. 325.

## A BILL

For an Act amending Section Fifty-seven Hundred Eighteen-a-Fourteen (5718-a-14) of the Supplement to the Code, 1907, relating to the time

of employment and compensation of the members of the Board of Parole.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section Fifty-seven Hundred Eighteen-a-Fourteen (5718-a-14) of the Supplement to the Code, 1907, is hereby amended by striking out of line Nineteen (19) the following: "not to exceed One Thousand (\$1,000) Dollars each, per annum."

Sec. 2. This act being deemed of immediate importance shall be in full force and effect from and after its passage and 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.

E. H. HOYT,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Senator Gilliland moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 29, 1911.

Senate met in regular session at 9 o'clock a. m., President Pro Tem James A. Smith presiding.

Prayer was offered by O. H. Holmes, Algona, Iowa.

On request of Senator Adams, leave of absence was granted Senator Savage for the day.

## 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 substitute amendment to the following bill in which the concurrence of the House was asked:

House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House returns herewith the following bill as requested by the Senate:

House File No. 219, a bill for an act to repeal Section 679-h of Chapter 2-a Title Five (V) of the Supplement to the Code, 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class.

C. R. BENEDICT,  
*Chief Clerk.*

## THIRD READING OF BILLS.

The Senate resumed consideration of Substitute for Senate File No. 282, a bill for an act relating to mines and mining.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend the bill inserting the following after the word "thereafter" in line nine of Section 1: "The present incumbents



shall continue in office until their successors are appointed and qualified.”

Adopted.

Senator Webber offered the following amendment and moved its adoption:

I move to amend Section 45 of the Substitute for Senate File No. 282 as follows: Insert after the word “props” in the seventh line of said section as printed in the Journal, page 1116, the following: “where ordered by the miner.”

Adopted.

Senator Fitchpatrick offered the following amendment and moved its adoption:

I move to amend substitute for Senate File No. 282 as follows:

1st. Strike out the figures “1897” wherever the same appears in the title.

2d. I move to amend the bill by striking out the figures “1897” wherever the same appears therein.

3d. Amend Section 1, 2, 7 and 53 by striking out the first six words, namely, “The law as it appears in” in each of said sections.

4th. Amend Sections 4, 21, 29 by striking out the first word in each of said sections.

5th. Add after the word “That” at the beginning of Section No. 54, the words, “The law as it appears in.”

Adopted.

Senator Webber moved that the bill be now referred to the Committee on Judiciary.

On this motion a roll call was demanded.

The ayes were:

Balkema, Balluff, Bennett, Brown, Cowles, Gates, Hammill, McCulloch, Webber—9.

The nays were:

Allen of Jefferson, Chapman, Chase, Clarkson, Crow, Dunne-gan, Francis, Garrett, Gilliland, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Proudfoot, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson—27.

Absent or not voting :

Adams, Allen of Pocahontas, Ames, De Wolf, Fitchpatrick, Hoyt, Mattes, Quigley, Sammis, Saunders, Savage, Schrup, Stuckslager, Taylor—14.

So the motion was lost.

Senator Saunders offered the following amendment and moved its adoption :

I move to amend Section 40 by striking out the word "one" in the last line of the section and insert the word "three" in lieu thereof.

The amendment was lost.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend Section 11 by inserting after the word "town" in line eleven of the printed substitute the words "of such court held after the taking of such appeal."

Adopted.

Senator Clarkson 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 :

Allen of Jefferson, Chase, Clarkson, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Parshall, Ream, Saunders, Smith of Mitchell, Sullivan, Van Law, Wilson—22.

The nays were :

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Cowles, DeWolf, Fitchpatrick, Hammill, Hoyt, Hunter, McCulloch, Mattes, Proudfoot, Schrup, Smith of Shelby, Spaulding, Stuckslager, Webber, White—22.

Absent or not voting :

Chapman, Neal, Quigley, Sammis, Savage, Taylor—6.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Schrup filed the following explanation of his vote:

I vote NO for the reason that on account of the extraordinary length of this bill, containing over 50 sections, it contains many provisions which I cannot endorse, notwithstanding the numerous commendable features it contains.

Senator Sammis requested that the record show that had he been present when the roll call was had on Substitute for Senate File No. 282 he would have voted aye.

Senator DeWolf filed the following motion:

I move that the vote by which substitute for Senate File No. 282 failed to pass the Senate, and by which the bill failed to receive the required constitutional majority, be re-considered.

SHERMAN W. DEWOLF.

#### REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 459, a bill for an act to legalize certain warrants of the city of Ottumwa, Iowa, 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 Judiciary, to whom was referred Senate File No. 350, a bill for an act to fix the place for bringing actions for the recovery of any premium, assessment or rates for insurance or upon any note or other written evidence or obligation for the payment thereof, 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 Judiciary, to whom was referred Senate File No. 452, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Royal, Clay County, Iowa, 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 Judiciary, to whom was referred Senate File No. 460, a bill for an act to legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, 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 do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 351, a bill for an act to amend Section Two Hundred Fifty-four-a-Fourteen (254-a-14) of the Supplement to the Code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts, 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 Judiciary, to whom was referred House File No. 141, a bill for an act to repeal Section Three Hundred Thirtyfive (335) of the Code, as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33rd) General Assembly, and to enact a substitute therefor; relating to the selection of jury lists, 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 Judiciary, to whom was referred House File No. 408, a bill for an act to legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said towns, since the passage of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein, 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 Judiciary, to whom was referred House File No. 143, a bill for an act to repeal Section Sixteen Hundred and Fifty-seven-n (1657-n), Supplement to the Code, 1907, and to enact a substitute therefor relating to the office of the department of agriculture and the salary of the secretary, 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. 143.

A BILL

For an Act to repeal Section One Thousand Six Hundred Fifty-seven-n (1657-n) Supplement to the Code, 1907, and to enact a substitute therefor, relating to the office of the Department of Agriculture and salary of the Secretary.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section One Thousand Six Hundred and Fifty-seven-n (1657-n) Supplement to the Code, 1907, be repealed and the following enacted in lieu thereof:

“The office of the department of agriculture shall be in rooms numbers eleven (11) and twelve (12) in the Capitol Building, and said office shall be entitled to such supplies, stationery, postage and express as may be required, which shall be furnished by the executive council in the same manner as other officers are supplied. The secretary shall receive as salary, such compensation not to exceed Five Thousand (\$5,000.00) Dollars per annum, as may be fixed and allowed by the State Board of Agriculture, from the funds derived from the state fair; provided, that said secretary shall receive no other additional compensation or salary as secretary, or in any other capacity in connection with the State Board of Agriculture or with the state fair.”

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register & Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

SHIRLEY GILLILLAND,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 411, a bill for an act legalizing assignments of mortgages and other recorded liens made upon the margin of the records, and making such assignments admissible in evidence, 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 Judiciary, to whom was referred House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land, 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 Judiciary, to whom was referred House File No. 484, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals, 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 Judiciary, to whom was referred House File No. 56, a bill for an act to regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof, 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 Judiciary, to whom was referred Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town, 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 Proudfoot, 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. 403, a bill for an act to aid indigent members of the families of male prisoners in the state penitentiary, and

the reformatory, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

"Amend by striking out Section 5," and when so amended the bill do pass.

A. V. PROUDFOOT,  
*Chairman.*

Ordered passed on file.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 455, a bill for an act to amend Section One (1) of Chapter One Hundred Twenty-one (121) Acts of the Thirty-third General Assembly relative to additional help for county auditors in levee or drainage districts; drainage record, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 227, a bill for an act to prevent oppressive garnishments and the transferring of claims to deprive debtors of exemption rights in the states of their residences, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 356, a bill for an act to legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the officers of said town, since the passage of an act relating to the organization of cities and towns and

known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 106, a bill for an act providing for the licensing of steam engineers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*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. 339, a bill for an act to amend Section 2077-a of the Supplement to the Code, 1907, relating to the posting of bulletins at railway stations, beg leave to report they have had the same under consideration and recommend the same do pass.

C. G. SAUNDERS,  
*Chairman.*

Adopted.

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 163, a bill for an act to require Railroad corporations doing business in Iowa to have two regular pay days in each month, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.



Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 184, a bill for an act to repeal Section 114 of the Code and enact a substitute therefor, relating to reports by the Board of Railroad Commissioners to the Governor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

President Clarke took the chair at 11 o'clock.

Senator Sullivan moved that the House be requested to return to the Senate House File No. 283.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Spaulding the Senate took up for consideration Senate File No. 156, a bill for an act to create a State Tax Commission, to define its powers and duties, to transfer to said Commission the powers and duties of the Executive Council relating to assessment and taxation, to make appropriations therefor, and to amend all acts inconsistent herewith, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Spaulding moved that the substitute recommended by the Committee on Appropriations be substituted for the original bill and the amendments as proposed by the Committee on Ways and Means.

Adopted.

Senator Ames offered the following amendment and moved its adoption:

I move to amend Section 1 by inserting after the comma (,) in the fourth line thereof the words "and one of whom shall be a practical farmer thoroughly familiar with farm values."

The amendment was lost.

Senator Spaulding offered the following amendment and moved its adoption:

I move to amend Section Eleven (11) by adding at the end of said section the following:

“The abstracts of the real and personal property required to be made to the Auditor of State under the provisions of Section 1377 of the Code, shall be transmitted to the Tax Commission instead of to the Auditor of State. On or before January 1st succeeding the date of the completion of each assessment of property, the Tax Commission shall certify to the Auditor of State the aggregate amount of the assessment of each class of property in the several counties of the state.”

Adopted.

Senator DeWolf offered the following amendment and moved its adoption:

I move to amend Subdivision of Section Seven (7) of the bill by striking out all of the section after the word “counties” in line two (2) thereof as printed in the Journal.

Further consideration of the bill was postponed on account of the Joint Convention.

The President announced as teller on the part of the Senate Senator Sullivan and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present.

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster,

Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stueckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

Absent or paired:

Byerly, De Wolf, Dixon, Hayes, Hoyt, Kull, McCleery, Savage—8.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hazen, Koontz, Krebill, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor,

Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—50.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Finlayson, Fulton, Gilliland, Hickenlooper, Hogan, Hunt, Jacobson, Lounsbury, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—36.

Those voting for W. S. Kenyon were:

Allen of Pocahtontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Peckford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—63.

Those voting for C. G. Lee were:

George—1.

Absent or paired:

Byerly, DeWolf, Dixon, Hayes, Hoyt, Kull, McCleery, Savage—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Smith of Mitchell moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

## AFTERNOON SESSION.

The Senate met, pursuant to adjournment, at 1:30 o'clock, P. M., President Clarke presiding.

## INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 466, a bill for an act to amend Section Sixteen Hundred Ten (1610) of the Supplement to the Code, 1907, relating to the adoption and recording of articles of incorporation of corporations for pecuniary profit.

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

## HOUSE MESSAGE CONSIDERED.

Substitute for House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

Passed on file.

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a), Title Five (V), of the Supplement to the Code, 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class.

Passed on file.

Senator Ames asked unanimous consent that Calendar Nos. 47 and 48 be made a Special Order to follow Special Order No. 3.

Consent granted.

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

The Journal of yesterday 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. 409, a bill for an act amendatory to Chapter Six (6) Title Three (III), of the Code, providing for trial by jury in superior

courts in cities which are not county seats, and which have now or may hereafter have a population of Twenty-five thousand (25,000) or more;) providing for the number of jurors in such courts in such cities, and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission plan 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. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven, (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation 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. 445, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected.

C. R. BENEDICT,

*Chief Clerk.*

#### THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 156, a bill for an act to create a State Tax Commission, to define its powers and duties, to transfer to said Commission the powers and duties of the Executive Council relating to assessment and taxation, to make appropriations therefor, and to amend all acts inconsistent herewith.

Senator DeWolf by unanimous consent withdrew the pending amendment offered by him this morning.

Senator Ames offered the following amendment and moved its adoption:

I move to amend Section 1 by striking from the lines three and four the words: "and one of whom shall be a duly licensed attorney-at-law."

On the adoption of the amendment a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Parshall, Ream, Schrup, Sullivan, Van Law, Webber, Wilson—31.

The nays were:

Balluff, Francis, Gates, Neal, Sammis, Smith of Mitchell, White—7.

Absent or not voting:

Allen of Jefferson, Legel, McColl, McManus, Proudfoot, Quigley, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Taylor—12.

So the amendment was adopted.

Senator Spaulding 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:

Allen of Jefferson, Balkema, Balluff, DeWolf, Dunnegan, Fitchpatrick, Gilliland, Hoyt, Larrabee, McCulloch, Malmberg, Mattes, Neal, Ream, Sammis, Smith of Mitchell, Spaulding, Webber—18.

The nays were:

Adams, Allen of Pocahontas, Ames, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Parshall, Schrup, Sullivan, Van Law, White, Wilson—22.

Absent or not voting:

Legel, McColl, McManus, Proudfoot, Quigley, Saunders, Savage, Smith of Shelby, Stuckslager, Taylor—10.

So the bill having failed to receive a constitutional majority was declared lost.

The Senate took up for consideration Special Order No. 3, Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, both collateral and direct, and repealing the law as it appears in Chapter Four (4) of Title Seven (VII) of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33) General Assembly and to enact a substitute therefor.

Senator Gilliland moved the adoption of the following amendment:

Amend Paragraph Three (3) of Section Two (2) by substituting a period (.) for the comma (,) after the word "decedent" in the third (3) line of said paragraph, and by striking out all of Paragraph Three (3), Section Two (2), following the said word "decedent."

The bill as amended was read for information.

Senator Gilliland moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

Senator Gilliland offered the following amendment to the title and moved its adoption:

Amend the title by striking out the words "both collateral and direct" as the same appears in the third line thereof.

Adopted.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Ream, Saunders, Schrup, Smith of Mitchell, Spaulding, Sullivan, Webber, White, Wilson—40.

The nays were:

None.



Absent or not voting:

Chapman, McManus, Proudfoot, Quigley, Sammis, Savage, Smith of Mitchell, Stuckslager, Taylor, Van Law—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Allen of Pocahontas moved that House File No. 103 be made a Special Order for tomorrow morning at 10 o'clock.

Carried.

Senator Adams moved that the vote by which House File No. 103 was made a Special Order be reconsidered.

On this motion a roll call was ordered.

The ayes were:

Adams, Balluff, Bennett, DeWolf, Gilliland, Legel, McCulloch, Malmberg, Sammis, Saunders, Schrup, Smith of Mitchell, Webber—13.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chapman, Chase, Clarkson, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Parshall, Ream, Spaulding, White, Wilson—23.

Absent or not voting:

Brown, Cowles, Crow, Hoyt, McManus, Mattes, Proudfoot, Quigley, Savage, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law—14.

So the motion was declared lost.

Senator Balkema asked unanimous consent that Senate File No. 259 be made a Special Order to follow Special Order on House File No. 103.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Ames the Special Order on Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and pro-

viding penalties for the violations thereof. Also repealing Sections Twenty-three Hundred Forty One-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d), and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907; and also Sections One (1), Two (2), Three (3) and Four (4) of Chapter One Hundred Thirty-five (135) of the Laws of the Thirty-third General Assembly, with report of Committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Ames moved that the substitute be substituted for the original bill.

Adopted.

Senator Ames 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bal-luff, Bennett, Chapman, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Sammis, Saunders, Spaulding, Stuckslager, Sullivan, Van Law, White—33.

The nays were:

Garrett—1.

Absent or not voting:

Adams, Brown, Clarkson, Gilliland, McManus, Malmberg, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, Webber, 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 Ames, the special order on Senate File No. 355, a bill for an act to amend the law as it appears in Section Twenty-three Hundred Forty-one-a (2341-a) of the Supplement to the Code, 1907, relating to the registration of stallions, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Ames 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Sammis, Schrupp, Smith of Mitchell, Smith of Shelby, Stuckliger, Sullivan, Van Law, Webber, White—36.

The nays were:

None.

Absent or not voting:

Adams, Balluff, Francis, Garrett, Hunter, McManus, Malmberg, Proudfoot, Ream, Saunders, Savage, Spaulding, Taylor, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Balkema moved that the Calendar be now taken up in order.

Carried.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 467, a bill for an act to require the State Board of Health to examine and approve the plans and specifications for contemplated public water supplies and sewer systems.

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

#### THIRD READING OF BILLS.

On motion of Senator Hunter, House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the County Attorney, and without the intervention of the Grand Jury in all cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure

when so prosecuted on information, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Chase offered the following amendment and moved its adoption:

I move to amend by striking out Section 8 of the bill.

The amendment was withdrawn by unanimous consent.

Senator Chase offered the following amendment and moved its adoption:

I move to amend by striking out of the first line of Section 8 the following words "as amended or substituted information" and substituting therefor the words "an information may be amended as provided for indictments in Chapter 227, Acts of the Thirty-third General Assembly and".

Adopted.

Senator Dunnegan offered the following amendment and moved its adoption:

I move to amend the bill by adding the following as Section 18:

"Section 18. That any and all of the provisions of the foregoing act are made applicable to superior courts, and that either party may demand a jury of twelve to try the issues joined."

On the adoption of the amendment a roll call was demanded.

The ayes were:

Balluff, Chapman, Dunnegan, McColl, Stuckslager—5.

The nays were:

Adams, Allen of Pocahontas, Balkema, Brown, Chase, Clark-son, Cowles, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Jewell, McCulloch, Malmberg, Mattes, Neal, Proud-foot, Quigley, Smith of Mitchell, Smith of Shelby, Van Law, Web-ber, Wilson--27.

Absent or not voting:

Allen of Jefferson, Ames, Bennett, Gilliland, Hammill, Larrabee, Legel, McManus, Parshall, Ream, Sammis, Saunders, Savage, Schrup, Spaulding, Sullivan, Taylor, White—18.

So the amendment was lost.

The bill was read for information.

Senator Hunter 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrupp, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Van Law, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Bennett, DeWolf, Dunnegan, Hammill, McColl, Savage, Spaulding, Taylor, Webber—9.

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. 409, a bill for an act amendatory to Chapter Six (6), Title Three (III), of the Code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more, providing for the number of jurors in such courts in such cities, and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under commission plan of government.

Read first and second time and ordered placed on Calendar.

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Passed on file.

House File No. 445, a bill for an act to amend the law as it appears in Section Four Hundred and Forty-one (441) of the Supplement to the Code, 1907, relating to newspapers and how selected.

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

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 492, a bill for an act to legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from, and constructing paving and curbing on portions of Washington and Webster streets in said city on grades different from the established grades.

Also:

House File No. 353, a bill for an act to amend Sections One Thousand Eighty-seven-a-4 (1087-a-4) and One Thousand Eighty-seven-a-19 (1087-a-19) of the Supplement to the Code, 1907, as amended, relating to the holding of primary elections by political parties.

Also:

House File No. 251, a bill for a act providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the State University of Iowa, the State College of Agriculture and Mechanic Arts, and the State Teachers' College.

Also :

House File No. 371, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

Also :

House File No. 9, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

The President announced that as President of the Senate, in the presence of the Senate, he had signed House File Nos. 492, 371, 251, 9 and 353.

Senator Hammill announced that had he been present he would have voted aye on House File No. 12.

#### INTRODUCTION OF BILLS.

By Senator Cowles Senate File No. 468, a bill for an act to amend Section Thirteen Hundred and Twenty-six (1326) of the Code relating to domestic, and domestic local building and loan associations.

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

Senator De Wolf moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 30, 1911.

The Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. Albert B. Cadwell of Winfield, Iowa.

On request of Senator Hoyt, leave of absence was granted Senator Savage for the day.

The Journal of yesterday 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 herewith recalls the following bill: House File No. 484, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

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. 27, a bill for an act providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation.

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. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192), of the Acts of the Thirty-third General Assembly, and to enact a substitute therefor relating to the conveyance of real estate.

C. R. BENEDICT,  
*Chief Clerk.*



Also :

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 Two Thousand, Eight Hundred Eighty-one-1 (2881-1) of the Supplement to the Code, 1907, relating to the public archives, authorizing the Curator of the historical collections to make and certify copies of records and documents in the public archives.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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

House File No. 387, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422) Supplement to the Code, 1907, relating to the powers of 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. 390, a bill for an act to declare certain diseases contagious and infectious, and to provide rules and regulations for the control of the same, and to fix the punishment for 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. 352, a bill for an act to amend Section Five Thousand Two Hundred Fifty-six (5256) of the Supplement to the Code, 1907, re-

lating to the appointment and compensation of the clerks of the grand jury.

C. R. BENEICT,  
*Chief Clerk.*

REPORTS OF COMMITTEE.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 334, a bill for an act to repeal Sections One Hundred Ninety-three (193) and One Hundred Ninety-four (194) of the Code, and to enact a substitute therefor providing for an increase in the number of judges in the Supreme Court of Iowa and providing for a division of said court into sections and to amend Section Ten Hundred Sixty-six (1066) of the Supplement to the Code, 1907, in reference to the selection of the Chief Justice of said 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 SENATE FILE NO. 334.

A BILL

For an Act to repeal Sections One Hundred Ninety-three (193) and One Hundred Ninety-four (194) of the Code, and to enact a substitute therefor providing for an increase in the number of judges in the Supreme Court of Iowa and providing for a division of said court into sections, and to amend Section Ten Hundred Sixty-six (1066) of the Supplement to the Code, 1907, in reference to the selection of the Chief Justice of said Court.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Section One Hundred Ninety-three (193) of the Code is amended to read as follows:

The Supreme Court shall consist of nine judges, five of whom shall constitute a quorum for the transaction of business, but one alone may adjourn from day to day, or to a particular day, or until the next term.

Sec. 2. At the general election in 1912 there shall be elected five judges of the Supreme Court, three of whom shall be elected for a term of six (6) years, one for a term of four (4) years, and one for a term of two (2) years, such terms to begin January 1, 1913, and at the general election thereafter, there shall be elected three judges of the Supreme Court for the full term of six (6) years beginning January first following the date of their election.

Sec. 3. Section One Hundred Ninety-four (194) of the Code is hereby repealed, and the following enacted in lieu thereof:

"Sec. 194. In January, 1915, the court shall organize by the selection of a Chief Justice, and by dividing its members into two sections of four

members each. In holding open court said sections, each of which shall be presided over by the Chief Justice, shall sit and act separately, in accordance with such rules as the full court may provide, and such court shall also provide and adopt rules regulating the hearing and submission of cases or petitions for rehearing to the full court when differences of opinion shall arise between the members of either section thereof, or when the Chief Justice shall so order or direct. It shall also adopt and promulgate such rules and regulations as may be reasonably necessary to carry into effect the provisions of this act, and to provide for the submission of cases to the court as herein constituted.

Sec. 4. Section Ten Hundred Sixty-six (1066) of the Supplement to the Code, 1907, is amended by inserting a period after the word "years" in the fourth line, and striking out the balance of said section, and inserting in lieu thereof the following:

"In January of each year the court shall select one of its members to act as Chief Justice for the ensuing year, making such selection in rotation according to seniority of service, and shall cause a record to be made of their said action. Should it occur that two or more judges are equally entitled to be chosen Chief Justice, the one who is senior in age shall be preferred."

Sec. 5. All acts and parts of acts inconsistent with this Act are hereby repealed, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 340, a bill for an act amending Section Two Thousand and Seventy-one (2071) of the Supplement to the Code, 1907, relating to the liability of railways for negligence or wrongs of employes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 463, a bill for an act to legalize a certain school election held in the independent school district of Emmetsburg, Palo Alto,

County, Iowa, on the Thirteenth day of March, 1911, 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 Judiciary, to whom was referred Senate File No. 454, a bill for an act to legalize the action of the Board of Directors of the independent school district of Walker, Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes, 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. 454.

A BILL

For an Act to legalize the action of the Board of Directors of the independent school district of Walker, Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

*Whereas*, the Board of Directors of the independent school district of Walker, Linn County, Iowa, did in the year 1903 to 1910 inclusive, levy and collect a scholhouse tax for the purpose of creating a fund to be expended toward the erection and equipment of a new school building, which levy was made on the part of said board without the knowledge that such levy should be submitted to the qualified electors for their approval, and which fund has been willingly paid by the tax payers of said school district for the purpose of erecting and equipping a new school building, and

*Whereas*, Doubt has arisen as to the legality of the acts of said board of directors and officers and of the said tax levy; therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the acts of said board of directors of the independent district of Walker, Linn County, Iowa, in levying said school house tax, are hereby legalized and confirmed, and that the officers and directors of said district are hereby authorized and empowered to expend the funds derived from such taxes for the purposes for which they were assessed.

Sec. 2. Nothing in this act shall effect in any way any pending litigation in relation to the subject matter hereof.

Sec. 3. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Des Moines Capital, a newspaper published at Des Moines, Iowa, and the Walker News, a newspaper published at Walker, Iowa, which publication shall be without expense to the state, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 468, a bill for an act to amend Section Thirteen Hundred and Twenty-six (1326) of the Code, relating to domestic and domestic local building and loan associations, beg leave to report they have had the same under consideration and recommend the same be referred to the Committee on Ways and Means.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the Committee.

Adopted.

Also :

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred House File No. 445, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected, 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 2, and when so amended the bill do pass.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Senator Balkema moved that hereafter during the remainder of this session the bills on the Calendar be taken up in their order.

Motion was withdrawn.

#### THIRD READING OF BILLS.

On motion of Senator Balluff, House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (V) of the Supplement to the Code of 1907, relative to the board of police and fire commissioners in certain cities of the first class, was taken up and considered.

Senator Balluff moved that the vote by which House File No. 219 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Carried.

Senator Balluff offered the following amendment and moved its adoption :

I move to amend House File No. 219 by striking out the words: "Board of Civil Service Commissioners", in the seventh line of the bill and by inserting in lieu thereof the following: "Board of Police and Fire Commissioners."

Adopted.

Senator Balluff 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Francis, Hoyt, Hunter, Jewell, McManus, Saunders, Savage, Smith of Mitchell—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Balluff offered the following amendment to the title and moved its adoption:

I move to amend the title to House File No. 219 by inserting after the figures 1907 the words, "and enact a substitute in lieu 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 Stuckslager, Senate File No. 408, a bill for an act amendatory to Chapter Six (6), Title Three (III) of the Code providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of Twenty-five Thousand (25,000) or more; providing for the number of jurors in such courts in such cities, and

the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved that the consideration of House File No. 409 be substituted and considered in place of Senate File No. 408, the two bills being identical.

Carried.

The Senate thereupon took up for consideration House File No. 409, a bill for an act to provide for an act amendatory to Chapter Six, Title Three of the Code, extending the jurisdiction of superior courts in cities which are not county seats and which have now or may hereafter have a population of 25,000 or more.

Senator Stuckslager 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunne-gan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Ames, Bennett, Francis, Larrabee, McManus, Parshall, Saunders, Savage, Schrup, Spaulding—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 Chapman, Senate File No. 460, a bill for an act to legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election, with report of committee rec-

ommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Chapman moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, Wilson—42.

The nays were:

None.

Absent or not voting:

Gilliland, Jewell, McManus, Parshall, Proudfoot, Savage, Sullivan, 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 Hunter, Senate File No. 399, a bill for an act to amend Section Two Thousand Six Hundred Thirty-four-f (2634-f) of the Supplement to the Code, 1907, relating to the granting of state certificates to teachers, 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, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Spauld-



ing, Stueckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Clarkson, Gilliland, Jewell, McCulloch, McManus, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup—11.

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 Senate request the return from the House House File No. 155.

Carried.

#### THIRD READING OF BILLS.

On motion of Senator Brown, House File No. 221, a bill for an act making appropriations for additional improvements and land 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.

The bill was read for information.

Senator Brown 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:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Mattes, Neal, Proudfoot, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stueckslager, Sullivan, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Clarkson, Dunnegan, Francis, Larrabee, McManus, Malmberg, Parshall, Sammis, Savage, 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 Webber, Senate File No. 459, a bill for an act to legalize certain warrants of the city of Ottumwa, 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 Webber moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Bal-kema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Ham-mill, Hoyt, Hunter, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Cowles, Gilliland, Jewell, McColl, McManus, Parshall, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stucks-lager—13.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

The hour having arrived for Special Order No. 1, On motion of Senator Allen of Pocahontas the Senate took up for considera-tion House File No. 103, a bill for an act to establish the office of commerce consul, and defining the powers and duties of the same.

Senator Chase offered the following amendment and moved its adoption.

I move to amend by striking out in third line of Section 1 the words "Board of Railroad Commissioners" and insert in lieu thereof the words "the Executive Council."

Senator Mattes moved that the bill be referred to the commit-tee on Appropriations.

On this motion a roll call was demanded.

The ayes were :

Adams, Balluff, Bennett, Brown, Chapman, Cowles, DeWolf, Dunnegan, Hoyt, Legel, McCulloch, Malmberg, Mattes, Proudfoot, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Webber—22.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Balkema, Chase, Clarkson, Crow, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Neal, Parshall, Ream, Sullivan, Van Law, White, Wilson—23.

Absent or not voting :

Ames, McManus, Quigley, Savage, Schrup—5.

So the Senate refused to refer the bill to the Committee on Appropriations.

Senator Adams raised the point of order that the Senate by the motion just put was seeking to suspend a standing rule of the Senate and that a two-thirds vote was necessary.

The point of order was overruled.

On the adoption of the amendment offered by Senator Chase a roll call was demanded.

The ayes were :

Adams, Allen of Jefferson, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hoyt, McCulloch, Mattes, Parshall, Proudfoot, Saunders, Smith of Shelby, Stuckslager, Sullivan, Taylor, Webber—23.

The nays were :

Allen of Pocahontas, Ames, Balkema, Balluff, Crow, DeWolf, Francis, Gates, Jewell, Larrabee, Legel, McColl, Malmberg, Neal, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Van Law, White, Wilson—22.

Absent or not voting :

Garrett, Hunter, McManus, Quigley, Savage—5.

So the amendment was adopted.

Senator Gilliland offered the following amendment and moved its adoption :

I move to strike out the period at the end of Section 2, insert a semi-colon therefor and add the following words: "nor shall he be a member of any political committee, or contribute to any political campaign fund, or take part in political campaigns or be a candidate for any political office during his term as Commerce Counsel."

After the result of the roll call on Senator Chase's amendment had been announced and the Senate had proceeded with other business Senator Chase arose to the question of personal privilege and announced while he voted "no" on the amendment, it was not so recorded, and asked for verification of the roll call on the amendment offered by Senator Chase that the correction might be made.

Senator Gilliland raised the point of order that other business had intervened and that the vote on the amendment offered by Senator Chase could not properly be discussed.

The point of order was sustained.

Senator Fitchpatrick moved that the vote by which the Senate adopted the amendment offered by Senator Chase be reconsidered.

On the motion a roll call was demanded.

The ayes were:

Allen of Pocahontas, Ames, Balkema, Clarkson, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, Legel, McColl, Neal, Ream, Sammis, Smith of Mitchell, Spaulding, Van Law, White, Wilson—23.

The nays were:

Adams, Allen of Jefferson, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Dunnegan, Gilliland, Hammill, Hoyt, McCulloch, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Saunders, Smith of Shelby, Stuckslager, Sullivan, Taylor, Webber—24.

Absent or not voting:

McManus, Savage, Schrup—3.

So the Senate refused to reconsider the vote.

Further consideration of the bill was postponed on account of Joint Convention.

## 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 printing and distribution of ten thousand copies of the drainage, and also of the 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 adopted the following bill in which the concurrence of the Senate is asked:

Concurrent Resolution relative to the final adjournment of the Thirty-fourth General Assembly at 12 o'clock noon on Wednesday, April 12, 1911.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 178, a bill for an act amending Sections Eight Hundred and Ten (810); Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code, relating to making sewer and street improvements, and the kinds of materials to be used therein.

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. 283, a bill for an act to amend the law as the same appears in Section One (1), of Chapter Fifty-seven (57), Acts of the Thirty-third (33d) General Assembly of Iowa relating to tax levy for park purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested by the Senate House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1), of the Supplement to the Code, relative to water closets and privies.

C. R. BENEDICT,  
*Chief Clerk.*

## INTRODUCTION OF BILLS.

By Senator Chapman, Senate File No. 469, a bill for an act to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

*Whereas*, the electors of the town of Wyoming, Iowa, at a regular election held on March 3, 1890, by a vote of one hundred and twenty-two (122) in favor, to seventeen (17) against, authorized the town council to issue bonds in the sum of three thousand dollars (\$3,000) for the purpose of building a town hall; and

*Whereas*, the town council of the said town of Wyoming, at a special meeting held on August 28, 1890, passed an ordinance being ordinance No. Forty-four (44) entitled "An ordinance appropriating three thousand dollars (\$3,000) toward the building of a town hall and providing for the issuing of bonds in said amount; and,

*Whereas* in pursuance of the authority granted by a vote of the people, and in pursuance of the provisions of said ordinance No. Forty-four (44) the town council of the said town of Wyoming did issue bonds in the sum of three thousand dollars (\$3,000); and,

*Whereas*, the said town of Wyoming, with the money so raised, did build a town hall and use the same for a town hall and,

*Whereas*, at the expiration of ten years when said bonds became due, the same were refunded and new bonds were issued, and the same are now due, and were purchased and are now held and owned by bona fide purchasers; and,

*Whereas*, the town council and the people of Wyoming, Iowa, have at all times acted in good faith in said matter and with the full belief that said bonds were in all respects legal and a valid obligation; and,

*Whereas*, doubts have arisen as to the legality of said bonds and of the legal authority of the people and the council of the town of Wyoming to issue bonds for the purpose of building a town hall; and,

*Whereas*, doubts have arisen as to the validity of said ordinance No. Forty-four (44) for the reason that said ordinance was passed at a special meeting and that an insufficient number of votes were cast in favor of the suspension of the rules and the adoption of the ordinance; now, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Bonds and Ordinance Legalized. That the said bonds issued by the town of Wyoming, Iowa, for the purpose of building a town hall, and the refunding bonds thereof, and the said ordinance No. Forty-four (44) of said town, are hereby legalized and made valid, and the same shall be of the same force and effect as though there had been legal authority for the issue of the bonds for the purpose contemplated, and as though

the said ordinance No. Forty-four (44) had been passed by the required number of votes by the council thereof. This act shall not affect pending litigation.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Wyoming Journal, a newspaper published in the town of Wyoming, Iowa, and the Des Moines Capital, newspaper published in Des Moines, Iowa, both publications to be without expense to the state.

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

By Senator Saunders, Senate File No. 470, a bill for an act to amend Section Two Thousand One Hundred and Twenty-one (2121) of the Supplement to the Code, 1907, relating to the salaries of railroad commissioners and secretary.

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

By Senator Dunnegan, Senate File No. 471, a bill for an act to regulate the location of cemeteries, crematories, mausoleums and burying places (additional to Title XII, Chapter 16 of the Code).

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

By Senator Van Law, Senate File No. 472, a bill for an act to amend Section Twenty-six Hundred Six (2606) of the Supplement to the Code, 1907, relating to admission to the Iowa Soldiers' Home.

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

The President announced as teller on the part of the Senate Senator Sullivan and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### 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 Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—153.

Absent or paired:

Byerly, De Wolf, Hickenlooper, Hoyt, Savage—5.

President Clarke announced the Joint Convention duly organized, with a quorum of members present:

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.



Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—32.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—69.

Absent or paired:

Byerly, De Wolf, Hickenlooper, Hoyt, Savage—5.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Senator Chapman of Cedar moved that after the reading and correction of the Journal, the Joint Convention be dissolved.

Senator Hammill of Hancock moved as a substitute that the Joint Convention proceed to take a second ballot for the election of a United States Senator, and asked for a roll call.

On the question, "Shall the Joint Convention substitute the substitute motion for the original motion?"

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Mattes, Miller of Bremer, Moore, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—68.

The nays were:

Allen of Jefferson, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brown of Decatur, Chapman, Chase, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fletcher, Francis, Fulton, Garrett, Gilbert, Gillland, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, Lounsberry, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Dubuque, Milton, Murtagh, Neal, O'Connor, Odendahl, Olson, Parshall, Penn, Perkins, Proudfoot, Quigley, Ream, Ritter, Robbins, Rowles, Sater, Saunders, Schrup, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stephenson, Stipe, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Wilson—85.

Absent or not voting:

Bybee, Byerly, Hickenlooper, Hunt, Savage—5.

Motion to substitute lost.

Original motion to adjourn prevailed.

Journal of the Joint Convention was then read and approved.

The Senate returned to the Chamber and resumed its sitting.

Senator Smith of Mitchell moved that the Senate do now adjourn until 1:30 o'clock this afternoon.

Carried.

The Senate adjourned.

AFTRENOON SESSION.

The Senate met pursuant to adjournment at 1:30 o'clock, P. M., President Clarke presiding.

HOUSE MESSAGE CONSIDERED.

CONCURRENT RESOLUTION.

*Be it Resolved by the House, the Senate Concurring,* that the Secretary of State be directed to compile and publish in pamphlet form for general distribution ten thousand copies each of the drainage and road laws of the state, as soon as possible after the adjournment of the Thirty-fourth General Assembly.

Passed on file.

HOUSE CONCURRENT RESOLUTION.

*Whereas,* the remaining work of the 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 noon, 12:00 o'clock M., on Wednesday, April 12, 1911.

Passed on file.

Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810); Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code relating to making sewer and street improvements, and the kinds of materials to be used therein.

Passed on file.

House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1), of the Supplement to the Code, relative to water closets and privies.

Passed on file.

House File No. 484, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Passed on file.

Substitute for Senate File No. 27, a bill for an act providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation.

Passed on file.

Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate.

Passed on file.

Senate File No. 333, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Eighty-one-l (2881-l) of the Supplement to the Code, 1907, relating to the public archives, authorizing the Curator of the historical collections to make and certify copies of records and documents in the public archives.

Passed on file.

Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Passed on file.

House File No. 387, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422) Supplement to the Code, 1907, relating to the powers of Boards of Supervisors.

Read first and second time.

Senator Gilliland moved that House File No. 387 be placed upon the calendar and that the same take the place of Senate File No. 424, the two bills being identical.

Carried.

House File No. 390, a bill for an act to declare certain diseases contagious and infectious, and to provide rules and regulations for the control of the same, and to fix the punishment for violation thereof.

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

House File No. 352, a bill for an act to amend Section Five Thousand, Two Hundred Fifty-six (5256) of the Supplement to the Code, 1907, relating to the appointment and compensation of the clerks of the grand jury.

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

House File No. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), acts of the Thirty-third (33d) General Assembly of Iowa relating to tax levy for park purposes.

Passed on file.

#### REPORTS OF COMMITTEES.

Senator Adams, from the committee on Schools, submitted the following report:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 441, a bill for an act creating a state teachers board of retirement and authorizing the creation of a state teachers retirement fund and the retirement of teachers on life annuities, beg leave to report they have had the same under consideration and recommend the same do pass.

H. L. ADAMS,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred House File No. 98, a bill for an act to repeal Section Two Thousand Six Hundred Twenty-eight (2628) of the Code, relating to the Board of Educational Examiners, 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. 98.

#### A BILL

For an Act to repeal Section Two Thousand Six Hundred Twenty-eight (2628) of the Code of 1897 and to enact a substitute in lieu thereof relating to the membership of the educational board of examiners.

*Be it Enacted by the General Assembly of the State of Iowa:*

That Section Two Thousand Six Hundred Twenty-eight (2628) of the Code, 1897 be, and the same is hereby, repealed and the following enacted in lieu thereof:

"The educational board of examiners shall consist of the state superintendent of public instruction, who shall be ex-officio president of the board, and four persons to be appointed by the governor. The appointees shall be comprised of one president or faculty member representing the institutions under the control of the state board of education; one president or faculty member representing the institutions of higher learning not under state control; one county superintendent of schools, and one teacher or supervising officer of a town or city school.

The appointees shall serve for a term of four years, provided that no person is eligible to membership of this board after he ceases to be president, faculty member, county superintendent, or teacher or supervising officer of a town or city school," and when so amended the bill do pass.

H. L. ADAMS,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Schools, to whom was referred Senate File No. 430, a bill for an act to repeal Section 2747 of the Code and to enact a substitute therefor relating to the right to vote at school meetings and elections, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

H. L. ADAMS,  
*Chairman.*

Senator Adams moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator McCulloch, from the Committee on Pharmacy, submitted the following report:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred House File No. 278, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (6) Title Twelve (XII) of the Code, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Publication Clause, Section 7, be stricken out, and when so amended the bill do pass.

G. W. McCULLOCH,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate File No. 384, a bill for an act defining paint, regulating the labeling thereof, defining the duties of the State Food and Dairy Commissioner

thereto, and fixing penalties for the violation thereof, and repealing acts or parts of acts in conflict therewith, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Publication clause stricken out, and when so amended the bill do pass.

G. W. McCULLOCH,

*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Pharmacy, to whom was referred Senate File No. 456, a bill for an act to amend Section 2585 of the Supplement to the Code, 1907, to repeal Section 2589-a of the Supplement to the Code, 1907, and enact a substitute therefor, and to amend Section 2587 of the Code, all relating to the practice of pharmacy, beg leave to report they have had the same under consideration and recommend the same do pass.

G. W. McCULLOCH,

*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. 221, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the State for the erection, repair, improvement and equipment of buildings for the State University of Iowa, the State College of Agriculture and Mechanic Arts, and the State Teachers' College, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,

*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3) Chapter One Hundred and Four (104) Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation, 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. 272.

## A BILL

For an Act to amend Section One (1) and Section Three (3) Chapter One Hundred and Four (104) Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section One (1) of Chapter One Hundred and Four (104) Acts of the Thirty-third General Assembly be amended by inserting after the word "profits" and before the word "incorporations" in the twenty-first (21) line thereof the words, "Domestic and Domestic Local Building and Loan or Savings and Loan Associations."

Sec. 2. That Section Three (3) of Chapter One Hundred and Four (104) Acts of the Thirty-third General Assembly, be and the same is hereby amended by adding to said Section the following: "Farmers' Mutual Co-operative Creamery Associations, and corporations organized for the manufacture of sugar from beets grown in the state of Iowa, shall be exempt from the payment of the incorporation fee, provided herein.

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 Daily Capital, newspapers published in the city of Des Moines, Iowa, and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Substitute read first and second time.

Adopted.

Ordered passed on file.

## THIRD READING OF BILLS.

On motion of Senator Sullivan, House File No. 283, a bill for an act to amend the law as the same appears on Section One (1) of Chapter Fifty-seven (57), acts of the Thirty-third (33d) General Assembly of Iowa, relating to tax levy for park purposes, was taken up and considered.

Senator Sullivan moved that the vote by which House File No. 283 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Sullivan offered the following amendment and moved its adoption.



Amend House File No. 283 by striking out the words and figures "ninth (9)", as the same appears in the fourth line and inserting the word "eighth" in lieu thereof.

Adopted.

The bill as amended was read for information.

Senator Sullivan 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:

Balkema, Balluff, Bennett, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Legel, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Spaulding, Sullivan, White—27.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Brown, Chapman, Cowles, DeWolf, Francis, Jewell, Larrabee, McColl, McCulloch, McManus, Parshall, Proudfoot, Savage, Smith of Mitchell, Stuckslager, Taylor, Van Law, Webber, 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 Clarkson, Senate File No. 27, 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, including a municipal corporation, and providing a remedy in behalf of the husband, was taken up and considered.

Senator Clarkson moved that the Senate concur in the following House amendment:

By striking out the word "now" in the 5th line of Section 1; by inserting the word "common" after the word "by" in the 6th line of Section 1; by inserting the words "or both" after the word "mother" in the 8th line of Section 1; by striking out the word "now" in the 10th line of Section 1, and by inserting the word "common" after the word "by" in said 10th line of said Section 1.

On the question, "Shall the Senate concur?"

The ayes were:

Adams, Allen of Pocahontas, Balkema, Bennett, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Neal, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Balluff, Brown, Chapman, Cowles, DeWolf, Hunter, McColl, Mattes, Parshall, Saunders, Savage, Schrup, Taylor, Van Law, Webber—17.

The House amendment having received a constitutional majority was declared to have been concurred in.

On motion of Senator Bennett, Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee, or commissioner, was taken up and considered.

Senator Bennett moved that the Senate concur in the following House amendment:

By adding after the word and figures "section 1" the following: "That Chapter 192 of the Acts of the Thirty-third General Assembly be repealed and the following enacted in lieu thereof:"

On the question, "Shall the Senate concur?"

The ayes were:

Adams, Balkema, Bennett, Chapman, Chase, Clarkson, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor—34.

The nays were:

None.

**Absent or not voting:**

Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Brown, Cowles, DeWolf, Larrabee, McColl, Mattes, Parshall, Savage, Van Law, Webber, White, Wilson—16.

The House amendments having received a constitutional majority was declared to have been concurred in.

On motion of Senator DeWolf Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trademark for Iowa manufactured products with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee, adopted.

Senator DeWolf moved the adoption of the following amendment:

By striking out the word and figure in line three of Section Three and substituting in lieu thereof the word "fifteen" and the figure "15".

Adopted.

Senator DeWolf offered the following amendment and moved its adoption: "I move to amend Section Four (4) of the bill by adding the following:

"Any person or persons who shall use the said label or trade mark, except as herein authorized, shall be guilty of a misdemeanor.

Adopted.

Senator DeWolf 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, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Ames, Chase, Crow, Fitchpatrick, Larrabee, McColl, Quigley, Saunders, Savage, Stuckslager, Webber—13.

Senator DeWolf moved to amend the title as follows:

Amend the title by striking out the period following the word "products" and add the following:

"and prohibiting the unlawful use of the same and providing a penalty therefor.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

The Senate resumed consideration of House File No. 103, a bill for an act to establish the office of Commerce Counsel, and defining the powers and duties of the same.

The amendment offered by Senator Gilliland was adopted. Senator Adams offered the following motion: I move that further consideration of House File No. 103 be deferred until an appropriation has been provided as contemplated in said bill.

A roll call was demanded.

The ayes were:

Adams, Bennett, Brown, Cowles, Legel, McCulloch, McManus, Malmberg, Mattes, Proudfoot, Quigley, Sammis, Schrup, Stuckslager, Taylor—15.

The nays were:

Allen of Pocahontas, Ames, Balkema, Balluff, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, Neal, Parshall, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, White—30.

Absent or not voting:

Allen of Jefferson, Saunders, Savage, Webber, Wilson—5.

So the motion was lost.

Senator Chase offered the following amendment and moved its adoption :

I move to amend Section 1 of the bill by striking out the words "Board of Railroad Commissioners", wherever the same appear therein, and inserting in lieu thereof the words "Executive Council."

Adopted.

Senator Allen of Pocahontas moved the adoption of the following amendment :

Amend Section Three (3) by striking out all of the words and figures in the Eleventh (11) and Twelfth (12) lines, "Five Thousand (\$5,000) Dollars," and insert in lieu thereof the words and figures "Four Thousand (\$4,000) Dollars."

The amendment was lost.

Senator Francis moved the previous question.

On the question, "Shall the main question be now put," the previous question was ordered.

Senator Allen of Pocahontas moved that the rules be suspended, 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 :

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, Webber, White, Wilson—38.

The nays were :

Adams, Brown, McCulloch, Proudfoot, Quigley, Taylor—6.

Absent or not voting :

Balluff, Cowles, McManus, Savage, Schrúp, Stuckslager—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 concurred in Senate Amendment 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 Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (V) of the Supplement to the Code of 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class.

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. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery, and dentistry.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 amend Section One Thousand Fifty-six-a-19 (1056-a-19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory 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. 435, a bill for an act to amend Section Seven Hundred Eleven (711), Title Five (V), Chapter Four (4), of the Code, relating to fire limits.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the county

attorney, and without the intervention of the grand jury, in all cases in which the punishment exceeds a fine of One Hundred Dollars, or exceeds imprisonment for thirty days and to provide for the procedure when so prosecuted on information.

C. R. BENEDICT,  
*Chief Clerk.*

On motion of Senator Clarkson, House Joint Resolution No. 2, Joint Resolution of the Thirty-fourth General Assembly of the state of Iowa, making application to the congress of the United States to call a convention for proposing amendment to the constitution of the United States, 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 Clarkson offered the following amendment and moved its adoption:

Amend the enacting clause by inserting after the word "of" the words "the state of".

Adopted.

Senator Clarkson moved that the rules be suspended, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Dunne-  
gan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter,  
Jewell, Legel, McColl, Mattes, Neal, Parshall, Quigley, Ream, Sam-  
mis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaul-  
ding, Sullivan, Taylor, Van Law, White, Wilson—37.

The nays were:

Brown, Gilliland, Hoyt, McCulloch, Proudfoot, Stuckslager—6.

Absent or not voting:

Balluff, Cowles, Larrabee, McManus, Malmberg, Savage, Webber  
—7.

So the Joint Resolution having received a constitutional major-  
ity was declared to have passed the Senate and its title agreed to.

On motion of Senator Balkema, Senate File No. 259, a bill for an act to repeal Section Four Thousand Eleven (4011) of the Code, and to enact a substitute therefor, relative to personal incomes, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee, adopted.

Senator Balkema moved that the substitute be substituted for the original bill.

Adopted.

The bill was read for information.

Senator Chase offered the following amendment and moved its adoption:

I move to amend by striking out the enacting clause of the bill.

Senator Sullivan moved the previous question. On the question "Shall the main question be now put?" the previous question was ordered.

On the amendment offered by Senator Chase a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Chase, Clarkson, Crow, DeWolf, Dunnegan, Gilliland, Hammill, Hunter, Jewell, McColl, Malmberg, Quigley, Ream, Sammis, Smith of Shelby, Sullivan, Taylor, Van Law, Wilson—21.

The nays were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Fitchpatrick, Francis, Hoyt, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Proudfoot, Saunders, Smith of Mitchell, Spaulding, Stuckslager, White—21.

Absent or not voting:

Ames, Cowles, Garrett, Gates, McManus, Savage, Schrup, Weber—8.

So the amendment was declared lost.

Senator Balkema moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.



On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Fitchpatrick, Francis, Hoyt, Legel, McCulloch, Mattes, Neal, Smith of Mitchell, White—14.

The nays were:

Adams, Allen of Pocahontas, Chase, Clarkson, Crow, DeWolf, Dunnegan, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Parshall, Proudfoot, Quigley, Ream, Sammis, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Wilson—26.

Absent or not voting:

Ames, Brown, Cowles, Garrett, Gates, McManus, Saunders, Savage, Schrup, Webber—10.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Sammis offered the following resolution and moved its adoption:

I move the adoption of the following resolution:

*Resolved*, that the President of the Senate shall appoint a sifting committee 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, Provided, that special orders on the calendar at the close of the session of April first, shall not be included within the terms of this resolution.

Laid over.

Senator Smith of Mitchell called up the resolution offered by him on yesterday relating to the holding of a joint convention for the purpose of electing a state printer and a state binder.

The resolution was adopted.

#### HOUSE MESSAGES CONSIDERED.

House File No. 219, a bill for an act to repeal Section Six Hundred and Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (V) of the Supplement to the Code of 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class.

Passed on file.

Senate File No. 345, a bill for an act amending Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.

Passed on file.

House File No. 512, a bill for an act to amend Section Ten Hundred Fifty-six-a-19 (1056-a-19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory thereof.

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

House File No. 435, a bill for an act to amend Section Seven Hundred Eleven (711), Title Five (5), Chapter Four (4), of the Code relating to fire limits.

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

House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury, in all cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days, and to provide the procedure when so prosecuted on information.

Senator Chapman filed the following motion:

I move to reconsider the vote whereby House File No. 103 passed the Senate and the vote by which the same passed to its third reading.

Senator Saunders moved that the Senate do now adjourn.

Carried.

The Senate adjourned. \*

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, MARCH 31, 1911

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

Prayer was offered by Rev. George W. Ladd, of Mapleton, Iowa.

## PETITIONS AND MEMORIALS.

Senator Brown presented a petition of citizens of Beaconsfield favoring the Prohibitory amendment.

Referred to Committee on Suppression of Intemperance.

## INTRODUCTION OF BILLS.

By Senator Taylor, Senate File No. 473, a bill for an act to amend Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, relating to the election and term of county officers and enacting in lieu thereof the following.

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

By Senator Taylor (by request), Senate File No. 474, a bill for an act to provide for cheaper text books and for district ownership of the same.

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

The Journal of yesterday 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. 513, a bill for an act to amend Sections Two (2), Three (3), and Four (4) of Chapter One Hundred

Fifty-five (155) of the Acts of the Thirty-third General Assembly, providing for fishing in certain waters, and the care and propagation of fish.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT: I am directed to inform your honorable body that House has passed the following bill in which the concurrence of the Senate is asked: House File No. 37, a bill for an act to prohibit the possession of roulette wheels, Klondyke tables, poker tables, faro and Keno layouts, and to provide for the seizure and destruction thereof.

C. R. BENEDICT,  
*Chief Clerk.*

#### 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. 413, a bill for an act to amend the law as it appears in Section 2145 of the Code, relating to the regulation of common carriers, 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. 413.

#### A BILL

For an Act to Amend the Law as it Appears in Section Two Thousand One Hundred Forty-five (2145), relating to the regulation of Common Carriers.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Two Thousand One Hundred Forty-five (2145) of the Code, be and the same is hereby amended by striking out all of said section after the word "line" in the forty-ninth line thereof, and inserting in lieu thereof the following:

"This section shall not be construed as to exclude other evidence tending to show any unjust discrimination in freight or passenger rates. The provisions of this section and chapter shall apply to any railway, or the branches thereof, and to any road or roads which any railway company has the right, license or permission to use, operate or control, wholly or in part, within this state. Said provision shall not be so construed as to prevent railway companies from granting and establishing such reasonable charges for switching or hauling service, either within or without yard limits, for distances of not exceeding ten miles, as may be approved or ordered by the board of railroad commissioners; and, provided further, that said provisions shall not be so construed as to prevent railway companies from issuing com-

mutation, excursion or one thousand mile tickets, but the same shall be issued without discrimination to all parties making application therefor."

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, and when so substituted the bill do pass.

C. G. SAUNDERS,  
*Chairman.*

Substitute read first and second time.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Railroads, to whom was referred Senate File No. 240, a bill for an act to amend Section 1998 of the 1907 Supplement to the Code, relating to the condemnation of additional lands for railway purposes, 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. 240.

A BILL

For an Act to Authorize Railway Corporations to Condemn Additional Lands for the Purpose of Obtaining Therefrom Gravel, Sand and Gravel Stone or Other Suitable Material for Use as Ballast in Constructing or Maintaining its Road Bed, and for a Right of Way For a Spur or Switch Thereto.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Any railway corporation owning or operating or constructing a railway shall have power to condemn suitable lands for gravel, sand and gravel, stone or other suitable material for use as ballast in constructing or maintaining its roadbed and for a right of way for a spur or switch thereto, in the same manner as is provided by law for the condemnation of right of way. Before any proceeding shall be instituted therefor, the company shall apply to the Railway Commissioners, who shall give notice to the land owner and examine into the matter and report by certificate to the clerk of the district court in the county in which the land is situated, the amount and description of the additional lands necessary for such purpose, present and prospective, of such company, whereupon the company shall have the power to condemn the land so certified by the Commissioners. Upon said hearing, proof shall be presented to the Railway Commission that such material for ballast is required in a particular locality and that the said railroad company does not possess lands from which the same can be obtained within a reasonable hauling distance from the locality where the same is required, and shall also furnish written proof of its offer

to pay a specified sum to the owner of the tract which it is asking to condemn, together with a right of way thereto, and of the refusal of the owner or owners to accept the price offered, and the Railroad Commissioners, shall not authorize condemnation proceedings unless they are satisfied that such property and material is reasonably and fairly necessary to the proper operation of the railway and that the price offered is fully compensatory.

The price offered shall not be considered during the condemnation proceeding, but if the final verdict, after trial in court upon appeal, be greater than the amount originally offered by the railway corporation or be greater in amount than the sum allowed by the jury appointed by the sheriff to appraise the damage sustained by the land owner, that shall be added thereto by the judgment of the court as compensation to the land owner for expenses involved in the proceeding, the total cost of the proceeding and a reasonable attorneys fee to be taxed by the court and the court in taxing such attorneys fee shall consider the service rendered to the land owner from the time the proceeding was commenced.

C. G. SAUNDERS,  
*Chairman.*

Substitute read first and second time.

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Smith of Shelby, Senate File No. 403, a bill for an act to aid indigent members of the families of male prisoners in the state penitentiary and the reformatory, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Smith of Shelby moved the adoption of the following amendment:

“Amend by striking out Section 5.”

Adopted.

Senator Smith of Shelby 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:

Bennett, Chapman, Cowles, DeWolf, Garrett, Gates, Gilliland, Jewell, Legel, Quigley, Ream, Sammis, Savage, Smith of Shelby, Stuckslager, Taylor—16.

The nays were :

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chase, Crow, Dunnegan, Hunter, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Schrup, Smith of Mitchell, Spaulding, Van Law, Webber, White, Wilson—23.

Absent or not voting :

Adams, Brown, Clarkson, Fitchpatrick, Francis, Hammill, Hoyt, McManus, Proudfoot, Saunders, Sullivan—11.

So the bill having failed to receive a constitutional majority was declared lost.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 333, a bill for an act to amend the law as it appears in Section Two Thousand, Eight Hundred Eighty-one-1 (2881-1) of the Supplement to the Code, 1907, relating to the public archives, authorizing the curator of the Historical collections to make and certify copies of records and documents in the public archives.

Also:

Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Also:

Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code and relating to making sewer and street improvements, and the kinds of material to be used therein.

ED. P. MALMBERG,

*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Senate File No. 333, a bill for an act to amend the law as it appears in Section Two Thousand Eight Hundred Eighty-one-1 (2881-1) of the Supplement to

the Code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives.

Also:

Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Also:

Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810); Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code and relating to making sewer and street improvements, and the kinds of material used therein.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Jefferson, Senate File No. 108, a bill for an act fixing the standard of qualifications of all persons desiring to practice osteopathy and for the regulation thereof; to create a state board of osteopathic examiners, and to provide for the registration of those entitled to practice osteopathy and providing penalties for violation of any of the provisions thereof; with report of committee recommending indefinite postponement, was taken up, considered, and the report of the committee adopted.

Senator Bennett moved that the report of the committee be adopted.

Senator Savage moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Clarkson moved that the vote by which the previous question was ordered be reconsidered.

Senator DeWolf raised the point of order that the motion was out of order for the reason that the previous question had been ordered, and nothing was in order except the vote on the passage of the bill.

The point of order was sustained.



On the adoption of the report of the committee a roll call was demanded.

The ayes were:

Adams, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Hammill, Hoyt, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Proudfoot, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager—23.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Brown, Chase, Crow, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, Legel, McColl, Neal, Quigley, Ream, Sammis, Saunders, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—25.

Absent or not voting:

McManus, Parshall—2.

So the report of the committee was rejected.

Senator Bennett offered the following amendment and moved its adoption: Amend by striking out all after the enacting clause and inserting the following in lieu thereof:

Section 1. That Section Twenty-five Hundred Eighty-three-a (2583-a) of Chapter Seventeen-a (17-a) of Title Twelve (XII) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof:

At the annual meeting of the state board of medical examiners, it shall select two physicians from among its membership and two licensed Osteopaths, not connected in any capacity with any school of medicine or osteopathy, residents of this state, who, together with the secretary of the state board of medical examiners, shall constitute the examining committee for one year. All applicants for license to practice osteopathy, shall have attained the age of twenty-one years and shall have completed the regular course of instruction in a school of osteopathy recognized as being in good standing by the examining committee.

Each applicant for examination shall file with the Secretary of the state board of medical examiners, not later than ten days prior to the date of the next examination, a sworn statement of his age and other qualifications as required by this act, and a certificate of good moral character, signed by three reputable citizens.

Any person holding a diploma from a legally incorporated school of osteopathy, recognized as of good standing by the examining committee, and wherein the course of study comprises a term of at least twenty (20), months, of four (4) terms of five (5) months each, in actual attendance at such school, and which shall include instruction in the following branches, to-wit: Anatomy including dissection of a full lateral half of

the cadaver, Physiology, Chemistry, Histology, Pathology, Gynecology, Obstetrics and theory of Osteopathy and two full terms of practice of Osteopathy, shall, upon the presentation of such diploma to said examining committee and satisfying them that he is the legal holder thereof, be granted an examination in the branches herein named.

The fee for said examination, which shall accompany the application, shall be ten dollars (\$10) and the examination shall be conducted in the same manner, and at the same place and on the same date that physicians are examined as prescribed by Section Twenty-five Hundred Seventy-six (2576) of the Code. The same general average shall be required as in cases of physicians. Upon passing a satisfactory examination as above prescribed the state board of medical examiners shall issue a certificate to the applicant therefor, signed by the president and secretary of said board, which certificate shall authorize the holder thereof to practice osteopathy in the state of Iowa. This certificate when issued shall be registered with the recorder of the county in which the holder thereof resides and for which he shall pay a fee of Fifty cents (50c), and the holder thereof shall not be subject to the provisions of Section Two Thousand Five Hundred Eighty (2580) of the Code.

Each member of the examining committee, except the secretary, shall receive for his services, out of the funds created by the payment of fees by applicants for examination the sum of eight dollars (\$8) for each day, and necessary traveling expenses, for the time he is actually engaged in the discharge of his duties, as a member of said committee, and the secretary shall receive a sum not to exceed twenty-five dollars (\$25) per month and his necessary expenses incurred for services which cannot be performed at the capitol.

All printing, postage, and other contingent office expenses necessarily incurred under the provisions of this act, shall be paid from said fund. Any balance of said funds remaining shall be turned over to the state treasurer for the use of the state. All expenses incurred under the provisions of this act shall be itemized, verified, audited and a warrant drawn therefor on the Osteopath's fund in the same manner as are other expenses of the state board of medical examiners.

Sec. 2. That Sections Twenty-five Hundred Eighty-three-c (2583-c), Twenty-five Hundred Eighty-three-d (2583-d) and Twenty-five Hundred Eighty-three-e (2583-e) of Chapter Seventeen-a (17-a), Title Twelve of the Supplement to the Code, 1907, be and the same are each hereby amended by striking out the words "board of medical examiners" wherever they appear in either of said sections and inserting in lieu thereof the words "examining committee."

Sec. 3. All acts or parts of acts in so far as they are in conflict herewith are hereby repealed.

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 indefinitely postponed the following bill in which the concurrence of the House was asked:

Substitute for Senate File No. 169, a bill for an act making appropriation for additional improvements and land 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 indefinitely postponed the following bill in which the concurrence of the House was asked:

Senate File No. 313, a bill for an act amending Chapter Two Hundred and Fifty-eight (258) of the Acts of the Thirty-third General Assembly relating to an appropriation of One Thousand Dollars (\$1,000) to aid in the construction of a dam in Dickinson 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 Joint Resolution No. 2, Joint resolution of the Thirty-fourth General Assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendment to the constitution of the United States.

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. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), Acts of the Thirty-third General Assembly of Iowa, relating to tax levy for park purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Webber moved that the further consideration of Senate File No. 108, be postponed until Tuesday, April 4th, and made a Special Order at 10 o'clock.

Motion prevailed.

## REPORTS OF COMMITTEES.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 4, a bill for an act to provide for annual reports with reference to the operation of water, gas, heat, light or power works or plants to provide for investigations 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 be reported to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 42, 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, beg leave to report they have had the same under consideration and recommend the adoption of a substitute and when so amended the bill be reported to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

The substitute read first and second time.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 63, a bill for an act repealing Section 725, and enacting a substitute therefor, relating to the regulation and control of gas, water, light, power, telephones and street railways, and empowering cities to regulate and fix the rent for water, gas, electric light or power, telephone service and street railway fares, and requiring annual reports from individuals or private corporations operating public service utilities, beg leave

to report they have had the same under consideration and recommend the same be reported to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 192, a bill for an act creating a public utilities commission, prescribing its powers and duties, providing for the regulation and control of public utilities, and transferring the powers and duties of the board of railroad commissioners, as prescribed by law, to said commission, and making an appropriation therefor, extending the authority of cities and towns, and cities acting under special charter, and cities acting under the commission plan, to the regulation and fixing of rates and charges of public utilities located therein, and placing the control, regulation and fixing of charges of other utilities with said commission, providing for appeal from the orders and ordinances of said municipalities to the commission, and for instituting complaint against utilities under the jurisdiction of the commission, and for appeal from the orders and decrees of said commission to the Supreme Court of the State, beg leave to report they have had the same under consideration and recommend the same be reported to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 217, a bill for an act conferring upon cities and towns the power to regulate the telephone business, and to fix the price or rate of charge for the use of telephones and for the telephone service to the same extent as they now have power to regulate the business and fix the price of supplying heat, water, gas, electric light, or electric power, beg leave to report they have had the same under consideration and recommend the same be reported to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

Adopted.

Senator Allen of Jefferson, 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. 98, a bill for an act to amend Division Two of Section Twenty-four Hundred Forty-eight (2448) of the Supplement to the Code of 1907, relating to the limits within which intoxicating liquors may be sold, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the words "under the control of the state board of education" as they appear in the seventh line of Section One of the original bill; also by striking out the comma (,) immediately following the word university in the seventh line of section one of the bill, and when so amended the bill be indefinitely postponed.

Ordered passed on file.

W. S. ALLEN,  
*Chairman.*

#### THIRD READING OF BILLS.

On motion of Senator DeWolf, the Senate took up for consideration Substitute for Senate File No. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478), of the Code 1897; to repeal Section Twenty-four Hundred Eighty-four (2484), of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485), of the Code 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-six (2486), of the Code, 1897, to repeal Section Twenty-four Hundred Eighty-seven (2487), of the Code 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-eight (2488), Supplement to the Code, 1907, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-nine (2489), of the Code 1897, and enact a substitute therefor, to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a) of the Supplement to the Code 1907, to repeal Section Twenty-four Hundred Ninety-three (2493), of the Code 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code, 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties, requiring surveys of mines and records to be kept thereof, requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways and equipments thereof, the amount of ventilation, stopping and breaks-through, means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipment for shafts, slopes or drifts and fixing the age within which boys may work in the mine, and providing for the safety of employees where explosives are used, the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foremen in certain cases, defining the duties of mine foremen and definition of mine foreman.

Senator DeWolf called up for consideration the motion filed by him to reconsider the vote by which the bill failed to pass the Senate.

On the adoption of this motion a roll call was demanded.

The ayes were:

Allen of Pocahontas, Ames, Balkema, Chapman, Chase, Clarkson, DeWolf, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Smith of Mitchell, Sullivan, Van Law, White, Wilson—26.

The nays were:

Adams, Balluff, Bennett, Cowles, Crow, Dunnegan, Fitchpatrick, Hoyt, McCulloch, Proudfoot, Savage, Schrup, Smith of Shelby, Taylor, Webber—15.

Absent or not voting:

Allen of Jefferson, Brown, Larrabee, McColl, Neal, Sammis, Saunders, Spaulding, Stuckslager—9.

So the motion to reconsider was adopted.

The bill was read for information.

Senator Clarkson moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balkema, Chapman, Chase, Clarkson, Crow, DeWolf, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Sullivan, Van Law, White, Wilson—33.

The nays were:

Balluff, Bennett, Cowles, Dunnegan, Fitchpatrick, Hoyt, McCulloch, Mattes, Proudfoot, Savage, Smith of Shelby, Stuckslager, Taylor, Webber—14.

Absent or not voting:

Allen of Jefferson, Brown, Neal—3.

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 vote by which Substitute for Senate File No. 282 passed the Senate and the vote by which it passed to its third reading be reconsidered, and that this motion be laid on the table.

Carried.

Senator Gilliland asked unanimous consent that Senate File No. 217 be withdrawn from the Senate and referred to the Committee on Judiciary.

Consent granted.

On motion of Senator Chase, Senate File No. 49, a bill for an act to amend Section One (1) Chapter Twenty-two (22) of the Acts of the Thirty-second General Assembly of the State of Iowa relating to the compensation of county recorders, was taken up and considered.

Senator Chase moved the adoption of the motion filed by him to reconsider the vote by which the bill failed to pass the Senate and the vote by which the same passed to its third reading.

Carried.

Senator Chase 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:

Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Legel, McManus, Malmberg, Mattes, Neal, Proudfoot, Quigley, Sammis, Saunders, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—30.

The nays were:

Adams, Dunnegan, Gilliland, Hammill, Jewell, Larrabee, McCulloch, Parshall, Smith of Mitchell, Van Law, Webber—11.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Cowles, McColl, Ream, Savage, Schrup, Stuckslager—9.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.



## REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred Senate File No. 306, a bill for an act making an appropriation for the railroad commission on account of deficit in the traveling and expense fund, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred Senate File No. 307, a bill for an act making appropriation to enable the state railroad commission to prosecute interstate rate cases before the interstate commerce commission, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred Senate File No. 96, a bill for an act to create a state board of publicity and development, and to provide for the support thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOS. MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred Senate File No. 145, a bill for an act appropriating the sum of \$139.65 to be paid to S. J. McCord in settelement 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 do pass as amended by Committee on Claims.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT: Your Committee on Appropriations to whom was referred House File No. 41, a bill for an act to create the office of State Fire Marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's 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:

SENATE SUBSTITUTE FOR HOUSE FILE NO. 41.

A BILL

For an Act Creating the Office of State Fire Marshal and Deputy Fire Marshal, Prescribing Their Duties and Providing for Their Compensation and for the Maintenance of the State Fire Marshal's Office.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby created the office of State Fire Marshal. The incumbent of this office shall be required to give bond in the penal sum of five thousand dollars (\$5,000.00) conditioned for the faithful performance of the duties of his office; he shall be appointed by the Governor by and with the consent of the Senate in each odd-numbered year, between the 15th day of January and the 1st day of February. Vacancies in the office for any cause whatsoever shall be filled by the Governor. The first state fire marshal shall be appointed by the Governor not later than sixty days after the taking effect of this act.

Sec. 2. The person appointed by the Governor, as herein provided, to fill the office of state fire marshal shall be versed in the causes of fire and have a general knowledge of improved methods for the prevention of fire, and shall be a citizen of the state. The office shall be at the State Capital in the city of Des Moines. The state fire marshal may be removed for cause at any time by the Governor. The state fire marshal is hereby empowered to appoint a deputy fire marshal and such office assistants as may be necessary, for the proper and efficient conduct of his office. The duties of this deputy shall be to assist the state fire marshal in his work. Such appointees may be removed for cause by the state fire marshal at any time.

Sec. 3. In the event of a vacancy of state fire marshal, or during his absence, or disability, his deputy shall perform the duties of the office of state fire marshal.

Sec. 4. The state fire marshal may, in addition to the provisions of Section Two (2), appoint any person, or persons, as state inspector, or inspectors, who may be known to him to be competent and skilled in the inspection of buildings and their contents. Such person, or persons, shall have all the powers of a deputy fire marshal to enter and inspect buildings, including their contents and occupancies, as provided in Section Nine (9) hereof, and it shall be the duty of such inspector

to report to the fire marshal any faulty or dangerous condition found. Such state inspector, or inspectors, shall be duly commissioned and shall receive such compensation as provided for in Section Fifteen (15) of this act.

Sec. 5. The state fire marshal and the chief of the fire department of every city, town or village in which a fire department is established, and the mayor of every incorporated town, or village in which no fire department exists, and the township clerk of every organized township, outside the limits of any organized city, town or village, shall investigate the cause, origin and circumstances of every fire occurring in such city, town or village, or township by which property has been destroyed or damaged, and shall especially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire and such other information as may be called for by the blanks provided by said fire marshal.

Sec. 6. The state fire marshal shall keep in his office a record of all fires occurring in the state, showing the name of the owners and name or names of occupants of the property at the time of the fire, the sound value of the property, and amount of insurance thereon, the total amount of insurance collected, and the total amount of loss to the property owner, together with all the facts, statistics, circumstances, including the origin of the fire, which may be determined by the investigation provided by this act. Such record shall at all times be opened to public inspection and such portions of it as the auditor of state may deem necessary shall be transcribed and forwarded to the auditor of state within fifteen (15) days from the first of January of each year.

Sec. 7. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing. If the state fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with offense, or either of them, and shall furnish to the proper prosecuting attorney all such evidence, together with the names of witnesses and all of the information obtained by same, including a copy of all matter and testimony taken in the case, and shall report to the auditor of state as often

as shall be required, his proceedings and the progress made at all prosecutions under this act and the result of all cases which are finally disposed of.

Sec. 8. The state fire marshal and his deputy shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation. False swearing in any matter or proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or refuses to testify, or who disobeys any lawful order of said state fire marshal, or deputy state fire marshal, or who fails to produce any books, papers or documents touching any matter under examination, or who is guilty of any contentious conduct after being summoned by them, or either of them to appear before them or either of them to give testimony in relation to any matter or subject under investigation as aforesaid, shall be guilty of a misdemeanor, and it shall be the duty of the state fire marshal or deputy fire marshal, or either of them to make or compel said person, or persons, so refusing to comply with the summons or orders of said state fire marshal, or deputy state fire marshal, before any justice of the peace, police magistrate, or any court of record in the county in which said investigation is being had, and upon the filing of such complaint for such cause, shall proceed in the same manner as other criminal cases. Any person convicted of the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding one hundred dollars (\$100.00) or imprisoned not to exceed thirty days, or both, in the discretion of the court; provided, however, any person so convicted shall have the right of appeal.

Sec. 9. Said state fire marshal and his deputy, or either of them, shall have the right and authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon, or examine any buildings or premises, where any fire has occurred, and other buildings or premises adjoining or near the same. All investigations held by or under the direction of said state fire marshal may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined.

Sec. 10. The state fire marshal, his deputy and assistants, the chief of the fire department of all cities, towns or villages where a fire department is established, and the clerk of each township in the territory outside the limits of an organized city, or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall

find any buildings or structure, which by want of proper repair or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and is so situated as to endanger other buildings or property therein, and whenever any such official shall find in any building or upon any premises combustible or explosive matter or inflammable conditions dangerous to the safety of certain buildings or premises, they shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises, providing, however, that if said occupant or owner shall deem himself aggrieved by such order he may within forty-eight (48) hours appeal to the state fire marshal, and the cause of complaint shall at once be investigated under the direction of the latter, and unless by his authority the order is rejected, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupants of buildings or premises failing to comply with the order of the authorities above specified shall be punished by a fine of not less than ten (\$10.00) dollars nor more than fifty (\$50.00) dollars for each day's neglect; such penalty to be sued in the name of the state of Iowa upon complaint of the fire marshal, deputy fire marshal or county attorney, or of any officer named herein in the county in which such building or buildings shall be situated, before any justice of the peace or any court of record; right of appeal shall be granted, and such penalty, when recovered, shall be paid into the county treasury of the county wherein such recovery is had; provided, however, that in municipalities having building inspection and limit ordinances, nothing herein shall be construed to effect such local regulations, but the jurisdiction of the state fire marshal shall be concurrent with that of the municipal authorities.

Sec. 11. It shall be the duty of the state fire marshal and his deputy to require teachers of public and private schools to have one fire drill each month, and to keep all doors and exits unlocked during school hours. The state fire marshal is required after the passage of this act, to prepare a book on the dangers and causes of fires, arranged in chapters or lessons sufficient in number to provide a chapter or lesson for each month of the school year; copies of such book to be published by the state under the direction of the state superintendent of public instruction, and distributed by him to the public schools throughout the state, and the teachers thereof shall be required to instruct the scholars in one lesson a month throughout the school year. Any teacher failing to comply with the provisions of this section shall be guilty of a misdemeanor punishable by a fine of not less than five (\$5.00) dollars, nor more than ten (\$10.00) dollars.

Sec. 12. The state fire marshal shall receive an annual salary of twenty-five hundred (\$2500.00) dollars, and the deputy fire marshal fifteen hundred (\$1500.00) dollars. Said state fire marshal may employ additional deputies, clerks and assistants and incur such other expenses as may be necessary in the performance of the duties of the office, not to exceed, including salaries, the sum of twenty thousand (\$20,000.00) dollars annually or as much thereof as may be necessary to carry out the provisions of this act.

Sec. 13. The state fire marshal shall not engage in any other business and he or his deputy shall at all times be at the office of the state fire marshal, ready for such duties as are required by this act.

Sec. 14. The state fire marshal shall submit annually, as early as consistent with full and accurate preparation, and not later than the fifteenth (15) of January of each year, a detailed report of his official action to the auditor of state.

Sec. 15. There shall be paid to the chiefs of the fire department, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township who are by this act required to report fires to the state fire marshal, the sum of fifty cents (50) for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of ten cents (10) per mile for each mile traveled to the place of fire. Said allowance shall be paid by the State Fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

Sec. 16. There is hereby appropriated out of any money in the State Treasury, not otherwise appropriated, the sum of twenty thousand (\$20,000) dollars annually or so much thereof as may be necessary for the purpose of maintaining the department of state fire marshal and paying the expenses incident thereto. The state fire marshal shall keep on file in his office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued, and said vouchers shall be allowed and paid as provided in Section One (1) of Chapter Seven (7) of the Acts of the Thirty-third General Assembly; and when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Substitute read first and second time.

Senator Mattes moved that the report of the committee be adopted.

Senator Van Law moved as a substitute that the bill be referred to the Committee on Insurance.

The substitute motion was adopted.

The motion as amended prevailed.

Senator Van Law, from the Committee on Insurance, submitted the following report:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 445, a bill for an act to amend the law as it appears in Section 1759-h of the Supplement to the Code, 1907, and to provide additional requirements, supplemental and amendatory to title nine, chapter five, all relating to mutual hail insurance companies doing business in

Iowa, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. VAN LAW,  
*Chairman.*

Senator Van Law moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 190, a bill for an act to amend Section 1721 of the Code, relating to capital required of foreign insurance companies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. VAN LAW,  
*Chairman.*

Senator Van Law moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 439, a bill for an act to provide for reciprocal relations with other states upon the subject of insurance, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. VAN LAW,  
*Chairman.*

Senator Van Law moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Insurance, to whom was referred Senate File No. 462, a bill for an act relating to mutual insurance companies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

C. H. VAN LAW,  
*Chairman.*

Senator Van Law moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present.

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe,



Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—155.

Absent:

Byerly, McCleery, Taylor of Union—3.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

• Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Lounsberry, McCullough of Wayne, Malmberg, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill,

Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Mattes, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—70.

Absent:

Byerly, McCleery, Taylor of Union—3.

President Clark announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator White moved that the Senate do now adjourn until 1:30 o'clock, P. M.

Carried.

The Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment, at 1:30 o'clock, P. M., President Clarke presiding.

#### REPORTS OF COMMITTEES.

Senator Hunter, from the Committee on Banks, submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred House File No. 300, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper, 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 Banks, to whom was referred Senate File No. 412, 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 and Eleven (1611) of the Code, relating to corporations, beg leave to report they have had the same under consideration and return the same to the Senate without recommendation.

ROBERT HUNTER,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Banks, to whom was referred Senate File No. 383, a bill for an act to amend Section One Thousand Eight Hundred and Forty-three (1843) of the Code, and fixing the capitalization of Savings Banks in cities having a population of more than twenty-five thousand (25,000), beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

ROBERT HUNTER,  
*Chairman.*

Senator Hunter moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Bennett, from the Committee on Public Health, submitted the following report:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House File No. 243, a bill for an act to amend Title XII, Chapter 12, of the law as it appears in the 1907 Supplement to the Code relative to the inspection of passenger boats and requiring all such boats to be provided with life preservers, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred Senate File No. 302, a bill for an act to amend the law as it appears in Chapter One Hundred Fifty-five (155) of the laws of the Thirty-third General Assembly relative to care and propagation of fish, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Public Health, to whom was referred House File No. 390, a bill for an act to declare certain diseases contagious and infectious, and to provide rules and regulations for the control of the same, and to fix the punishment for violation thereof, beg leave to report they have had the same under consideration and recommend the same do pass.

T. W. BENNETT,  
*Chairman.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Adams, Senate File No. 475, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the city council of the city of Oelwein, Iowa.

*Whereas*, The City of Oelwein, in Fayette county, Iowa, through its council, passed and adopted ordinances and resolutions and performed such other acts as properly devolved upon said council by law; and,

*Whereas*, in many instances the records of such acts, proceedings, ordinances and resolution fail to show what members of the said city council were present at the meeting when such proceedings were had and such acts, ordinances and resolutions were passed and adopted; and fail to show that a sufficient number of members were present at the meeting to legally pass the same; fail to show that the rule was suspended by three-fourth (3-4) vote of said city council; fail to show that the yeas and nays were called on the passage thereof and recorded; and

*Whereas*, in many of said ordinances the subjects therein contained is not clearly expressed or stated, or set forth at all, in the title thereof as required by law; and

*Whereas*, in many instances such ordinances and resolutions were not recorded, after passage, in a book kept for that purpose and duly authenticated by the signature of the mayor, or presiding officer of the council and the city clerk; and,

*Whereas*, in many instances the acts and proceedings of said city council in minor details, were irregular and doubts have arisen as to the legality of the same; therefore

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the ordinances, resolutions and acts of the city of Oelwein in Fayette County, Iowa, not inconsistent with the laws of the State of Iowa, and the proceedings of the city council of said city of Oelwein in reference thereto be, and the same are hereby rectified, confirmed and legalized in every respect, and declared to be valid and binding, to the same extent as though all things had been done in strict conformity with the law, and the records of said city showed that all the requirements of the statute had been fulfilled.

Sec. 2. Nothing in this act shall effect pending litigation.

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, a newspaper published in Des Moines, Iowa, and the Oelwein Register, a newspaper published at Oelwein, Iowa, which publication shall be without expense to the state.

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

#### HOUSE MESSAGES CONSIDERED.

House File No. 513, a bill for an act to amend Sections Two (2), Three (3) and Four (4) of Chapter One Hundred Fifty-five (155) of the acts of the Thirty-third General Assembly of Iowa, providing for fishing in certain waters, and the care and propagation of fish.

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

House Joint Resolution No. 2, Joint Resolution of the Thirty-fourth General Assembly of the State of Iowa making application to the Congress of the United States to call a convention for proposing amendment to the Constitution of the United States.

Passed on file.

House File No. 283, a bill for an act to amend the law as it appears in Section One (1) of Chapter Fifty-seven (57) acts of the Thirty-third General Assembly of Iowa, relating to tax levy for park purposes.

Passed on file.

Senate File No. 313, a bill for an act amending Chapter Two Hundred Fifty-eight (258) of the acts of the Thirty-third General Assembly, relating to an appropriation of one thousand dollars (\$1,000.00) to aid in the construction of a dam in Dickinson county, Iowa.

Passed on file.

Substitute for Senate File No. 169, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition Grounds.

Passed on file.

House File No. 37, a bill for an act to prohibit the possession of roulette wheels, Klondyke tables, poker tables, faro and keno layouts, and to provide for the seizure and destruction thereof.

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

Senator Chapman asked unanimous consent to withdraw the motion filed by him to reconsider the vote by which House File No. 103 passed the Senate and the vote by which it passed to its third reading.

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 Senate is asked: House File No. 318, a bill for an act to repeal paragraph sixteen (16) of Section Five Hundred Eleven (511) of the Supplement to the Code, 1907, as amended by Chapter Thirty-six (36) of the Acts of the Thirty-third General Assembly relating to the boarding and lodging of prisoners.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 287, a bill for an act empowering the Governor and Secretary of State to execute quit claim deed conveying to the grantees of Christian Flitch all of the right, title and interest of the State of Iowa in lot five (5) of section one (1), Township seventy-three (73), north of Range Two (2), west of the Fifth (5th) P. M.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 287, a bill for an act empowering the Governor and secretary conveying to the grantees of Christian Flitch all of the right, title and interest of the state of Iowa in Lot Five (5) of Section One (1), Township Seventy-three (73) north of Range Two (2) west of the fifth (5) P. M.

Passed on file.

House File No. 318, a bill for an act to repeal Paragraph Sixteen (16) of Section Five Hundred Eleven (511) of the Supple-

ment to the Code, 1907, as amended by Chapter Thirty-six (36) of the acts of the Thirty-third General Assembly relating to the boarding and lodging of prisoners.

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

#### THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 411, a bill for an act legalizing assignments of mortgages and other recorded liens made upon the margin of the records, and making such assignments admissible in evidence, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill moved that the rules be suspended, the bill be considered engrossed, 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, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Bennett, Chase, DeWolf, Francis, Saunders, Stuckslager—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 Malmberg 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. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

Also:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of National Banks, State and Savings Banks and Loan and Trust Companies, and defining moneyed capital, and providing for the taxation thereof.

Also:

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 Section Two Thousand, Eight Hundred Eighty-one-1 (2881-1) of the Supplement to the Code, 1907, relating to the public archives, authorizing the curator of the Historical Collections to make and certify copies of records, and documents in the public archives.

Also:

Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Also:

Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813) and Nine Hundred and Sixty-five (965) of the Code and relating to making sewer and street improvements, and the kinds of material to be used therein.

ED. P. MALMBERG,

*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled House File No. 409, a bill for an act amendatory to Chapter Six (6), Title Three (3).



of the Code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more; providing for the number of jurors in such courts in such cities, and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government.

Also:

House File No. 221, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition grounds.

Also:

House File No. 12, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury in cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information.

Also:

House File No. 219, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a) Title Five (5) of the Supplement to the Code, 1907, and enact a substitute in lieu thereof relative the Board of Police and Fire Commissioners in certain cities of the first class.

Also:

Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

Also:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of National Banks, State and Savings Banks and Loan and Trust Companies, and defining moneyed capital, and providing for the taxation thereof.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637) of the Code, with reference to the incorporation fee to be paid by foreign corporations, 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, the reading just had be considered the third reading, which motion prevailed.

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On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White—44.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Clarkson, Francis, Saunders, Stuckslager, 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 Van Law, House File No. 155, a bill for an act to amend Section Forty-nine Thousand and Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code of 1907, relative to water closets or privies, was taken up and considered.

Senator Van Law moved that the vote by which House File No. 155 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Carried.

Senator Van Law offered the following amendment and moved its adoption:

Amend the title to the Substitute to House File No. 155 by inserting the figures "1907" following the word "Code" in the title.

And that Section One (1) of the substitute be amended by inserting the figures "1907" following the word "Code" in the third (3) line of the substitute.

Adopted.

Senator Van Law 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Crow, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Brown, Clarkson, Cowles, DeWolf, Dunne-gan, Fitchpatrick, Francis, McColl, Schrup, Stuckslager—11.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Chase asked unanimous consent to withdraw from the Senate and from further consideration by the Senate, Senate File No. 451.

Consent granted.

On motion of Senator Gilliland, House File No. 387, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422) Supplement to the Code, 1907, relating to the powers of boards of supervisors, was taken up and considered.

The bill was read for information.

Senator Gilliland 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—41.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Brown, Chase, Crow, DeWolf, Francis, Garrett, Larrabee, Stuckslager—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 that Senate File No. 334 be made a special order to follow special order assigned for 10 o'clock next Tuesday.

Consent granted.

Senator Gilliland moved that Senate File No. 424 be indefinitely postponed, being identical with House File No. 387, which has just passed the Senate.

Carried.

Senator Taylor asked unanimous consent to withdraw from the Senate and from further consideration by the Senate, Senate File No. 473.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Bennett, House File No. 120, a bill for an act providing that undertakers shall report to the mayor of a city or town or to the township clerk, the name and residence of any person dying of tuberculosis, and providing for the disinfection of the premises and a penalty for a failure to comply with the provisions of this act, with report of committee recommending the adoption of a 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.

Adopted.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend by striking out all of Section One, and inserting in lieu thereof the following: "That the law as it appears in Section One of Chapter One Hundred Fifty-six (156) of the Session Laws of the Thirty-third General Assembly, be and the same is hereby amended by striking out of lines twelve and thirteen the words "or fumigation required," and by inserting between the word "meningitis" and the word "and" in the fifteenth line, a comma (,) and the words "anterior poliomyelitis," and by inserting after the word "work" in the fifty-third line the following: "The undertaker or person in charge of the funeral of any person, dying of tuberculosis, shall within forty-eight hours after the death of such person report to the mayor of the city or town, or to the township clerk, the name and residence of the deceased person, together with the cause of death. Upon receipt of the notice as herein provided, the mayor of the city or town, or clerk of the township shall cause said premises to be disinfected in accordance with the regulations of the State Board of Health."

Adopted.

Senator Bennett 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:

Adams, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulloch, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, White—32.

The nays were:

None

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, Dunne-gan, Francis, Garrett, Jewell, Larrabee, Legel, McManus, Malm-berg, Neal, Smith of Mitchell, Stuckslager, Van Law, Webber, Wilson—18.

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 Balkema, Senate File No. 421, a bill for an act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422) and One Thousand Three Hundred Three (1303) of the Supplement to the Code, 1907, and to repeal Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the election of officers, to the powers of the board of supervisors, levying of taxes and powers and duties of the township trustees, was taken up and considered.

Senator Smith of Shelby offered the following amendment and moved its adoption:

I move to amend Senate File No. 421 as follows: Substitute a comma (,) for the period (.) at the conclusion of Section Three (3) and add thereto the following, "but such road tax assessed and collected in each township shall be expended in that township."

The amendment was lost.

Senator Balkema offered the following amendment and moved its adoption:

"Amend Section Four (4) by striking out the comma (,) after the word "dragging" in line nine of the original bill and insert the word "and" in lieu thereof and amend further by striking out all of said section after the word "superintendent" as the same appears at the end of line nine of said section.

Adopted.

Senator Balkema offered the following amendment and moved its adoption:

Amend by striking out Section 5.

Adopted.

Senator Balkema offered the following amendment and moved its adoption:

Amend Section 2 by striking out the words "plans and" from the fifth line and insert in lieu thereof the word "General".

Adopted.

The bill was read for information.

Senator Balkema moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Neal, Parrshall, Proudfoot, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Sullivan, Wilson—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Chase, Cowles, Crow, Fitchpatrick, McManus, Malmberg, Mattes, Quigley, Ream, Sammis, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, White—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sammis called up the resolution introduced by him on yesterday relative to the appointment of a sifting committee, and offered the following substitute and moved its adoption:

I move as a substitute the adoption of the following:

*Resolved*, That the President of the Senate shall, immediately before adjournment tomorrow, appoint a sifting committee of seven members, to which shall be referred all bills other than appropriation bills, and that beginning Monday morning, April 3rd, no bills, except appropriation bills, shall be considered unless reported by said committee. And no bills shall be reported or considered by the Senate that have been reported for indefinite postponement.

Senator Van Law moved that the pending resolution and the substitute be referred to the Committee on Rules.

Senator Clarkson moved that further action on this matter be deferred until Tuesday morning at 9:30 o'clock.

Motion was lost.

The motion offered by Senator Van Law was lost.

Senator Chapman moved the previous question.

On the question "Shall the main question be now put" the previous question was ordered.

The substitute was substituted for the original resolution.

On the adoption of Substitute Resolution a roll call was demanded.

The ayes were:

Balluff, Bennett, Chapman, Chase, Cowles, Crow, DeWolf, Francis, Garrett, Gates, Hoyt, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, White, Wilson—26.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Clarkson, Dunnegan, Gilliland, Hammill, Hunter, Larrabee, Neal, Proudfoot, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law—16.

Absent or not voting:

Adams, Ames, Balkema, Brown, Fitchpatrick, McCullough, Savage, Webber—8.

So the resolution was adopted.

#### THIRD READING OF BILLS.

On motion of Senator Clarkson, Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112) of the acts of the Thirty-third (33d) General Assembly relating to the issuance of policy of insurance by insurance companies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Clarkson 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Hammill, Hoyt, Hunter, Jewell, Legel, McManus, Malmberg, Neal, Parshall, Proudfoot, Sammis, Saunders, Smith of Shelby, Sullivan, Taylor, White, Wilson—31.

The nays were:

None.



Absent or not voting :

Adams, Ames, Balluff, Fitchpatrick, Gates, Gilliland, Larrabee, McColl, McCulloch, Mattes, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Van Law, Webber—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sammis moved that the vote by which the resolution relative to a sifting committee was adopted be reconsidered and that this motion be laid on the table.

Senator Van Law moved that Senate File No. 8 be made a special order for tomorrow morning.

Senator Sammis raised the point of order that there was a motion before the Senate.

Point of order was sustained.

Senator Sammis raised the point of order that the motion before the Senate was not debatable.

The point of order was sustained.

On the motion of Senator Sammis a roll call was demanded.

The ayes were :

Ames, Balluff, Bennett, Chapman, Cowles, Crow, DeWolf, Dunningan, Francis, Garrett, Gates, Legel, McManus, Malmberg, Mattes, Parshall, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, White, Wilson—24.

The nays were :

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Chase, Clarkson, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Neal, Proudfoot, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law—20.

Absent or not voting :

Brown, Fitchpatrick, Hoyt, Ream, Spaulding, Webber—6.

So the motion prevailed.

Senator Van Law moved that Senate File No. 98 be made a special order for tomorrow morning at 9:30.

On this motion a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chase, Clarkson, Francis, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Van Law—26.

The nays were:

Balluff, Chapman, Cowles, Crow, DeWolf, Dunnegan, Gates, Legel, McManus, Mattes, Parshall, Quigley, Sammis, Savage, Schrup, Taylor, White, Wilson—18.

Absent or not voting:

Brown, Fitchpatrick, Garrett, Ream, Spaulding, Webber—6.

Senator Hammill moved that Senate File No. 9 be made a special order to follow the special order set for tomorrow morning.

On this motion a roll call was demanded.

The ayes were:

Adams, Bennett, Chapman, Cowles, Crow, DeWolf, Dunnegan, Gilliland, Hammill, Hoyt, Larrabee, Legel, McColl, McCulloch, Malmberg, Parshall, Proudfoot, Quigley, Ream, Smith of Shelby, Stuckslager, Sullivan, Van Law, White—24.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Francis, Garrett, Gates, Jewell, Mattes, Neal, Sammis, Savage, Smith of Mitchell—13.

Absent or not voting:

Ames, Brown, Chase, Clarkson, Fitchpatrick, Hunter, McManus, Saunders, Schrup, Spaulding, Taylor, Webber, Wilson—13.

#### MESSAGE 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 Section One (1) and concurs in Senate amendment to Section 2 to House File No. 103, 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.*

The President announced that as President of the Senate in the presence of the Senate he had signed Senate File Nos. 22 and 287, and House File Nos. 221, 219, 409 and 12.

THIRD READING OF BILLS.

On motion of Senator Proudfoot, Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-fourteen (5718-a-14) of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted. The substitute was read for information.

Senator Proudfoot moved that the substitute be substituted for the original bill.

Adopted.

Senator Proudfoot moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Sullivan, Taylor, Van Law—34.

The nays were: —

Smith of Shelby, White—2.

Absent or not voting:

Adams, Allen of Jefferson, Brown, Chase, Crow, Fitchpatrick, Garrett, Larrabee, McCulloch, Ream, Schrup, Spaulding, Weber, 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 Saunders House File No. 445, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to

official newspapers and how selected, 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 Two.

Adopted.

Senator Saunders 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, DeWolf, Dunningan, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law—36.

The nays were:

None.

Absent or not voting:

Cowles, Crow, Fitchpatrick, Garrett, Hoyt, McColl, Mattes, Neal, Saunders, Smith of Mitchell, Webber, White, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Chase filed the following motion:

I move to reconsider the vote by which Senate File No. 403 failed to pass the Senate and the vote by which the same passed to its third reading.

#### HOUSE MESSAGE CONSIDERED.

House File No. 103, a bill for an act to establish the office of commerce counsel and defining the powers and duties of the same.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 103, 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 Senate recede from the following amendments:

Amend by striking out in third line of Section 1 the words "Board of Railroad Commissioners" and insert in lieu thereof the words "the Executive Council."

Amend Section 1 of the bill by striking out the words "Board of Railroad Commissioners", wherever the same appear therein, and inserting in lieu thereof the words "Executive Council."

The ayes were:

Allen of Pocahontas, Ames, Balkema, DeWolf, Francis, Garrett, Hunter, Jewell, Larrabee, Neal, Parshall, Ream, Smith of Mitchell, Van Law, White, Wilson—16.

The nays were:

Adams, Allen of Jefferson, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, Dunnegan, Gilliland, Hammill, Hoyt, Legel, McCulloch, McManus, Malmberg, Mattes, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor—29.

Absent or not voting:

Fitchpatrick, Gates, McColl, Spaulding, Webber—5.

So the Senate refused to recede.

On motion of Senator Allen of Jefferson, Senate File No. 351, a bill for an act to amend Section Two Hundred Fifty-four-a Fourteen (254-a-14) of the Supplement to the Code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Allen of Jefferson 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Brown, Chapman, Crow, DeWolf, Dunnegan, Francis, Garrett, Hammill, Hoyt, Hunter, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Van Law, Wilson  
—32.

The nays were:

Larrabee—1.

Absent or not voting:

Adams, Ames, Balluff, Chase, Clarkson, Cowles, Fitchpatrick, Gates, Gilliland, Jewell, McCulloch, Saunders, Smith of Mitchell, Spaulding, Taylor, Webber, 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 Stuckslager, Senate File No. 454, a bill for an act to legalize the action of the board of directors of the independent school district of Walker, Linn county, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes, with report of committee recommending the adoption of a 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.

Adopted.

The bill was read for information.

Senator Stuckslager moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hammill Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Malmberg, Mattes, Neal,

Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Balluff, Chase, Fitchpatrick, Gates, McColl, Smith of Mitchell, Spaulding, Webber—8.

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.

#### EXECUTIVE SESSION.

Senate went into executive session at 5:05, P. M. Committee as provided by law reported.

On motion, Senate advised and consented to the appointment of Honorable A. B. Funk of Spirit Lake, Honorable Geo. T. Baker of Davenport, and Honorable Thomas D. Foster of Ottumwa, each to succeed himself for a term of six years, beginning July 1st, 1911, as members of the State Board of Education.

On motion, Senate resumed regular session at 5:30, P. M.

#### INTRODUCTION OF BILLS.

By Senator Savage, Senate File No. 476, a bill for an act to amend Section (5) Chapter Sixty-nine (69) of the acts of the Thirty-third General Assembly, relating to the publication of the primary ballot.

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

Senator Balkema moved that the Senate hold an evening session at 7:30 this evening.

Motion was lost.

Senator Parshall offered the following Concurrent Resolution:

#### CONCURRENT RESOLUTION.

*Resolved by the Senate, the House concurring, that the President of the Senate and Speaker of the House shall appoint a committee of five;*

three from the House and two from the Senate to investigate the Fire Protection of the Capitol Building, who shall report to the Senate not later than Thursday, April Sixth, 1911.

Laid over.

REPORTS OF COMMITTEES.

Senator Hunter, from the Committee on Banks, submitted the following report:

MR. PRESIDENT—Your Committee on Banks, to whom was referred House File No. 242, a bill for an act providing that any national or state banking corporation located in this state, which shall be approved by the Executive Council may, upon filing bond or depositing security as hereinafter provided and upon the compliance with all other requirements of law become a state depository, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

Amend Line Seven (7) of the original bill by striking out the words "before filing" and the comma after the word "shall" and amend by striking out of line Eight (8) the word "said" before "council" and inserting the word "the," and when so amended the bill do pass.

ROBERT HUNTER,  
*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. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said board to the State Veterinary Surgeon and to establish a commission of Animal Health, 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 Agriculture, to whom was referred Senate File No. 278, a bill for an act to amend Chapter One Hundred Thirty-five (135) of the law as it appears in the Acts of the Thirty-third General Assembly relating to the lien upon the progeny of any stallion or jack kept for public service or for sale, exchange or transfer, 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 Chapman called up the House Concurrent Resolution relative to adjournment at 12:00 o'clock, noon, April 12, 1911.

Senator Van Law moved to amend the resolution by striking out "12 o'clock, noon" and inserting in lieu thereof "2 o'clock P. M."

Adopted.

The resolution as amended was adopted.

I move to reconsider the vote by which the Senate concurred in Concurrent Resolution relative to final adjournment of the Thirty-fourth General Assembly on April 12, 1911.

JOHN T. CLARKSON,

Senator Chapman withdrew the resolution offered by him on March 14, relative to adjournment.

The President appointed as a conference committee on House File No. 103, Senators Allen of Pocahontas, Chase, De Wolf and Hammill.

Senator Mattes moved that the Senate do now adjourn.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 1, 1911.

Senate met in regular session at 9 o'clock, President Clarke presiding.

Prayer was offered by Rev. Alexander McFerran of Oskaloosa, Iowa.

## REPORTS OF COMMITTEES.

Senator Gates from the Committee on Commerce and Retail Trade, submitted the following report:

MR. PRESIDENT—Your Committee on Commerce and Retail Trade, to whom was referred Senate File No. 438, a bill for an act to fix the standard of measure for buying and selling strawberries and other small fruits and providing for the labeling of packages containing small fruit when the same is sold in packages, and providing penalties for the violation of 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:

SUBSTITUTE FOR SENATE FILE NO. 438.

### A BILL

For an Act to fix the standard of measure for buying and selling strawberries and other small fruits and providing for the labeling of packages containing small fruit when the same is sold in packages, and providing penalties for the violation of this act.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1 The standard of measure for buying and selling strawberries, raspberries, blackberries, red and white currants, gooseberries, plums, cherries, cranberries, and other small fruits shall be the quart, which shall contain when even full, sixty-seven and two tenths (67.2) cubic inches; the pint, which when even full shall contain thirty-three and six tenths (33.6) cubic inches. Such fruit when sold in boxes shall be contained in boxes containing the standard quart or pint, and if said boxes contain any quantities other than the full quart or pint, information of the quantity must be given to the purchaser or such package must be labeled with a statement of the net contents.

Sec. 2. Any person selling or offering for sale, small fruit in violation of the terms and provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined not less than Five (\$5.00) Dollars or more than Fifty (\$50.00) Dollars for each violation and each sale shall constitute a separate violation. A variation of not more than seven (7) per centum shall not be deemed a violation under this act.

Sec. 5. This act shall take effect and be in force on and after the first day of January, 1912, and when so amended the bill do pass.

CHARLES GATES,

Substitute read first and second time.

*Chairman.*

Ordered passed on file.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the state board of health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa and making an appropriation therefor, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,

*Chairman.*

Adopted.

The Journal of yesterday 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. 325, 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 assessment 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 House was asked:

Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor, (additional to Title Five (V) 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. 266, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a-2 (1989-a-2), Section Nineteen Hundred Eighty-nine-a-4 (1989-a-4), Section Nineteen Hundred Eighty-nine-a-5 (1989-a-5) of the Code, relating to securing right of way for levees, drains and ditches.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 336, a bill for an act to amend Chapter Seventy-five (75) of the Acts of the Thirty-third General Assembly, relating to officers' 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. 384, a bill for an act to make an appropriation for the purpose of improving and protecting the reservation known as the "Whitestone Hills Battlefield" in North Dakota.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 define employment agencies, to place such agencies under the jurisdiction and control of the commissioner of the bureau of labor statistics, to require a license before engaging in such business, to regulate and control such business, to prescribe the duty of the said commissioner with reference to such business and to repeal lines fourteen (14), fifteen (15), and sixteen (16), and seventeen (17) of Section Seven Hundred (700) of the Supplement to the Code, 1907, and to repeal Sections Two Thousand Four Hundred Seventy-seven-h (2477-h) to Two Thousand Four Hundred Seventy-seven-l (2477-l), inclusive, of the Supplement to the Code, 1907, and to enact 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. 45, a bill for an act to amend Section Three (3), Chapter Two Hundred Twenty-three (223) of the Thirty-second General Assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines.

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. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18, (254-a-18) of the Supplement to the Code, 1907, relating to probation officers.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 325, 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 assessment of taxes.

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

House File No. 266, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a2 (1989-a2), Section Nineteen Hundred Eighteen Hundred Eighty-four-a4 (1989-a4), Section Nineteen Hundred Eighty-nine-a5 (1989-a5) and Section Nineteen Hundred Eighty-nine-a6 (1989-a6) of the Code relating to securing right of way for levees, drains and ditches.

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

Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor, (additional to Title Five (V) of the Code.

Passed on file.

Senate File No. 311, a bill for an act to amend Section Two Hundred Fifty-four-a18 (254-a18) of the Supplement to the Code, 1907, relating to probation officers.

Passed on file.

House File No. 336, a bill for an act to amend Chapter Seventy-five (75) of the Acts of the Thirty-third General Assembly, relating to officers bonds.

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

House File No. 384, a bill for an act to make an appropriation for the purpose of improving and protecting the reservation known as the "Whitestone Hills Battlefield" in North Dakota.

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

House File No. 108, a bill for an act to define employment agencies, to place such agencies under the jurisdiction and control of the commissioner of the bureau of labor statistics, to require a license before engaging in such business, to regulate and control such business, to prescribe the duty of the said commissioner with reference to such business and to repeal lines fourteen (14), fifteen (15), sixteen (16), and seventeen (17) of section Seven Hundred (700) of the Supplement to the Code, 1907, and to repeal Sections Two Thousand Four Hundred Seventy-seven-h (2477-h) to Two Thousand Four Hundred Seventy-seven-l (2477-l), inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor.

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

Substitute for Senate File No. 45, a bill for an act to amend Section Three (3), Chapter Two Hundred Twenty-three (223) of the Thirty-second General Assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 154, a bill for an act to make uniform the law of bills of lading, with report of committee recommending passage, was taken up, considered, and the report of the committee 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Cowles, Crow DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chase, Clarkson, Fitchpatrick Hoyt, Jewell, Ream, Stuckslager—10.

Senator Smith of Mitchell moved to amend the title as follows:

A BILL

For an Act describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions 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 hour having arrived for Special Order No. 1, on motion of Senator Van Law, Senate File No. 98, a bill for an act to amend Division Two of Section Twenty-four Hundred Forty-eight (2448) of Supplement to the Code of 1907, relating to the limits within which intoxicating liquors may be sold, with report of committee recommending indefinite postponement, was taken up and considered. Senator Van Law moved that the Senate refuse to adopt the report of the committee.

Senator Allen of Jefferson moved as a substitute that the Senate adopt the report of the Committee.

Senator Van Law accepted the substitute.

Senator White moved the previous question.

On the question, "Shall the main question be now put?" a roll call was demanded.

The ayes were:

Allen of Jefferson, Balkema, Balluff, Chapman, Cowles DeWolf, Dunnegan, Garrett, Gates, Hoyt, Hunter, Legel, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Taylor, Webber, White, Wilson—26.

The nays were:

Adams, Allen of Pocahontas, Ames, Chase, Crow, Francis, Gilliland, Hammill, Jewell, Larrabee, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law—17.

Absent or not voting:

Bennett, Brown, Clarkson, Fitchpatrick, McColl, McCulloch, Spaulding—7.

So the previous question was ordered.

On the adoption of the report of the committee a roll call was demanded.

The ayes were:

Allen of Jefferson, Balluff, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hoyt, Legel, McManus, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Taylor, Van Law, Webber, White, Wilson—26.

The nays were:

Adams, Allen of Pocahontas, Ames, Balkema, Chase, Francis, Gilliland, Hammill, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Neal, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager—20.

Absent or not voting:

Bennett, Brown, Clarkson, McColl—4.

So the report of the committee was adopted, and the bill was indefinitely postponed.



Senator Ream filed the following explanation for his vote :

I have two reasons for voting against what is known as the five mile limit bill. One of them is that I believe the state ought not to deprive Iowa City of the right of local self-government, the other is that the illicit traffic in liquor that would follow closing the saloons would be far worse than the business conducted by the open saloons.

Senator Van Law moved to reconsider the vote by which the Senate adopted the report of the committee on Senate File No. 98, recommending indefinite postponement.

Senator Sammis moved that the motion to reconsider be laid on the table.

On the motion a roll call was demanded.

The ayes were :

Balluff, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hoyt, Legel, McManus, Mattes, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Taylor, Webber, White, Wilson—24.

The nays were :

Adams, Allen of Pocahontas, Chase, Francis, Gilliland, Hammill, Jewell, Larrabee, McCulloch, Malmberg, Proudfoot, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—16.

Absent or not voting :

Allen of Jefferson, Ames, Balkema, Bennett, Brown, Clarkson, Hunter, McColl, Neal, Stuckslager—10.

So the motion to reconsider was laid on the table.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 Substitute for Senate File No. 27, a bill for an act providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation.

Also :

Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to

enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustees, guardian, referee, or commissioner.

ED. P. MALMBERG,

*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 Substitute for Senate File No. 27, a bill for an act providing for an award to a woman or her estate arising from an injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation

Also:

Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustees, guardian, referee, or commissioner.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

THIRD READING OF BILLS.

The hour having arrived for Special Order No. 2, on motion of Senator Hammill, Senate File No. 9, a bill for an act to abolish the offices of state printer and state binder to provide for the state printing and binding by the competitive contract system, to repeal Sections One Hundred Seventeen (117) and One Hundred Eighteen (118) and to enact substitutes therefor, and to amend Sections One Hundred Nineteen (119), One Hundred Twenty-seven (127), One Hundred and Twenty-nine (129), One Hundred and Thirty (130), One Hundred and Thirty-three (133), One Hundred and Thirty-eight (138), One Hundred and Thirty-nine (139), and One Hundred and Forty-one (141), of the Code and the law as it appears in Section One Hundred and Sixty-five (165) and One Hundred Sixty-eight (168) Supplement to the Code, 1907, relative to state printer and state binder and state printing and state binding with report of committee recommending indefinite postponement, was taken up and considered.

Senator Hammill moved that the report of the committee be not adopted.

Senator Sullivan moved as a substitute that the report of the committee be adopted.

Further consideration of the bill was postponed.

On motion of Senator Saunders, Senate File No. 18, a bill for an act repealing Section 1, Chapter 52 of the acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof, was taken up and considered.

Senator Saunders moved that the vote by which the bill passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Carried.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the substitute by striking out all of the substitute after the enacting clause and insert in lieu thereof, the following:

Section 1. Every person, partnership, company or corporation owning or operating a street railway in this state shall equip all of its double truck passenger cars with power brakes other than hand, capable of bringing such cars to a stop within a reasonable distance, together with equipment for sanding the rails, which brake and sand equipment shall be so constructed as to be operated by the motorman on the car operated by him; provided, however, that no street railway shall be required to equip more than one-half of such cars now in operation before January 1, 1912, and all of such cars shall be equipped before January 1, 1913.

Sec. 2. All single truck passenger cars over thirty (30) feet in length hereafter installed in service upon street railways shall be equipped and operated with the appliances provided for double truck cars in Section One (1) of this act.

Sec. 3. Any person failing to comply with the terms of this act shall be deemed guilty of a misdemeanor and upon conviction thereof, shall be punished by a fine of not more than Twenty-five dollars (\$25.00) and each day's operation of any car in violation of the terms of this act shall constitute a separate offense.

Senator Cowles offered the following amendment to the amendment and moved its adoption.

I move to amend by striking from the amendment offered by Senator Saunders all of Section 2.

Further consideration of the bill was postponed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present.

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—152.

Absent or paired:

Brockway, Byerly, Fraley, McCleery, Smith of Decatur, Taylor of Union—6.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach Legel, Lenoeker Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Lounsberry, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brown of Wight, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klày, Kulp, Larrabee of Fayette, Larra-

Lee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—67.

Absent or paired:

Brockway, Byerly, Fraley, McCleery, Smith of Decatur, Taylor of Union—6.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Chapman of Cedar the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

#### 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. 93, a bill for an act to repeal Section Thirteen Hundred Five (1305) and Thirteen Hundred Ten (1310) of the Code, and to enact substitute therefor, relating to the assessment of taxes, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 120, a bill for an act to amend the law as it appears in Section Thirteen Hundred Twenty-two (1322), of the Supplement to the Code, 1907, relating to the assessment of shares of stock in national, state and savings banks, and loan and trust companies, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 128, a bill for an act providing for a registration fee on mortgages of real property and for their exemption from taxation after being recorded; regulating the effect of non-payment of registration fees and prohibiting the enforcement of mortgages upon which registration fees have not been paid as herein provided, and repealing all acts or parts of acts in conflict herewith, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 141, a bill for an act to amend Sections One Thousand Four Hundred and Seventy (1470) and One Thousand Four Hundred and Seventy-one (1471) of the Code of 1907, relating to collateral inheritance tax on remainders and life and term estates, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 245, a bill for an act to amend Section Nineteen Hundred Thirteen (1913) Chapter Thirteen (13) Title Nine (IX), relating to filing fees of building and loan associations, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 256, 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.*

Senator Smith of Mitchel moved the adoption of the report of the Committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 427, a bill for an act amending Section Thirteen Hundred and Nine (1309) of the Code, relating to the defining of credits for the purpose of taxation, 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 words "or other property," as found in line five (5) of Section One (1), and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 137, 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 amended as follows:

Amend Section One (1) by inserting after the word state in line three (3) of the original bill the words "not more than three (3) of whom shall belong to the same political party."

As this bill carries an appropriation, we recommend that it be referred to the Committee on Appropriations; and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Senator Smith of Mitchell moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.



Also:

MR. PRESIDENT—Your Committee on Ways and Means, to whom was referred Senate File No. 428, a bill for an act amending Section Thirteen Hundred and Eleven (1311) of the Code, relating to defining debts for the purpose of taxation, 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 words "or other property," as found in the fifth (5) line of Section One (1), and when so amended the bill do pass.

JAS. A. SMITH,  
*Chairman.*

Adopted.

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

Senator Clarkson filed the following explanation of his vote:

MR. PRESIDENT—During the discussion of Senate File No. 98, I was called to the office of the Mine Inspector to confer with him regarding two sections of Senate File No. 282, the mining bill, with a view of making concessions which the owners of mines requested for the purpose of and to avoid further objection to the bill, Senate File No. 282. Before leaving the Senate Chamber, I was advised by several members that they desired to speak on the bill, Senate File No. 98, the five mile limit bill, and believing that the motion to indefinitely postpone would not come to a vote before the noon hour, felt safe in being absent at least during the balance of the morning session. If present I would have voted for the passage of the bill, and as explanation of my absence I herewith present the note received from the inspector, asking for a conference, and ask that it be recorded in the Journal with this, my explanation of my absence.

SENATOR CLARKSON, *Senate Chamber:*

Could you consult with me in regard to two sections of Senate File No. 282. Call at office at once.

Respectfully,  
ED. SWEENEY.

Senator Sullivan moved that the consideration of Senate File No. 18 follow the special order which will be taken up immediately after noon.

Motion prevailed.

Senator Smith of Mitchell moved that the Senate do now adjourn until 1:30, P. M.

Motion prevailed.

Senate adjourned.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30 P. M., President Clarke presiding.

## THIRD READING OF BILLS.

On motion of Senator Balluff, House File No. 402, a bill for an act to amend Section One Thousand Five (1005) of the Supplement to the Code, 1907, with additional provisions in regard to the fire 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 Balluff 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:

Adams, Ames, Balluff, Bennett, Brown, Chase, DeWolf, Dunne-  
gan, Fitchpatrick, Gates, Hammill, Holt, Jewell, Larrabee, Mc-  
Coll, McCulloch, Malmberg, Mattes, Neal, Parshall, Ream, Schrup,  
Spaulding, Stuckslager, White, Wilson—26.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balkema, Chapman,  
Clarkson, Cowles, Crow, Francis, Garrett, Gilliland, Hunter,  
Legel, McManus, Proudfoot, Quigley, Sammis, Saunders, Savage,  
Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Van Law,  
Webber—24.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Parshall called up for consideration the resolution offered by him yesterday relative to fire protection of the capitol building.

The resolution was adopted.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the Speaker appoints as Committee on Conference on the part of the House on House File No. 103, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same, Representatives Cunningham, Hickenlooper, Klay and Kull.

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. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the Industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) 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 concurred in Senate Amendments to the following bill in which the concurrence of the House was asked:

House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code, relative to water closets and privies.

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. 445, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected.

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:

Substitute for House File No. 120, a bill for an act to amend the law as it appears in Section One (1) of Chapter One Hundred Fifty-six (156)

of the session laws of the Thirty-third General Assembly, relating to the quarantine of communicable diseases.

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. 59, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (II), Supplement to the Code, 1907, in reference to the census.

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. 386, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred Twenty-seven-a-3 (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the Secretary of the Board of Control of State Institutions.

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. 238, a bill for an act to repeal Section Three Thousand Four Hundred Forty-five (3445) of the Code relating to actions by or against legal representatives and to enact a substitute therefor.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Bennett, House File No. 248, a bill for an act to amend the law as it appears in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses, was taken up and considered.

Senator Bennett moved that the vote by which the bill passed the Senate and the vote by which it passed to its third reading be reconsidered.

Motion prevailed.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section Two of the bill by striking out all after the figures Two Thousand Five Hundred Seventy-five-a Thirty-one (2575-a31) in the first line thereof, and inserting in lieu thereof the following: "Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-seven (157), acts of the Thirty-third General Assembly, be and the same is hereby repealed, and the following enacted in lieu thereof: "On and after the taking effect of this act, no person except one holding a certificate under Chapter 16-d of Title 12, Supplement to the Code, 1907, as amended, shall advertise to be, or assume, or use the title of registered or graduated nurses, or use the abbreviation "R. N." or "G. N." or any other figures or letters to indicate that the person using the same is a registered or graduated nurse, and it shall be unlawful for an nurse to practice nursing as registered or graduate nurse within this state, without having first registered as provided in Chapter 16-d, Title 12, Supplement to the Code, 1907, as amended by this act.

Adopted.

Senator Bennett 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Fitchpatrick, Gates, Hoyt, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spauding, Stuck-sager, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Carkson, Cowels, Crow, DeWolf, Dunnegan, Francis, Garrett, Glliland, Hammill, Hunter, McCulloch, McManus, Proudfoot, Saunders, Savage, Sullivan, Taylor, Van Law, Webber—22.

Senator Bennett moved to amend the title as follows:

I move to amend the title of the bill by substituting for the same the following: "A bill for an act to amend the law as it appears in Section Two Thousand Five Hundred Seventy-five-a-Twenty-eight (2575-a28) and Section Two Thousand Five Hundred Seventy-five-a-Thirty-one (2575-a-31) as amended, Supplement to the Code, 1907, relating to graduated and registered nurses.

Adopted.

So the bill having received a constitutional majority was declared to have passed and the Senate and its title as amended agreed to.

Senator White moved that Senate File No. 322 be withdrawn from the Senate and from further consideration by the Senate.

Motion prevailed.

Senator Smith of Mitchell, from the Committee on Ways and Means, returned to the Senate Senate File No. 322.

#### THIRD READING OF BILLS.

On motion of Senator Malmberg, Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the special election held in said town on September 6, 1907, the levy of a tax for lighting plant fund and the transferring of said fund to the general fund 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.

President Pro Tem James A. Smith was called to the Chair at 2:00 o'clock.

Senator Malmberg moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading; which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCol, McCulloch, McManus, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, Wilson—38.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Chase, Dunnegan, Francis, Hoyt, Parshall, Proudfoot, Savage, Taylor, 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 Hammill, the Senate resumed consideration of Senate File No. 9, a bill for an act to abolish the offices of state printer and state binder, to provide for the state printing and binding by the competitive contract system, to repeal Sections One Hundred Seventeen (117) and One Hundred Eighteen (118) and to enact substitutes therefor, and to amend Sections One Hundred Nineteen (119), One Hundred Twenty-seven (127), One Hundred and Twenty-nine (129), One Hundred and Thirty (130), One Hundred Thirty-three (133), One Hundred and Thirty-eight (138), One Hundred and Thirty-nine (139), and One Hundred Forty-one (141), of the Code and the law as it appears in Section One Hundred and Sixty-five (165) and One Hundred Sixty-eight (168), Supplement to the Code, 1907, relative to state printer and state binder and state printing and state binding.

On the question as to who was entitled to close the debate. Senator Hammill raised the point of order that he had accepted the amendment offered by Senator Sullivan and therefor it became his motion which entitled him to the closing remarks. The President ruled that in as much as there had been objections, the acceptance by Senator Hammill of the amendment offered by Senator Sullivan did not constitute an acceptance of that amendment by the Senate.

On motion the substitute offered by Senator Sullivan was adopted.

Persident Clarke resumed the chair at 2:15 o'clock. Senator Neal moved the previous question.

On the question "Shall the main question be now put?" the previous question was ordered.

On the adoption of the report of the committee a roll call was demanded.

The ayes were :

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chase, Clarkson, DeWolf, Fitchpatrick, Garrett, Gates, Hunter, Legel, McColl, McCulloch, Mattes, Neal, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Sullivan, Wilson—23.

The nays were :

Adams, Bennett, Brown, Cowles, Gilliland, Hammill, Hoyt, Larrabee, Parshall, Smith of Shelby, Stuckslager, Van Law, Webber—13.

Absent or not voting :

Balluff, Chapman, Crow, Dunnegan, Francis, Jewell, McManus, Malmberg, Quigley, Ream, Savage, Spaulding, Taylor, White—14.

So the bill was indefinitely postponed.

The President announced that as President of the Senate he has signed in the presence of the Senate, Senate Files Nos. 151, 27, 45, 287 and 226, and House File Nos. 155, 445, 120, 387, 411 and 283, and House Joint Resolution No. 2.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, from the Committee on Enrolled Bills submitted the following report and moved its adoption.

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report they have this day sent to the Governor for his approval:

Substitute for Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to Title Five (V) of the Code.)

Also:

Substitute for Senate File No. 45, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided for by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, and by Chapter Two Hundred and Forty-eight (248), Acts of the Thirty-third General Assembly, and making an additional appropriation therefor.

Also:

Senate File No. 287, a bill for an act empowering the Governor and Secretary of State to execute a quit-claim deed conveying to the grantees of Christian Flicht all of the right, title and interest of the State



of Iowa in lot five (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) P. M.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled:

Substitute for Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to Title Five (V) of the Code.)

Also:

Substitute for Senate File No. 45, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided for by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, and by Chapter Two Hundred and Forty-eight (248), Acts of the Thirty-third General Assembly, and making an additional appropriation therefor.

Also:

Senate File No. 287, a bill for an act empowering the Governor and Secretary of State to execute a quit-claim deed conveying to the grantees of Christian Flitch all of the right, title and interest of the State of Iowa in lot five (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) P. M.

Also:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have this day sent to the Governor for his approval

Substitute for Senate File No. 27, a bill for an act providing for an award to a woman or her estate arising from injury caused by the negligence or wrongful act of any person, firm or corporation, including a municipal corporation.

Also:

Senate File No. 151, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor, relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee, or commissioner.

Also:

Senate File No. 22, a bill for an act to amend Section Three Hundred Seventy-seven (377) of the Code, relating to the powers of notaries public.

Also:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311) of

the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor, relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled:

Substitute for Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. (Additional to Title Five (V) of the Code.)

Also:

Substitute for Senate File No. 45, a bill for an act providing for the completion and distribution of the roster of Iowa soldiers, sailors and marines as provided for by Chapter Two Hundred Twenty-three (223), Acts of the Thirty-second General Assembly, and by Chapter Two Hundred and Forty-eight (248), Acts of the Thirty-third General Assembly, and making an additional appropriation therefor.

Also:

Senate File No. 287, a bill for an act empowering the Governor and Secretary of State to execute a quit-claim deed conveying to the grantees of Christian Fritch all of the right, title and interest of the State of Iowa in lot five (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) P. M.

Also:

House File No. 283, a bill for an act to amend the law as the same appears in Section One (1) of Chapter Fifty-seven (57), Acts of the Thirty-third (33) General Assembly of Iowa, relating to tax levy for park purposes.

Also:

House Joint Resolution No. 2 of the Thirty-fourth General Assembly of the State of Iowa, making application to the Congress of the United States to call a convention for proposing amendment to the Constitution of the United States.

Also:

House File No. 387, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred Twenty-two (422), Supplement to the Code, 1907, relating to the powers of Boards of Supervisors.

Also:

House File No. 411, a bill for an act legalizing assignments of mortgages and other recorded liens made upon the margin of the records, and making such assignments admissible in evidence.

Also:

House File No. 120, a bill for an act to amend the law as it appears in Section One (1) of Chapter One Hundred Fifty-six (156) of the session laws of the Thirty-third General Assembly, relating to the quarantine of communicable diseases.

Also:

House File No. 445, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected.

Also:

House File No. 155, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code, relative to water closets or privies.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### THIRD READING OF BILLS.

On motion of Sullivan the Senate took up for consideration Senate File No. 18, a bill for an act repealing Section 1, Chapter 52 of the Acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof.

By unanimous consent the amendment offered by Senator Cowles was withdrawn.

Senator DeWolf offered the following amendment and moved its adoption:

I move to amend Section Two (2) of the Substitute by striking out the words and figures "thirty (30)" in lines one and two

thereof and by inserting in lieu thereof the words and figures "thirty-two (32)".

Adopted.

Senator Saunders offered the following amendment and moved its adoption.

I move to amend by inserting the words "and not so equipped" after the word "operation" as the same appears in next to last line of Section 1.

Adopted.

Senator Sullivan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Chase, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Taylor, Webber, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Brown, Chapman, Crow, Dunne-gan, Francis, McManus, Malmberg, Neal, Savage, Spaulding, Van Law, White—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved to amend the title as follows:

Amend the title so that the same shall read as follows:

"A bill for an act requiring any person, partnership, or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof."

Adopted.

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. 104, a bill for an act to amend Section 2054, Chapter 5, Title X, of the Code, relating to railroad crossings, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed. (By request of the Senator introducing the bill.)

C. G. SAUNDERS,  
*Chairman.*

Senator Saunders moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Clarkson, from the Committee on Fish and Game, submitted the following report:

Senator Clarkson, 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. 458, a bill for an act to amend the law as it appears in Section 2539, of the Supplement to the Code, 1907, as amended by Chapter 152, Acts of the 33rd General Assembly, fixing the salary of the Fish and Game Warden and providing for the payment of his expenses, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOHN T. CLARKSON,  
*Chairman.*

Senator Clarkson moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Fish and Game to whom was referred Senate File No. 414, a bill for an act to amend Section 2, of Chapter 155, Acts of the 33d General Assembly, striking out the words "Big Sioux.", beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOHN T. CLARKSON,  
*Chairman.*

Senator Clarkson moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Gilliland, from the Committee on Judiciary, submitted the following report:

MR. PRESIDENT—Your Committee on Judiciary, to whom was referred Senate File No. 305, a bill for an act creating the office of Juvenile Commissioner, defining his duties and powers, providing for a deputy, and providing for publications and reports, the examination of probation officers, and the listing of those who have passed examination satisfactorily, and appointment of probation officers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed..

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 166, a bill for an act to amend Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to the selection of official newspapers, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 420, a bill for an act to abolish the practice of making and noting exceptions to the rulings, decisions, judgments and decrees of courts and to provide a method to obtain the review of same by the same by the supreme court, beg leave to report they have had

the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 217, a bill for an act conferring upon cities and towns the power to regulate the telephone business, and to fix the price or rate of charge for the use of telephones and for the telephone service to the same extent as they now have power to regulate the business and fix the price of supplying heat, water, gas, electric light, or electric power, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 464, a bill for an act to preserve the right of appeal from a judgment or order dissolving a temporary injunction, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 453, a bill for an act to repeal Section Three Thousand and Five Hundred and Sixty-four (3564) of the Code, relating to the

demurrer pleadings and enacting a substitute therefor, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 374, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Sixty-five (2565) of the Code, relating to the power and authority of the state board of health to subpoena witnesses in any part of the state, and investing said board with authority and jurisdiction to administer oaths to said witnesses and to require any person to give testimony, documentary or otherwise, in any hearing, investigation or proceeding concerning any matter under the jurisdiction of said board, to provide immunity for the person so testifying, and prescribing the punishment for a violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 107, a bill for an act to repeal Section Three Hundred Thirty-five (335) of the Code, as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33rd) General Assembly, relating to the selection of jury lists, 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.*

Senator Gilliland moved the adoption of the report of the committee.

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 regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 457, a bill for an act to repeal Section Forty-six Hundred Eighty-five (4685) of the Code, relating to the taking of depositions 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.*

Senator Gillilland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 451, a bill for an act to require all persons, partnerships, companies or corporations owning or operating a railway in this state, to equip the cab of all locomotive engines with frost glass in front of the seat of the engineer and fireman of said engine, and providing a penalty for the violation thereof, beg leave to report they have had the same under consideration and recommend the same be returned to the Senate without recommendation.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Chase moved that the bill be indefinitely postponed.

Carried.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 469, a bill for an act to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and

refunding bonds for the building of a town hall, and all ordinances pertaining thereto, 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 Judiciary to whom was referred Senate File No. 206, a bill for an act to amend and repeal certain sections of the Code and Supplement and to enact substitutes therefor relating to the subjects of waters, water courses, ditches, levees, drainage and drainage districts, 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. 206:

A BILL.

For an act to amend the drainage laws of this State and conserve the water powers.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That in straightening or changing the course of any natural stream, there shall not be destroyed or injuriously effected the use or value of any existing water power now in use on any stream or water course known as a river or any confluent thereof.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after the date of 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.

SHIRLEY GILLILLAND,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred Senate File No. 475, a bill for an act legalizing the Acts, Resolutions, Ordinances and Proceedings of the City Council of the city of Oelwein, Iowa, 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 Judiciary to whom was referred House File No. 338, a bill for an act to amend Section Eight (8) Chapter Sixty-four (64) of the Acts of the Thirty-third General Assembly, and to repeal Sub-division B, Sub-division C, and Sub-division D of Section One Thousand Fifty-six-a thirty-two (1056-a-32) Supplement to the Code, 1907, and enact a substitute therefor relating to the civil service commissioners, their duties and powers under commission form of government, 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 Judiciary to whom was referred House File No. 37, a bill for an act to prohibit the possession of roulette wheels, klondyke tables, poker tables, faro, and keno layouts, and to provide for the seizure and destruction thereof, 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 Judiciary to whom was referred House File No. 266, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a-2 (1989-a-2), Section Nineteen Hundred Eighty-nine-a-4), Section Nineteen Hundred Eighty-nine-a-5 (1989-a-5), and Section Nineteen Hundred Eighty-nine-a-6 (1989-a-6) of the Supplement to the Code, 1907, relating to securing right of way for levees, drains and ditches, 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 Judiciary to whom was referred House File No. 318, a bill for an act to repeal paragraph Sixteen (16) of Section Five Hundred Eleven (511) of the Supplement to the Code, 1907, as amended by Chapter Thirty-six (36) of the Acts of the Thirty-third General Assembly relating to the boarding and lodging of prisoners 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 Judiciary to whom was referred House File No. 317, a bill for an act to prevent the procreation of habitual criminals, idiots, feebleminded and imbeciles, beg leave to report they have had the same under consideration and recommend the same do pass.

Ordered passed on file.

SHIRLEY GILLILLAND,  
*Chairman.*

Also:

MR. PRESIDENT—Your Committee on Judiciary to whom was referred House File No. 352, a bill for an act to amend Section Five Thousand, Two Hundred Fifty-six (5256) of the Supplement to the Code, 1907, relating to the appointment and compensation of the clerks of the grand jury, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

SHIRLEY GILLILLAND,  
*Chairman.*

Senator Gilliland moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Senator Balkema, from the Committee on Highways, submitted the following report:

MR. PRESIDENT—Your Committee on Highways to whom was referred Senate File No. 8, a bill for an act to create a state highway department, and to establish a state highway commission and the office of state highway engineer, prescribing the duties of each and fixing the compensation of said state highway engineer; authorizing state aid for the establishment, construction, maintenance and repair of public highways and bridges; creating a fund therefor, authorizing the receipt and application of donations and appropriations for such purpose, and prescribing procedure for counties to secure state aid, and to repeal Section Twenty-six Hundred Seventy-four-f (2674-f) Supplement to the Code, 1907, and to repeal all acts or parts of acts in conflict with this act, beg leave to report they have had the same under consideration and recommend the same be referred to Committee on Appropriation and further recommend the same do pass.

N. BALKEMA,  
*Chairman.*

Senator Balkema moved the adoption of the report of the committee.

Adopted.

So the bill was referred to the Committee on Appropriations.

Senator Stuckslager, 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. 62, a bill for an act to confer additional powers on cities now or hereafter having a population of sixty-five thousand (65,000) or over, including cities acting under the commission plan of government, relating to street railways, 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 return the same to the Senate without recommendation.

W. C. STUCKSLAGER,

Substitute read a first and second time.

*Chairman.*

Passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 437, a bill for an act to repeal Section Seven Hundred Forty-one-d (741-d), Supplement to the Code, 1907, and to enact a substitute therefor, relating to the erection of a city hall and the purchase of ground therefor in cities of the first class, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,

*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 435, a bill for an act to amend Section Seven Hundred Eleven (711) Title Five (V), Chapter Four (4), of the Code, relating to fire limits, 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 Cities and Towns, to whom was referred House File No. 512, a bill for an act to amend Section 1056-a-Nineteen (1056-a-19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory thereof, 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 Cities and Towns, to whom was referred Senate File No. 465, a bill for an act to amend Section Seven Hundred and Seventy-nine (779) of the Supplement to the Code, 1907, and providing for the construction, reconstruction and repair of fixtures and apparatus for lighting streets and highways in cities and towns and providing for the assessment of the expenses thereof for the abutting property owners, 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 Cities and Towns, to whom was referred House File No. 253, a bill for an act amending the law as it appears in Section Seven Hundred and Twenty (720) of the Supplement to the Code, 1907, as amended by the laws of the Thirty-third General Assembly, making said statute applicable to city and town halls and fire stations, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred Senate File No. 467, a bill for an act to require the state board of health to examine and approve the plans and specifications for contemplated public water supplies and sewer systems, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,  
*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also :

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 280, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-5, (4999-a-5), Supplement to the Code,

1907, and Section Forty-nine Hundred and Ninety-nine-a-10, (4999-a-10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and fire escapes, and to provide penalty for removing such safeguards, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out Section Two (2).

W. C. STUCKSLAGER,

*Chairman.*

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 228, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813), and Nine Hundred and Sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used therein, beg leave to report they have had the same under consideration and recommend the same for indefinite postponement.

W. C. STUCKSLAGER,

*Chairman.*

Senator Stuckslager moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 197, a bill for an act to amend the law as it appears in Section Five Hundred Sixty-four (564) of the Code, relating to the appearance by the county attorney for township trustees, 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. 197.

A BILL

For an Act to amend Section Five Hundred Sixty-four (564) of the Code, and providing for the appearance of the county attorney for township trustees.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section Five Hundred Sixty-four (564) of the Code, is amended by adding to said section the following:

“Provided, however, in counties having a population of less than twenty-five thousand (25,000) where the trustees are made parties to litigation arising by reason of the performance of their duties, as pro-

vided in this chapter, the county attorney, as a part of his official duties, shall appear in behalf of the township trustees. Provided, however, that if the interests of the county and the trustees are adverse, then and in such event, the county attorney shall not appear for said trustees but they may employ other counsel and pay the expense thereof out of the fund created by this act," and when so amended the bill do pass.

W. C. STUCKSLAGER,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also:

MR. PRESIDENT—Your Committee on Cities and Towns, to whom was referred House File No. 111, 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 appears in Chapter Fourteen-c (14-c) of Title Five (V) of the Supplement to the Code, 1907, and providing for the levy of a special tax for the benefit of the police department, 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. 111.

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 appears in Chapter Fourteen-c (14-c) of Title Five (V) of the Supplement to the Code, 1907, and providing for the levy of a special tax for the benefit of the police department.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Chapter Forty-eight, Acts of the Thirty-second General Assembly of Iowa, be and is hereby amended by adding thereto the following additional provisions for the government of cities now and hereafter organized under said act.

Sec. 2. The council of any city, having a population of not less than thirty thousand (30,000) or more than fifty thousand (50,000) or more than fifty thousand (50,000), specified in Section One (1) of this act shall have the power to levy a special tax upon all taxable property in said city not exceeding six (6) mills on the dollar each year for the purpose of acquiring property for the use of the police department, and equipping and maintaining such department, but nothing in this act shall be held to extend the powers of such cities to make annual levies for general and special taxes in excess of forty-eight (48) mills on



the dollar of the taxable value of the property therein, and when so amended the bill do pass.

W. C. STUCKSLAGER,

*Chairman.*

Substitute read first and second time.

Ordered passed on file.

Also :

Senator Mattes from the committee on Appropriations, submitted the following report :

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 335, a bill for an act defining the duties of the state food and dairy commissioner under the Pure Food Law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded", and making appropriation therefor, and repealing acts and parts of acts in conflict therewith, 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. 335.

A BILL.

For an Act Defining Duties of the State Food and Dairy Commissioner Under the Pure Food Law, Regulating Appointment of Assistants, Providing for Compensation and Expenses of Assistants, Defining Food and the Term "Misbranded", and Making Appropriation Therefor, and Repealing Acts and Parts of Acts in Conflict Therewith.

*Be it Enacted by the General Assembly of the State of Iowa*

Section 1. That Sections Four Thousand Nine Hundred and Ninety-nine-a fifteen (4999-a15), Four Thousand Nine Hundred and Ninety-nine-a sixteen (4999-a16), Four Thousand Nine Hundred and Ninety-nine-a twenty-one (4999-a21), Four Thousand Nine Hundred and Ninety-nine-a22 (4999-a22), Four Thousand Nine Hundred and Ninety-nine-a twenty-three (4999-a23), Four Thousand Nine Hundred and Ninety-nine-a twenty-seven (4999-a27), Four Thousand Nine Hundred and Ninety-nine-a twenty-eight (4999-a28), Supplement to the Code, 1907, are hereby repealed and the following enacted in lieu thereof:

Sec. 2. The State Food and Dairy Commissioner shall be charged with the duty of carrying into effect the provisions of this act and shall have an official seal. He may, with the approval of the Executive Council, appoint such assistants as he may deem necessary, who may exercise the powers now provided by law in the case of milk inspectors together with those conferred by this act, and they shall perform such duties as may be assigned to them by the State Food and Dairy Commissioner. They shall be paid a salary of not to exceed sixteen

hundred dollars (\$1600.00) per annum, said salary to be paid in the same manner as the salaries of other state officers and they shall be allowed the expenses necessarily incurred by them in the discharge of their duties.

Their accounts shall be itemized and sworn to, and when approved by the Commissioner and the Executive Council, shall be paid by warrant of the Auditor upon the Treasurer out of a sum hereinafter appropriated for carrying out the provisions of this act.

Sec. 3. The word "Commissioner", whenever used in this act, shall be taken to mean the State Food and Dairy Commissioner. The word "food", as used herein, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, blended, mixed or compound. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced, or which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents.

Sec. 4. For the purpose of this act, an article of food shall be deemed to be adulterated:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be an imitation of, or offered for sale, under the specific name of another article, or if it does not conform to the standards established by law.

Fifth. If it be mixed, colored, powdered or stained in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health, or if it contains saccharine or formaldehyde.

Seventh. If it be labeled or branded so as to deceive, or mislead the purchaser, or purport to be a foreign product when not so.

Eighth. If it consist of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Ninth. Candies and chocolates if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances, or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Tenth. Vinegar if it contains any added coloring matter.

Eleventh. Baking powders if each can or package is not plainly labeled so as to show the name of each and every ingredient contained therein.

Twelfth. Mixtures, compounds, combinations, imitations or blends, not labeled, branded or tagged, so as to show the exact character and the name and percentage or portion of each constituent thereof.

Sec. 5. For the purpose of enabling the Commissioner to enforce the provisions of the various laws, the enforcement of which is vested with the State Food and Dairy Commissioner, for the making of such analysis for other state departments as may be authorized by the executive council, for necessary traveling and miscellaneous expenses of assistants and experts and for all other expenses herein provided, the sum of twenty-four thousand (\$24,000.00) dollars annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.

Sec. 6. All Acts and parts of acts in conflict herewith are hereby repealed.

Sec. 7. 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.

JOS. MATTES,  
*Chairman.*

Substitute read first and second time.

Adopted.

#### HOUSE MESSAGES CONSIDERED.

House File No. 103, a bill for an act to establish the office of Commerce Counsel and defining the powers and duties of the same.

Passed on file.

Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the Industrial School, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred and Four (2704) of the Supplement to the Code, 11907.

Passed on file.

House File No. 155, a bill for an act to amend Section Forty-nine Hundred Ninety-nine-a-1, of the Supplement to the Code, relative to water closets or privies.

Passed on file.

House File No. 445, a bill for an act to amend the law as it appears in Section Four Hundred and Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected.

Passed on file.

Substitute for House File No. 120, a bill for an act to amend the law as it appears in Section One (1) of Chapter One Hundred and Fifty-six (156) of the session laws of the Thirty-third General Assembly, relating to the quarantine of communicable diseases.

Passed on file.

Substitute for Senate File No. 59, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (2), Supplement to the Code, 1907, in reference to the census.

Passed on file.

Substitute for Senate File No. 386, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred and Twenty-seven-a-3 (2727-a-3) of the Supplement to the Code, 1907, fixing the salary of the secretary of the board of control of state institutions.

Senate File No. 238, a bill for an act to repeal Section Three Thousand Four Hundred and Forty-five (3445) of the Code, relating to actions by or against legal representatives and to enact a substitute therefor.

Passed on file.

The President announced as a sifting committee, Senators Sammis, Smith of Mitchell, Saunders, Mattes, Proudfoot, DeWolf, and Schrup.

Senator Smith of Mitchell moved that all committees return to the Senate for reference to the siftings committee all bills in their possession.

Motion prevailed.

Senator Clarkson from the committee on Fish and Game returned to the Senate Senate File No. 260. which was thereupon referred to the sifting committee.

Senator Smith of Mitchell from the committee on Ways and Means returned to the Senate Senate Files No. 314, 393, 448, and 468 and House File No. 325, which were thereupon referred to the sifting committee.

Senator Gilliland from the committee on Judiciary returned to the Senate House Files No. 26, 336 and 277, and Senate Files No. 275, 433 and 244, which were thereupon referred to the sifting committee.

Senator Saunders from the committee on Railroads, returned to the Senate, Senate File No. 470, which was thereupon referred to the sifting committee.

Senator Bennett from the Committee on Public Health, returned to the Senate Senate Files No. 211 and 263 and House File No. 99, which were thereupon referred to the sifting committee.

Senator Van Law from the committee on Insurance returned to the Senate, Senate Files Nos. 122 and 360 and House File No. 41, 183, 470 and 423, which were thereupon referred to the sifting committee.

Senator Allen of Jefferson from the committee on Suppression of Intemperance returned to the Senate, Senate File No. 447, which was thereupon referred to the sifting committee.

Senator Adams from the Committee on Schools, returned to the Senate Senate File No. 474, which was thereupon referred to the sifting committee.

Senator Brown, from the Committee on Military, returned to the Senate, Senate File No. 472, which was thereupon referred to the sifting committee.

Senator Fitchpatrick from the Committee on Mines and Mining, returned to the Senate, House Files No. 312 and 313 and Senate Files No. 264, 379 and 270, which were thereupon referred to the sifting committee.

Senator Francis from the Committee on Elections, returned to the Senate Senate File No. 476, which was thereupon referred to the sifting committee.

Senator Chase from the Committee on Constitutional Amendments and Suffrage returned to the Senate Senate File No. 432, which was thereupon referred to the sifting committee.

Senator Hoyt from the Committee on Compensation of Public Officers, returned to the Senate House File No. 44, which was thereupon referred to the sifting committee.

Senator Sammis from the Committee on Corporations, returned to the Senate, Senate File No. 466, which was thereupon referred to the sifting committee.

Senator DeWolf from the Committee on Federal Relations returned to the Senate House File No. 436, which was thereupon referred to the sifting committee.

Senator Brown moved that the Senate do now adjourn until 10 o'clock Monday morning.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 3, 1911.

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

Prayer was offered by Rev. A. A. Ford of Cedar Rapids, Iowa.

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

On request of Senator Ream, leave of absence was granted Senator Legel for the day.

Senator Gilliland from the Committee on Judiciary returned to the Senate Senate File No. 188, which was thereupon referred to the Sifting Committee.

Senator Adams from the Committee on Schools and Board of Control and Its Institutions, returned to the Senate Senate File Nos. 379, 394 and 404 and House File Nos. 355, 189 and 140, which were thereupon referred to the Sifting committee.

Senator Spaulding from the Committee on Manufactures, returned to the Senate Senate File No. 435, which was thereupon referred to the Sifting committee.

Senator Allen of Pocahontas from the Committee on Agriculture returned to the Senate, Senate File Nos. 353 and 435, and House File No. 34, which were thereupon referred to the Sifting Committee.

## 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 on its amendments to Substitute for Senate File No. 52, a bill for an act to amend Section 4267, of the Code, relating to the crime of malicious threats to extort.

And asks for a conference committee, and the Speaker of the House appoints as such Committee on the part of the House, Representatives Stipe, Harding, Ripley, O'Connor.

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. 248, in which the concurrence of the House was asked:

House File No. 248, a bill for an act to amend the law in Chapter Sixteen-d (16-d), of the Supplement to the Code, 1907, relative to graduate and registered nurses.

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 appointment of a committee to investigate the fire protection of the Capitol Building.

The Speaker appoints on the part of the House, Whitney of Woodbury, Ripley, of Hancock, and Hazen of Pottawattamie.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 459, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Sixty-five (2565), of the Code, relating to the power and authority of the State Board of Health to subpoena witnesses in any part of the state, and investing said board with authority and jurisdiction to administer oaths to said witnesses and to require any person to give testimony, documentary or otherwise, in any hearing, investigation or proceeding concerning any matter under the jurisdiction of said board, to provide immunity for the person so testifying, and prescribing the punishment for 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. 319, a bill for an act to amend Section Eleven Hundred Thirty-seven-a-1 (1137-a-1) of the Supplement to the Code, 1907, relating to the making of sworn statements of expenses by candidates for certain offices.

C. R. BENEDICT,  
*Chief Clerk.*



Also:

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

House File No. 474, a bill for an act to repeal Section One Thousand Eighty-seven-a-19 (1087-a-19), Chapter 2-a of the Supplement to the Code, 1907, as amended by Section Ten (10) of Chapter Sixty-nine (69) Acts of the Thirty-third General Assembly, and to enact a substitute therefor, relating to canvass by Board of Supervisors and certificates in 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 is asked:

House File No. 463, a bill for an act to repeal Section Four Thousand Eight Hundred Thirty-one (4831) of the Code, and to enact a substitute therefor, relating to the crime of larceny and fixing a penalty therefor.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

Senate File No. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a- (2348-a) of the Supplement to the Code, 1907, relating to bounties.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 295, a bill for an act defining the terms "gold," "alloy of gold," "silver," "alloy of silver," "sterling silver," or "sterling," as applied to any article of merchandise made in whole or part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate," "gold plate," "gold filled," and "gold electro-plate," and the words "silver plate," and "silver electro-plate," "sterling," and "coin," as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition, or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Francis offered the following motion :

I move that the sifting committee be instructed to prepare a calendar for each day and submit same to the secretary of the Senate in time to be printed and placed on the desks of the Senators each morning.

Senator Van Law offered the following amendment to the motion offered by Senator Francis :

I move to amend the motion by adding thereto the following :  
"and that the calendar of the Senate of April 1st shall be disposed of before proceeding to consider the bills submitted by the Sifting committee."

Senator Sullivan moved that the further consideration of the matter be postponed until tomorrow morning at 10 o'clock.

By unanimous consent Senator Van Law withdrew his amendment to the motion offered by Senator Francis.

Senator Neal moved as a substitute to the motion offered by Senator Sullivan that the motion offered by Senator Francis be laid on the table.

Substitute adopted.

Motion prevailed.

#### HOUSE MESSAGES CONSIDERED.

House File No. 463, a bill for an act to repeal Section Four Thousand Eight Hundred Thirty-one (4831) of the Code, and to enact a substitute therefor, relating to the crime of larceny and fixing a penalty therefor.

Read first and second time and referred to Sifting Committee.

Senate File No. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a (2348-a) of the Supplement to the Code, 1907, relating to bounties.

Passed on file.

House File No. 295, a bill for an act defining the terms "gold," "alloy of gold," "silver," "alloy of silver," "sterling silver," or "sterling," as applied to any article of merchandise made in whole or in part of gold or silver or any alloy of gold or silver and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate," "gold plate," "gold filled," and

“gold electroplate,” and the words “silver plate,” and “silver electroplate,” sterling” and “coin,” as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale, or disposition, or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof.

Read first and second time and referred to Sifting Committee.

Substitute for Senate File No. 52, a bill for an act to amend Section 4267 of the Code relating to the crime of malicious threats to extort.

Passed on file.

House File No. 248, a bill for an act to amend the law in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses.

Passed on file.

Senate Concurrent Resolution relative to the appointment of a committee to investigate the fire protection of the Capitol building

Passed on file.

House File No. 459, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Sixty-five (2565) of the Code relating to the power and authority of the State Board of Health to subpoena witnesses in any part of the state, and investing said board with authority and jurisdiction to administer oaths to said witnesses and to require any person to give testimony, documentary or otherwise, in any hearing, investigation or proceeding concerning any matter under the jurisdiction of said board, to provide immunity for the person so testifying, and prescribing the punishment for violation thereof.

Read first and second time and referred to Sifting Committee.

House File No. 319, a bill for an act to amend Section Eleven Hundred Thirty-seven-a1 (1137-a1) of the Supplement to the Code, 1907, relating to the making of sworn statements of expenses by candidates for certain offices.

Read first and second time and referred to Sifting Committee.

House File No. 474, a bill for an act to repeal Section One Thousand Eighty-seven-a19 (1087-a19), Chapter 2-a of the Supplement to the Code, 1907, as amended by Section Ten (10) of Chapter

Sixty-nine (69) Acts of the Thirty-third General Assembly and to enact a substitute therefor, relating to canvass by the Board of Supervisors and certificates in primary elections.

Read first and second time and referred to Sifting Committee.

The President announced as a committee on concurrent resolution relative to investigating fire protection of the Capitol, Senators Parshall and Crow.

Senator Francis from the Committee on Elections, returned to the Senate, Senate File Nos. 419, and 324, which were thereupon referred to the Sifting Committee.

Senator Van Law from the Committee on Insurance returned to the Senate, Senate File No. 406, which was thereupon referred to the Sifting Committee.

Senator Stuckslager from the Committee on Cities and Towns returned to the Senate Senate File Nos. 332, 369, 442, 443 and 471, which were thereupon referred to the Sifting Committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis from the Sifting Committee, Senate File No. 37, a bill for an act to repeal Paragraph Four (4) of Section Eighteen Hundred Fifty (1850) of the Supplement of the Code of 1907, and to enact a substitute therefor, relating to the investment of funds of savings banks, was taken up and considered.

Senator Van Law offered the following amendment and moved its adoption: I move to amend substitute by inserting after the word, "cities" and before the word "containing" in the 12th line of Section One the words "Outside of the State of Iowa."

Senator Dunnegan moved the previous question on the amendment and on the bill.

The motion was lost.

The amendment was adopted.

Senator Van Law was called to the chair at 11:40 o'clock.

Senator Hammill moved the previous question. On the question "Shall the main question be now put?" the previous question was ordered.

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:

Balkema, Balluff, Brown, Cowles, DeWolf, Dunnegan, Fitchpatrick, Hunter, Jewell, McCulloch, McManus, Mattes, Neal, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager, White, Wilson—21.

The naves were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Chapman, Chase, Clarkson, Crow, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Larrabee, McColl, Malmberg, Proudfoot, Quigley, Smith of Shelby, Spaulding, Sullivan, Van Law—24.

Absent or not voting:

Legel, Parshall, Savage, Taylor, Webber—5.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Sammis from the Sifting committee, House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land, 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 Mitchell 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot,

Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—44.

The nays were :

Chase—1.

Absent or not voting :

Cowles, Legel, Savage, Stuckslager, Webber—5.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

President Clarke resumed the Chair at 11:45 o'clock.

Senator Smith of Mitchell moved that the Governor be requested to return to the Senate, Senate File No. 387.

Motion prevailed.

The President announced as teller on the part of the Senate, Senator Sullivan, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded present :

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutch-

ins, Jacobs, Jacobson, Jewell, Johnson, Klay, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Lenoeker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Schee, Schrup, Shane, Shankland, Sherman, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, White of Benton, White of Iowa, Whitney Wilson, Zeller—149.

Absent:

Brockway, Byerly, Koontz, Leach, Legel, Savage, Skinner, Taylor of Union, Webber—9.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Sullivan of Polk, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Krebill, Kull, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—48.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Francis, Fulton, Gilliland, Hickenlooper, Lounsberry, Mc-

Cleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schec, Shane, Shankland, Sherman, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—66.

Absent:

Brockway, Byerly, Koontz, Leach, Legel, Savage, Skinner, Taylor of Union, Webber—9.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Balkema moved that the Senate adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

#### AFTERNOON SESSION.

The senate met pursuant to adjournment at 1:30 o'clock, President Clarke presiding.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a18 (254-a18)



of the Supplement to the Code, 1907, relating to probation officers, was taken up and considered.

Senator Sullivan moved that the Senate concur in the following House amendment: By inserting a comma (,) after the word "Code" in the second (2d) line of Section One, and by inserting the figures "1907" immediately after said comma (,).

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

The ayes were:

Balluff, Bennett, Chapman, Chase, Cowles, DeWolf, Dunne-  
gan, Fitchpatrick, Gates, Hammill, Hunter, Jewell, McColl, Mc-  
Culloch, Malmberg, Mattes, Neal, Proudfoot, Ream, Sammis,  
Saunders, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor,  
Van Law, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Brown, Clarkson, Crow, Francis, Garrett, Gilliland, Hoyt,  
Larrabee, Legel, McManus, Parshall, Quigley, Savage, Schrup,  
Spaulding, Stuckslager, Webber—22.

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 herewith requests the return of the following bill:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation 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. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-Thirty-five (4999-a-35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to pure drugs and the misbranding 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. 476, a bill for an act to repeal the law as it appears in Section Two Hundred Eleven (211) of the Code and Section Two Hundred Twelve (212) Supplement to the Code, 1907, and to enact a substitute therefor relating to the salary of the Attorney General, his assistant and special counsel.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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

House File No. 403, 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, and Section One (1), of Chapter 12 of the Acts of the Thirty-third General Assembly relating to the compensation of shorthand reporters.

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. 159, a bill for an act authorizing cities and towns including cities under special charter, to make publication of official notices, ordinances and other official publications in newspapers printed in a foreign language.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven

(1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321) of the Supplement to the Code, 1907, relating to the taxation of moneys, and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Passed on file.

Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-Thirty-five (4999-a35) of Chapter Ten-b (10-5) of the Supplement to the Code, 1907 relating to pure drugs and the misbranding thereof.

Passed on file.

Senate File No. 159, a bill for an act authorizing cities and towns including cities under special charter, to make publication of official notices, ordinances and other official publications in newspapers printed in foreign language.

Passed on file.

House File No. 476, a bill for an act to repeal the law as it appears in Section Two Hundred Eleven (211) of the Code and Section Two Hundred Twelve (212) Supplement to the Code, 1907, and to enact a substitute therefor relating to the salary of the attorney general, his assistants and special counsel.

Read first and second time and referred to Sifting Committee.

House File No. 403, a bill for an act to amend the law as it appears in Section Two Hundred and Fifty-four-a2 (254-a2) of the Supplement to the Code, 1907, and Section One (1) of Chapter 12 of the acts of the Thirty-third General Assembly relating to the compensation of shorthand reporters.

Read first and second time and referred to Sifting Committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 463, a bill for an act to legalize a certain school election held in the independent school district of Emmetsburg, Palo

Alto county, Iowa, on the Thirteenth day of March, 1911, 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, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Larabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Van Law, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chase, Gilliland, Legel, McCulloch, McManus, Ream, Saunders, Savage, Schrup, Spaulding, Sullivan, Webber—15.

Senator Francis offered the following amendment to the title and moved its adoption: Amend the title so that the same shall read as follows:

A BILL

For an Act to legalize an election held in the Independent School District of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Stuckslager asked unanimous consent that Substitute for Senate File No. 62 be printed in the Journal.

Consent granted.

Senator Jewell from the Committee on Charitable Institutions, returned to the Senate House File No. 485, which was thereupon referred to the Sifting Committee.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 456, a bill for an act to amend Section 585 of the Supplement to the Code, 1907, to repeal Section 2589-a of the Supplement to the Code, 1907, and enact a substitute therefor, and to amend Section 2587 of the Code, all relating to the practice of pharmacy, 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, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Crow, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Porudfoot, Quigley, Ream, Sammis, Saunders, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Cowles, DeWolf, Dunnegan, Fitchpatrick, Legel, McColl, Savage, Schrup, Smith of Mitchell, Taylor, Webber, White—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 of the Sifting committee, Senate File No. 452, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the council of the incorporated town of Royal, Clay county, Iowa, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Francis moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—42.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Brown, Dunnegan, Larrabee, Proudfoot, Savage, Smith of Shelby, Webber—8.

Senator Francis offered the following amendment to the title and moved its adoption: I move that the following be adopted as a substitute for the title:

#### A BILL

For an Act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay County, Iowa, so far as effected by the election of six members of said council instead of five.

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Smith of Mitchell moved that the Senate accede to the request of the House for the return of Senate File No. 387.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 441, a bill for an act creating a state teachers board of retirement, and authorizing the creation of a state teachers' retirement fund and the retirement of teachers on life annuities, 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:

Adams, Allen of Jefferson, Ames, Balluff, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hoyt, Hunter, Jewell, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson—37.

The nays were:

Garrett—1.

Absent or not voting:

Allen of Pocahontas, Balkema, Brown, Cowles, Hammill, Larabee, Legel, Savage, Smith of Mitchell, Stuckslager, Taylor, Weber—12.

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 that Senate File No. 35 be withdrawn from further consideration by the Senate.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 413, a bill for an act to amend the law as it appears in Section Two Thousand One Hundred Forty-five (2145), relating to the regulation of common carriers, with report of committee recommending the adoption of a 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.

Adopted.

The substitute was read for information.

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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunningan, Fitchpatrick, Francis, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Van Law, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Garrett, Hammill, Legel, Sammis, Savage, Spaulding, Sullivan, Webber, White—10.

Senator Hunter offered the following amendment to the title of the bill:

I move to amend the title of Senate File No. 413 by adding after (2145) the words "of the Code."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Allen of Jefferson, from the Committee on Suppression of Intemperance, returned to the Senate House File Nos. 30, 65, 81 and Senate File Nos. 410, 153, 61 and 36, which were thereupon referred to the Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 240, a bill for an act to amend Section Nineteen Hundred Ninety-eight (1998) of the 1907 Supplement to the Code, relating to the condemnation of additional lands for railway purposes, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Van Law offered the following amendment and moved its adoption: I move to amend Section One (1) of the sub-



stitute by adding thereto the following: "Nor shall such condemnation proceedings be allowed in case the owner of any such premises shall be making use of the same as a sand or gravel pit or stone quarry, nor in case such premises are a greater distance than one mile from the main line of such railway.

Adopted.

Senator Clarkson offered the following amendment and moved its adoption: I move to amend the substitute by adding thereto after the word "commercial" at the end of the bill the following: "Provided that in the event an appeal be taken to the Supreme Court from the award as fixed by the district court, and the owner is successful on such appeal an additional attorneys fee shall be allowed for services rendered in connection therewith, said fee to be fixed by the Supreme court."

The amendment was lost.

Senator Van Law offered the following amendment and moved its adoption:

I move to amend by striking from line 11 of the substitute the words "present or prospective".

Senator McColl moved that the enacting clause be stricken from the bill.

On the motion a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Bennett, Brown, Chase, Cowles, Crow, Dunnegan, Fitchpat-  
rick, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, Mc-  
Coll, McCulloch, McManus, Neal, Ream, Smith of Shelby, Spauld-  
ing, Stuckslager, Taylor, Van Law, White—29.

The nays were:

Balluff, Chapman, Francis, Gilliland, Hoyt, Malmberg, Par-  
shall, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell,  
Sullivan—13.

Absent or not voting:

Clarkson, DeWolf, Legel, Mattes, Quigley, Savage, Webber,  
Wilson—8.

Motion prevailed.

So the bill was rejected by the Senate.

## MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 515, a bill for an act in relation to the submission to a vote of a county of a proposition to remove or re-locate a county seat.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced as a Conference Committee on Senate File No. 52, Senators Brown, Hammill, Cowles, and Clarkson.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3), Chapter One Hundred and Four (104) Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation, with report of committee recommending the adoption of a substitute and passage, was taken up and considered.

The substitute was read for information. Senator Crow moved that the substitute be substituted for the original bill.

Adopted.

Senator Crow moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Clarkson, DeWolf, Dunnegan, Gates, Larrabee, Legel, Ream, Savage, Taylor, Webber—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 Sammis of the Sifting Committee, House File No. 300, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Stuckslager moved that the rules be suspended, 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 Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Chase, Cowles, Crow, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van Law—32.

The nays were:

Garrett, Jewell, Smith of Shelby, White—4.

Absent or not voting:

Allen of Pocahontas, Balkema, Clarkson, De Wolf, Dunnegan, Francis, Gates, Larrabee, Legel, Ream, Saunders, Savage, Webber, 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 Sammis of the Sifting committee, Senate File No. 278, a bill for an act to amend Chapter One Hundred Thirty-five (135) of the law as it appears in the acts of the Thirty-third General Assembly relating to the lien upon the progeny of any stallion or jack kept for public service or for

sale, exchange or transfer, with report of committee recommending passage, was taken up, considered and the report of the committee adopted.

Senator Ames 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Crow, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, Mattes, Neal, Parshall; Proudfoot, Quigley, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Clarkson, Cowles, DeWolf, Dunnegan, Garrett, Gates, Larrabee, Legel, McManus, Malmberg, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Webber—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 Sammis of the Sifting Committee, Senate File No. 475, a bill for an act legalizing the acts, resolutions, ordinances and proceedings of the city council of the City of Oelwein, 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 Adams moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Crow, Fitchpatrick, Garrett, Gates, Hoyt, Hunter,

Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Spaulding, Stuckslager, Sullivan, Taylor, White, Wilson—29.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Ames, Chase, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Gilliland, Hammill, Legel, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Van Law, Webber—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 Sammis of the Sifting committee, Senate File No. 469, a bill for an act to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining 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 Chapman moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Chase, Cowles, Crow, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Ream, Sammis, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—34.

The nays were :

None.

Absent or not voting :

Brown, Clarkson, DeWolf, Dunnegan, Hoyt, Larrabee, Legel, Proudfoot, Quigley, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Webber—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 Mattes, Senate File No. 306, a bill for an act making an appropriation for the railroad commission on account of deficit in the traveling and expense fund, was taken up and considered.

The bill was read for information.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Ream, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Clarkson, Dunnegan, Gates, Hoyt, Larrabee, Legel, McManus, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Webber—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 Neal, Senate File No. 307, a bill for an act making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the interstate commerce commission was taken up and considered.

The bill was read for information.

Senator Neal moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chase, DeWolf, Fitchpatrick, Garrett, Gilliland,

Hammill, Hunter, Jewell, Larrabee, McColl, McCulloch, Mattes, Neal, Parshall, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—29.

The nays were:

Adams, Quigley—2.

Absent or not voting:

Chapman, Clarkson, Cowles, Crow, Dunnegan, Francis, Gates, Hoyt, Legel, McManus, Malmberg, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Webber—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Smith of Shelby moved that the House be requested to return to the Senate House File No. 415.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 427, a bill for an act amending Section Thirteen Hundred and Nine (1309) of the Code, relating to the defining of credits for the purpose of taxation, with report of committee recommending amendments and passage, was taken up and considered.

Senator DeWolf moved the adoption of the following amendment: Amend the bill by striking out the words "or other property" as found in line five (5) of Section One (1).

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke, Balluff, Bennett, Brown, Chapman, Chase, Crow, DeWolf, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Clarkson, Cowles, Dunnegan, Garrett, Gates, Legel, McCulloch, McManus, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Webber—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 Sammis of the Sifting Committee, Senate File No. 428, a bill for an act amending Section Thirteen Hundred and Eleven (1311) of the Code, relating to defining debts for the purpose of taxation, with report of committee recommending amendments and passage, was taken up and considered.

Senator DeWolf moved the adoption of the following amendment:

Amend the bill by striking out the words "or other property" as found in the fifth (5) line of Section One (1).

Adopted.

Senator DeWolf 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Clarkson, Cowles, Dunnegan, Gates, Legel, McManus, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Van Law, Webber—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 Allen of Pocahontas, Senate File No. 278, a bill for an act to amend Chapter One Hundred Thirty-five (135) of the law as it appears in the acts of the Thirty-third General Assembly relating to the lien upon the progeny of any stallion or jack kept for public service or for sale, exchange or transfer, was taken up and considered.

Seantor Allen moved that the vote by which the bill passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Allen of Pocahontas offered the following amendment and moved its adoption: Amend by substituting the following as Section One (1).

Section 1. That the law as it appears in Section One of Chapter 135 of the acts of the Thirty-third (33rd) General Assembly be amended by striking out the words following the word "services" in line one of said section up to and including the figures "1907" in the fifth line thereof.

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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bal-luff, Bennett, Brown, Chapman, Chase, Crow, Fitchpatrick, Gar-rett, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCul-loch, Mattes, Neal, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Gates, Gilliland, Legel, McManus, Malmberg, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuck-slager, Taylor, Van Law, Webber—22.

So the bill having received a constitutional majority was de-clared to have passed the Senate and its title agreed to.

## HOUSE MESSAGE CONSIDERED.

House File No. 515, a bill for an act in relation to the submission to a vote of a county of a proposition to remove or re-locate a county seat.

Read first and second time and referred to the Sifting committee.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 197, a bill for an act to amend the law as it appears in Section Five Hundred Sixty-four (564) of the Code, relating to the appearance by the county attorney for township trustees, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Sullivan moved that the substitute be substituted for the original bill.

Senator Sullivan 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Chase, Cowles, Crow, Dunnegan, Fitchpatrick, Hammill, Hoyt, Hunter, Jewell, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—27.

The nays were:

None.

Absent or not voting:

Allen of Pochontas, Ames, Brown, Clarkson, DeWolf, Francis, Garrett, Gates, Gilliland, Larrabee, Legel, McColl, McCulloch, McManus, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Van Law, Webber—23.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

## Substitute for Senate File No. 62:

## A BILL

For an Act to confer additional powers on cities now or hereafter having a population of sixty-five thousand (65,000) or over, including cities acting under the commission plan of government, relating to street railways.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. All cities now and hereafter having a population of sixty-five thousand (65,000) or over, including cities acting under the commission plan of government and cities acting under special charter, shall have the power to lease as lessee, own, construct, erect, establish, acquire, purchase, maintain and operate street railways within their corporate limits, and extensions thereof, for not more than six miles beyond such limit, with all of the necessary appurtenances, real estate, buildings, poles, wires, power plants or systems, and lease as lessor or sell the same, or any part of the same; and shall also have power to acquire, own and sell any or all of the shares of the capital stock of any corporation operating such street railway; and such cities shall also have the power to acquire, own and sell the negotiable bonds or other evidences of indebtedness of such street railway; provided, however, no such street railway when once acquired shall be leased or sold until the terms and conditions under which said property is to be leased or sold shall have been approved by a majority of the legal voters of such city at a general election, city election or at a special election called for the purpose, and in no event shall such property be leased by such city as lessor for a period longer than twenty-five (25) years.

Sec. 2. In the exercise of any of the powers herein granted any such city is given the power to acquire, take and hold any or all necessary property of the character specified in the preceding section, including existing franchises or contracts, either by purchase or condemnation proceedings, in accordance with the provisions of Chapter Ten (10), Title V (5) of the Code, except that the value of the property shall be determined in the manner provided in Chapter Forty-five, Acts of the Thirty-third General Assembly and acts amendatory thereto.

Sec. 3. For the purpose of acquiring such street railways or any interest therein, either by purchase, condemnation or construction, and for the purpose of acquiring the shares of the capital stock thereof, and from time to time making permanent extensions thereof, additions to and betterments of the same, and of their power plants and equipment, including the acquisition of additional real estate, any such city may borrow money and may issue its negotiable bonds therefor. Such city shall have the power to levy upon all the taxable property within the corporate limits of said city for said purpose in addition to all other taxes now provided by law, a special tax not exceeding in any one year, five (5) mills on the dollar for a period of years not exceeding twenty (20),

and such cities may for the purpose of purchasing, erecting, maintaining and operating street railways, incur an indebtedness not exceeding in the aggregate added to all other indebtedness five (5) per centum of the actual value of the taxable property within such city. The amount of such taxable property shall be ascertained by the last state and county tax lists previous to the incurring of such indebtedness.

Sec. 4. Any such city desiring to lease, own, construct, erect, acquire, purchase, establish and maintain such street railways, may issue bonds in anticipation of a special tax authorized in such act. Such bonds shall be known as Public Service Bonds, and shall be issued and sold in accordance with the provisions of Chapter Twelve (12), Title V (5) of the Code of Iowa and Acts amendatory thereof. In issuing such bonds the city council may cause portions of said bonds to become due at different definite periods, but none of such bonds so issued shall be payable more than forty (40) years from their date. No street railway shall be acquired, erected, constructed, purchased, established, maintained or operated, and no such bonds shall be issued nor levy made as provided in Section Three (3) hereof unless a majority of the legal voters voting thereon, vote in favor of the same at a general election, city election or at a special election.

Sec. 5. Every such city may issue interest bearing public service certificates to provide for the acquisition, extension or improvement of any street railway, street railway plant, property or equipment. Such certificates shall in no case become an obligation of the city, or be payable out of any general funds, but shall be payable solely out of the sinking fund representing a specific portion of the income to be derived from the street railway property on account of which they were issued, and such certificates may be issued as aforesaid to an amount ten per cent in excess of the cost of any such extensions, improvement, or street railway, street railway plant, property or equipment on account of which such certificates are issued. No ordinance providing for the issuance of such certificates shall be effective unless a majority of the legal voters voting thereon, vote in favor of the same at a general election, city election or at a special election.

Sec. 6. Every such city shall have the additional power to provide by ordinance for a sinking fund to be derived from the earnings of any street railway acquired by it pursuant to the terms or any ordinance, contract or other regulation, and to use such sinking fund, or so much thereof as may be necessary to acquire the ownership of and title to any shares of stocks or bonds or other evidences of indebtedness of any such street railway.

Sec. 7. That whenever negotiations for the purchase of any such street railway has been commenced between such city, and persons operating or owning same, then such city shall have the power to require the person owning, maintaining and operating such street railway to file with the city clerk within — days, after request has been made for the same, a report showing in detail a description of the property used, and each part thereof, the cost of operation, and the items thereof, and such addi-

tional information relating to such utility as the council shall require, and upon a refusal or failure to make and file such report the city council may and it is hereby empowered to employ experts to examine the books of the person, owning, maintaining or operating such street railway, make an inventory of all the property used in the operation of the same and to procure for said city council all other information that may be necessary to aid it in determining the fair value of such street railway system, and such expert shall have authority to go upon the premises of the person owning, maintaining or operating such street railway and shall have access to the books, files, papers and other memoranda kept by such person for the purpose of securing such information, for the said city council. Upon refusal to permit said expert or experts to make such examination the city council shall have the right, and it is hereby authorized, to make application to the district court for a mandatory writ of injunction requiring the person owning, maintaining or operating such street railway to permit such expert or experts to make such examination and secure such information. The proceeding in the district court shall be summary in its nature and to be an equitable action and heard forthwith either in vacation or term time.

Sec. 8. Whenever any such city becomes the owner of a street railway system it shall, whenever the same is to be operated by the city, be the duty of the city council to forthwith by ordinance appoint a Board of Managers for such street railway consisting of three (3) members said board to be known as a "Board of Managers of Public Utilities," who shall hold office, one until the first Monday in April in the second year after his appointment, one until the first Monday in April in the fourth year after his appointment, and one until the first Monday in April in the sixth year after his appointment, provided, said street railway system has not been sooner leased or sold as provided in Section One (1) hereof, in which event the term of office of each of the members of said board shall continue but six months thereafter unless for the purpose of closing up the business of the board the council deem it necessary to extend said term for a longer period. In case said property is neither leased nor sold then each succeeding council shall, as soon as practicable after organizing, appoint one member of the board for six years, who shall take the place of the member whose term of office expires. The chairman of the Board of Managers of Public Utilities for each biennial period shall be the member whose term first expires. No person while on said board shall hold or be a candidate for any other office of public trust. It shall be unlawful for said board to employ persons who are related to any member thereof within the fourth degree. Two of said members shall constitute a quorum to transact business. The council may remove any of the members of said board during their term of office for cause upon a three-fourths vote, and shall fill any vacancy that may occur in said board for the unexpired term, and each member thereof shall receive such salary as the council may determine.

Sec. 9. Each member of the Board of Managers of Public Utilities shall qualify by taking the oath as provided by Section One (1) Hundred

Seventy-nine (179) of the Code. An official bond in such sum as shall be fixed by the city council shall be required of each member of said board before he enters upon the duties of his office, conditioned as provided by law, signed by sureties to be approved by the mayor, and when so approved said bond shall be filed in the office of the city clerk. No member of said Board of Managers of Public Utilities shall be eligible to any lucrative office in the city or state during his term of service, or for one year thereafter.

Sec. 10. The Board of Managers of Public Utilities shall have supervision over and be responsible to the city council for all details of administration and operation of said street railway, the purchase of all material and supplies, the board to determine all question of engineering, mechanical and operating details, and report to the council, at such stated periods as the council may determine, and at all such other times as the council may deem necessary, all information necessary for its guidance in deciding questions of public policy pertaining to the service.

Sec. 11. The Board shall immediately after its organization prescribe the form of records and the kind of accounts to be made and kept in the operation of such street railway. It shall institute and require the keeping of a uniform and perfected system of accounts and requisitions showing the purchase, storing and use of materials for operation, construction and other purposes. Said accounts shall be kept distinct and separate from other city accounts, and in such manner as to show the true and complete financial results of the operation of said street railway. The Board shall at least twice a year cause to be prepared and printed for public distribution a full and complete financial report. The accounts of such street railway shall be examined at least once a year by an expert accountant selected by the city council. All of the receipts from the operation of said street railway shall be deposited with the city treasurer daily, and bills made in the operation of said street railway, may be paid out of said fund by the treasurer when properly certified by the chairman of the Board of Managers of Public Utilities and it shall be the duty of the treasurer to at least once a month submit all of said bills to the city council for their consideration and approval.

Sec. 12. The City Council in all cities owning and operating street railway systems under this act shall determine the rates to be charged for transporting passengers; such rates shall be fixed so as to produce a sufficient amount to cover:

1. Interest on the entire outstanding indebtedness at the rate paid by the city on its bonded debt.
2. The cost of insurance against loss by accident of all kinds as well as a sufficient amount to pay claims arising from accidents.
3. The cost of impairment of investment by reason of depreciation.
4. The cost of all material used.
5. The cost of all operating expenses, including salaries and wages paid.

6. All other expenses.

7. A sufficient annual provision for a sinking fund to fully pay at maturity all bonds and certificates which by their terms are payable out of the earnings of the property purchased under the powers herein granted.

Sec. 13. In addition to all the powers hereinbefore granted such cities shall have the right to mortgage or bond such street railway system and pledge the net revenue thereof to secure the payment of the purchase price, and the extension and improvement thereof, but no part of the general fund of such cities shall be applied upon all such contracts, bonds or mortgages. They shall have the right to provide in such mortgages or bonds that in case of foreclosure and sale thereunder the purchaser at such sale shall have the right to operate such street railway system under a franchise, the terms and conditions of which shall be fully set forth in said mortgages or bonds, or in a separate instrument, provided, however, no such mortgages, bonds or franchise agreement shall be effective until the same shall have been approved by a majority of the legal voters of such city at a general election, city election or at a special election called for that purpose. In the payment of the securities authorized to be issued by this section the city and holders thereof shall be restricted to the property mortgaged and the net revenues thereof, and such contract or bonds and all other bonds or certificates issued under this act shall not bear a higher rate of interest than five (5) per cent per annum payable semi-annually.

Sec. 14. Any member of said board of managers of Public Utilities or any employee of such city who is employed in any of the departments of said street railway, who by solicitation or otherwise, shall exert his influence, directly or indirectly, to influence other officers or employees of such city to adopt his political views or to favor any particular person or candidate for office, or who shall in any manner contribute money, time, labor, or other valuable thing to any person for election purposes, and any member of the city council who shall, by solicitation or otherwise, exert his influence, directly or indirectly to influence said Board of Managers of Public Utilities, or any member thereof, in the hiring or discharging of any employee or employees of said street railway, shall be guilty of a misdemeanor, and upon conviction shall be punished by a fine not exceeding one thousand dollars (\$1,000) or by imprisonment in the county jail not exceeding six (6) months.

Sec. 15. It shall be unlawful for any person to give or receive free transportation of passengers or property upon any street railway operated by the city under the powers herein granted, except members of the board, employees of said city railway, firemen and policemen in active service. Any person or persons violating either directly or indirectly, the provisions of this section shall upon conviction be punished by a fine of not less than one hundred dollars (\$100) or by imprisonment for thirty (30) days in jail for each and every offense; provided, nothing herein shall be held to prohibit the granting of reduced fares during certain designated hours of the day, nor to prevent the granting of reduced fares to mail carriers, peace officers and school children.

Sec. 16. Any member of the Board of Managers of Public Utilities, or any member of the city council, or any other person who shall divert or attempt to divert any of the income derived from the operation of said street railway system by the city for any other purpose than that of maintaining, improving, extending or paying the obligations of said street railway system, shall be held guilty of embezzlement and punished accordingly.

Sec. 17. All bonds and certificates issued under this act shall be exempt from taxation as provided in Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, as amended by Chapter Eighty-one (81), Acts of the Thirty-third General Assembly, and at least one-third of all such bonds and certificates shall be issued in sums of not less than One Hundred (\$100) nor more than Five Hundred (\$500) Dollars.

Sec. 18. This act, being deemed of immediate importance, shall take effect and be in force from and after its passage and publication in the Register and Leader and the Daily Capital, newspapers published at Des Moines, Iowa.

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

Senator Hoyt moved that the Senate do now adjourn.

Carried.

The Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 4, 1910.

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

Prayer was offered by Rev. John H. Davis of Anamosa, Iowa.

## PETITIONS AND MEMORIALS.

Senator Webber presented a remonstrance of citizens of Wapello county against the passage of House File No. 529.

Referred to Committee on Highways.

The Journal of yesterday 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 amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File No. 229, a bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies 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 House was asked:

Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior 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. 569, a bill for an act to amend the law as it appears in Section Five Thousand Eighty-one (5081) of the Code relating to the penalty for nuisances.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

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. 225, a bill for an act to transfer the control and management of the college for the blind at Vinton from the Board of Control of state institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education, and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8) of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the Acts 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. 488, a bill for an act to amend the law as it appears in Section Seven Hundred Twenty-eight (728) of the Supplement to the Code, 1907, relating to vacancies in office of library trustee.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 Section Twenty-one Hundred Twenty-five (2125) of the Code and Section Twenty-one Hundred Forty-five (2145) of the Code defining switching service by railway carriers and giving the railroad commissioners certain powers 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. 547, a bill for an act to amend the law as it appears in Section Twenty-one Hundred Thirteen (2113) of the Supplement to the Code, 1907, as amended by the Acts of the Thirty-third (33rd) General Assembly relating to the power of the Board of 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. 269, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, 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. 561, a bill for an act to amend Section Twenty-three Hundred Ten-a-21 (2310-a-21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 540, a bill for an act providing for the paroling of patients in the state hospital for inebriates and certain female patients from state hospitals for the insane, and for the return of patients who violate their paroles, and repealing the law as it appears in Section Twenty-three Hundred Ten-a-Nineteen (2310-a-19) 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. 354, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred and Fifty-four (2754) of the Supplement to the Code, 1907, relating to the election of officers in independent school districts in towns and 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. 377, a bill for an act to amend Section Thirteen Hundred Thirty-three-d (1333-d) of the Supplement to the Code, 1907, relating to the taxing of insurance 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 Senate is asked:

House File No. 271, a bill for an act to amend Section Three (3) Chapter One Hundred Four (104) Acts of the Thirty-third General Assembly, relating 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 passed the following bill in which the concurrence of the Senate is asked:

House File No. 551, a bill for an act to amend Chapter Nineteen-a (19-a) of Title Twelve (XII) of the Supplement to the Code, relating to the practice of dentistry.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 to amend Section 592-a of the Supplement to the Code, 1907, relative to township use of public libraries, and limiting period of contract and levy of 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. 372, a bill for an act to amend Section One (1), of Chapter One Hundred Fifty-one (151) of the Acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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. Six (6) of the Thirty-fourth General Assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the state industrial school may be committed to accredited 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. 321, a bill for an act to authorize the governor of the state to execute to Joseph Tucker a patent, conveying to him the southwest quarter (S. W.  $\frac{1}{4}$ ) of the southeast quarter (S. E.  $\frac{1}{4}$ ) of Section Five (5), Township Eighty-seven (87), North Range One (1), West of the 5th P. M., in Dubuque 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:

Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter 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:

Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with.

C. R. BENEDICT,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Balluff, Senate File No. 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements in towns.

Read first and second time and referred to Sifting Committee.

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 229, a bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

Passed on file.

Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court.

Passed on file.

Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

Passed on file.

Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where

the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with.

Passed on file.

House File No. 569, a bill for an act to amend the law as it appears in Section Five Thousand Eighty-one (5081) of the Code, relating to the penalty for nuisances.

Read first and second time and referred to the Sifting Committee.

House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

Read first and second time and referred to Sifting Committee.

Senate File No. 225, a bill for an act to transfer the control and management of the college for the blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8) of the Supplement to the Code, 1907, amending Chapter One Hundred Seventy (170) of the law as it appears in the Acts of the Thirty-third General Assembly.

Passed on file.

House File No. 488, a bill for an act to amend the law as it appears in Section Seven Hundred Twenty-eight (728) of the Supplement to the Code, 1907, relating to vacancies in office of library trustees.

Read first and second time and referred to Sifting Committee.

House File No. 523, a bill for an act to amend Section Twenty-one Hundred Twenty-five (2125) of the Code and Section Twenty-one Hundred Forty-five (2145) of the Code, defining switching service by railway carriers and giving the railroad commissioners certain powers therein.

Read first and second time and referred to Sifting Committee.

House File No. 547, a bill for an act to amend the law as it appears in Section Twenty-one Hundred Thirteen (2113) of the Supplement to the Code, 1907, as amended by the Acts of the Thirty-third (33d) General Assembly relating to the power of the Board of Railroad Commissioners.

Read first and second time and referred to Sifting Committee.

House File No. 269, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, Vinton, Iowa.

Read first and second time and referred to Sifting Committee.

House File No. 561, a bill for an act to amend Section Twenty-three Hundred Ten-a21 (2310-a21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of dipsomaniacs, inebriates and those addicted to the excessive use of narcotics.

Read first and second time and referred to Sifting Committee.

House File No. 540, a bill for an act providing for the paroling of patients in the state hospitals for inebriates and certain female patents from the state hospitals for the insane, and for the return of patients who violate their paroles, and repealing the law as it appears in Section Twenty-three Hundred Ten-a Nineteen (2310-a19) of the Supplement to the Code, 1907.

Read first and second time and referred to Sifting Committee.

House File No. 354, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred and Fifty-four (2754) of the Supplement to the Code, 1907, relating to the election of officers in independent school districts in towns and cities.

Read first and second time and referred to Sifting Committee.

House File No. 377, a bill for an act to amend Section Thirteen Hundred Thirty-three-d (1333-d) of the Supplement to the Code, 1907, relating to the taxing of insurance corporations.

Read first and second time and referred to Sifting Committee.

House File No. 271, a bill for an act to amend Section Three (3), Chapter One Hundred Four (104), Acts of the Thirty-third General Assembly, relating to corporations for pecuniary profit.

Read first and second time and referred to Sifting Committee.

House File No. 551, a bill for an act to amend Chapter Nineteen-a (19-a) of Title Twelve (XII) of the Supplement to the Code, relating to the practice of dentistry.

Read first and second time and referred to Sifting Committee.

House File No. 482, a bill for an act to amend Section 592-a of the Supplement to the Code, 1907, relative to township use of



public libraries, and limiting the period of contract and levy of tax.

Read first and second time and referred to Sifting Committee.

House File No. 372, a bill for an act to amend Section One (1), of Chapter One Hundred Fifty-one (151) of the Acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum.

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

House File No. 543, a bill for an act to amend House File No. Six (6) of the Thirty-fourth General Assembly, relating to the recovery of interest in real estate when spouse failed to join in conveyance.

Read first and second time and referred to Sifting Committee.

House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the state industrial school may be committed to accredited institutions.

Read first and second time and referred to Sifting Committee.

House File No. 321, a bill for an act to authorize the Governor of the state to execute to Joseph Tucker a patent, conveying to him the southwest quarter (S. W. 1-4) of the southeast quarter (S. E. 1-4) of Section Five (5), Township Eighty-seven (87), North Range One (1), west of the 5th P. M., in Dubuque County, Iowa.

Read first and second time and referred to Sifting Committee.

Senator Sammis from the Sifting Committee returned to the Senate House File No. 41, and requested that the same be referred to the Committee on Appropriations.

Senator Hammill was called to the chair at 9:20 o'clock.

#### THIRD READING OF BILLS,

On motion of Senator Sammis of the Sifting Committee, Senate File No. 316, a bill for an act amending the law as it appears in

Section Two Thousand Seven Hundred and Twenty-seven-a-fifty-nine (2727-a59), a-sixty-two (a-62) and a-sixty-six (a-66), of the Supplement to the Code, 1907, relating to the care and control by the Board of Control of private hospitals and patients therein. was taken up and considered.

The bill was read for information.

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:

Allen of Pocahontas, Balkema, Balluff, Bennett, Chase, Dunne-gan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Legel, McColl, McCulloch, McManus, Neal, Parshall, Quig-ley, Ream, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Webber, Wilson—30.

The nays were:

Jewell—1.

Absent or not voting:

Adams, Allen of Jefferson, Ames, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Hoyt, Larrabee, Malmberg, Mattes, Proud-foot, Schrup, Spaulding, Sullivan, Taylor, White—19.

Senator Francis moved the following amendment to the title:

Amend by striking out the title and substituting in lieu therefor:

"A bill for an act amending the law as it appears in Section Two Thousand Seven Hundred and Twenty-seven-a-fifty-nine (2727-a-59), Two Thousand Seven Hundred and Twenty-seven-a-sixty-two (2727-a-62) and Two Thousand Seven Hundred and Twenty-seven-a-sixty-six (2727-a-66) of the Supplement to the Code, 1907, relating to the care and control by the Board of Control of private hospitals and patients therein."

So the bill having received a constitutional majority was declared to have passed the Senate and the title as amended agreed to.

President Clarke resumed the Chair at 9:30 o'clock.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 372, a bill for an act to amend Section Twenty-four Hundred and Sixty-nine (2469) 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 Van Law moved the adoption of the following committee amendment. To amend the bill by placing after the word "each" in the fourth line thereof the following: "and inserting in lieu thereof the word "an".

Adopted.

Senator Hammill offered the following amendment and moved its adoption: I move to amend by striking out the word "six" in line four and substituting the word "four" therefor.

Adopted.

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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman Chase, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Shelby, Spaulding, Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Clarkson, Cowles, Crow, Francis, Hoyt Savage, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Taylor—13.

Senator Van Law moved to amend the title as follows:

To amend the title so as to read as follows: "to amend the law as it appears in Section 2469 of the Supplement to the Code, 1907, relating to the term of office of the Commissioner of Labor.

Adopted.

So the bill having received a constitutional majority was declared to have passed, and its title as amended agreed to.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a (2348-a) of the Supplement to the Code, 1907, relating to bounties.

Also:

Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18 (254-a-18) of the Supplement to the Code, 1907, relating to probation officers.

Also:

Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-Thirty-five (4999-a-35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to pure drugs and the misbranding thereof.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a (2348-a) of the Supplement to the Code, 1907, relating to bounties.

Also:

Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18 (254-a-18) of the Supplement to the Code, 1907, relating to probation officers.

Also:

Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-Thirty-five (4999-a-

35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to pure drugs and the misbranding thereof.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

Senator Savage from the Committee on Libraries, returned to the Senate Senate File No. 411, which was thereupon referred to the Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 408, a bill for an act to legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the acts of the Thirty-second General Assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Legel 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:

Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Webber, White—34.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Balluff, Brown, Cowles, Gilliland, Hoyt, Jewell, Mattes, Neal, Saunders, Schröp, Stuckslager, Sullivan, Van Law, 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 Sammis of the Sifting committee, Senate File No. 206, a bill for an act to repeal Sections Nineteen Hundred and Forty-two (1942), Nineteen Hundred and Forty-three (1943), Nineteen Hundred and Forty-five (1945), Nineteen Hundred and Forty-seven (1947), Nineteen Hundred and Forty-nine (1949), Nineteen Hundred and Fifty (1950), Nineteen Hundred and Fifty-two (1952), Nineteen Hundred and Fifty-three (1953), Nineteen Hundred and Fifty-four (1954) of the Code and Sections Nineteen Hundred and Forty (1940), Nineteen Hundred and Forty-four (1944), Nineteen Hundred and Forty-six (1946), Nineteen Hundred and Forty-six-a (1946-a), Nineteen Hundred and Forty-six-b (1946-b), Nineteen Hundred and Forty-six-c (1946-c), Nineteen Hundred and Forty-six-d (1946-d), Nineteen Hundred and Forty-six-e (1946-e), Nineteen Hundred and Forty-eight (1948) and Nineteen Hundred and Fifty-one (1951) of the Supplement to the Code. Also to amend Section Nineteen Hundred and Eighty-nine-a-one (1989-a1) of the Supplement to the Code, Section Nineteen Hundred and Eighty-nine-a-six (1989-a6) of the Supplement to the Code as amended by Section Six (6) of Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly, Section Nineteen Hundred and Eighty-nine-a-fourteen (1989-a14) of the Supplement to the Code as amended by Section Thirteen (13) of Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly. Also to repeal Sections Nineteen Hundred and Eighty-nine-a-two (1989-a2), Nineteen Hundred and Eighty-nine-a-three (1989-a3) and Nineteen Hundred and Eighty-nine-a-five (1989-a5) of the Supplement to the Code as amended by Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly and Sections Nineteen Hundred and Eighty-nine-a-four (1989-a4) and Nineteen Hundred and Eighty-nine-a-Twenty-eight (1989-a28) of the Supplement to the Code and to enact substitutes therefor, relating to the subject of waters, water courses, ditches, levees, drainage and drainage districts, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Smith of Shelby moved that the substitute be substituted for the original bill.

Adopted.

Further consideration of the bill was postponed.

On motion of Senator Dunnegan, Senate File No. 145, a bill for an act appropriating the sum of \$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, was taken up and considered.

Senator Dunnegan moved the adoption of the following amendment:

By striking out the words and figures One Hundred and Thirty-nine Dollars and Sixty-five Cents (\$139.65) and inserting in lieu thereof the words and figures Seventy-five Dollars (\$75.00).

Adopted.

The bill was read for information.

Senator Dunnegan moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Francis, Hoyt, Larrabee, Neal, Saunders, Stuckslager, Sullivan, Van Law—10.

Senator Dunnegan moved to amend the title as follows:

Amend the title by striking out the words and figures One Hundred Thirty-nine Dollars and Sixty-five Cents (\$139.65) and in-

serting in lieu thereof the words and figures Seventy-five Dollars (\$75.00).

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 from the Committee on Labor returned to the Senate Senate File No. 362, which was thereupon referred to the Sifting committee.

Senator Sammis from the Committee on Corporations returned to the Senate Senate File No. 97 and House File No. 42, which were thereupon referred to the Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 266, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a2 (1989-a2) Section Nineteen Hundred Eighty-nine-a4 (1989-a4) Section Nineteen Hundred Eighty-nine-a5 (1989-a5) and Section Nineteen Hundred Eighty-nine-a6 (1989-a6) of the Supplement to the Code, 1907, relating to securing right of way for levees, drains and ditches, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Crow 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:

Adams, Allen of Pocahontas, Ames, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spauling, Taylor, Webber—40.

The nays were:

None.



Absent or not voting:

Allen of Jefferson, Balkema, Parshall, Quigley, Savage, Stuckslager, Sullivan, Van Law, White, Wilson—10.

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 that House File No. 278 be taken up at 11:30 o'clock this forenoon.

Consent granted.

Senator Francis from the Committee on Elections, returned to the Senate Senate File No. 205 which was thereupon referred to the Sifting committee.

#### THIRD READING OF BILLS,

On motion of Senator Sammis of the Sifting Committee, Senate File No. 360, a bill for an act to repeal Sections 1822, 1823, 1824 and 1825 of the Code, to enact substitutes therefor, and to amend Chapter Nine (9), Title Nine (IX), of the Code as amended, relating to fraternal beneficiary societies, orders and associations, was taken up and considered.

Senator Proudfoot moved the adoption of the following amendments:

1. Amend Subsection "C" of Section 1 of the original bill as follows: After the word "laws" in the 10th line insert the following:

"And provided further that if the constitution or by-laws of any society so provide, only elected delegates or representatives have the right to vote."

2. Amend Subsection "C" of Section 2 by inserting after the word "table" in the 9th line:

"Or at its option it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand exposures."

3. Amend subsection "C" of Section 2 by striking out the words "permanent total" in the 17th line, and by inserting after the word "experience" in the 18th line:

"Or at its option it may use a table based upon the society's own experience of at least twenty years and covering not less than one hundred thousand exposures."

4. Amend Subsection "G" of Section 1 by striking from line 6 thereof the words "ascending or descending."

5. Amend subsection "G" of Section 1 of the original bill, by inserting in the 13th line thereof after the word "restrictions" the following:

"and within the restrictions contained in the laws of the association."

6. Amend subsection "H" of Section 1 by striking out the period at the end thereof, and inserting a semi-colon, and adding the following:

"; neither any such association nor any officer or agent or employee, or subordinate body thereof, or officer, agent, or employee of such subordinate body, shall have the power by any act or omission to issue or create any contract of insurance covering any risk or risks other than those authorized to be insured against by the laws of such association."

7. Amend subsection "G" of Section 1 of the original bill by inserting after the word "member" in the 9th line, the words: "or the legal representative of the member."

8. Amend Section 1, subsection "G" of the original bill by striking out of the 17th line the followings words: "the same has become due and payable upon."

9. Amend subsection "H" of Section 1, by striking out the word "and" in line 4, between the words "laws and constitution," and inserting the word "or."

10. Amend Section 2 by adding at the end of subsection "F" thereof:

"provided, however, that nothing contained in Section 2 of this act shall be construed to apply to any association organized solely for benevolent purposes, and composed wholly of members of any one occupation or guild."

Adopted.

The bill was read for information.

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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGE CONSIDERED.

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Passed on file.

## THIRD READING OF BILLS,

On motion of Senator Smith of Mitchell, Substitute for Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendments:

Amend the title by inserting between the word "of" and the word "national" in the eight line the words "the shares of stock of."

Amend Section One by inserting after the word "credits" in line ten the following: "and shall be levied by the board of supervisors, placed upon the tax list and collected by the county treasurer."

Amend the bill by striking out Section Seven and inserting in lieu thereof the following:

"Sec. 7. The provisions of this act, so far as applicable, shall apply to cities acting under special charter and in such cities stocks and moneyed capital referred to in Section Five hereof shall be assessed at the taxable value of 80% of that applied to other property. If the taxable value of such other property is fixed at any portion thereof except twen-

ty-five per cent (25%) of the actual value thereof, as shown by the assessment, the city council, when the levy for all city purposes has been determined, shall ascertain the equivalent thereof based upon such twenty-five per cent (25%) valuation and shall certify the aggregate of the levy so ascertained to the county treasurer of the county in which such city is located. When the millage tax provided in Section One hereof is collected the county treasurer shall pay to the treasurer of such city such portion of said millage tax collected as the aggregate levy so certified is of the total levy obtained by adding such certified levy to the levy for all purposes except city purposes, and such city shall not be permitted to impose taxes upon the property referred to in Section One hereof."

Amend Section 8 by inserting after the word "state" in the third line a comma (,) following the word "savings."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Dunningan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Shrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—44.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Garrett, Larrabee, Legel, Sammis, Savage—6.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Sammis of the Sifting Committee, House File No. 278, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (6) of Title Twelve (XII) of the Code, 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 postponed until 1:30 this afternoon.

Senator Clarkson moved as an amendment that the further consideration be postponed until Thursday at 10 o'clock.

By unanimous consent the amendment was adopted. The motion was lost.

Senator Smith of Shelby raised the point of order that a similar bill having previously been disposed of by the Senate could not be again considered.

The President overruled the point of order.

Senator Cowles moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Sullivan moved that the rules be suspended, 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:

Adams, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Hoyt, Hunter, Jewell, McCulloch, McManus, Mattes, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Shrup, Sullivan, Taylor, Weber, White, Wilson—29.

The nays were:

Allen of Jefferson, Chase, Clarkson, Fitchpatrick, Francis, Hammill, Larrabee, McColl, Malmberg, Neal, Proudfoot, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—15.

Absent or not voting:

Allen of Pocahontas, Ames, Balkema, Gilliland, Legel, Stuckslager—6.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sullivan moved that the vote by which House File No. 278 passed the Senate and the vote by which it passed to its third reading be reconsidered and that this motion lay on the table.

Motion prevailed.

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huneley, Hutchins, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

Absent or paired:

Brockway, Byerly, Escher, Fletcher, Jacobs, Smith of Decatur, Sullivan, Taylor of Union—8.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—50.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Francis, Fulton, Gilliland, Hickenlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch, of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp, Van Law—36.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Bascom, Beebe, Brady, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—64.

Absent or paired:

Brockway, Byerly, Escher, Fletcher, Jacobs, Smith of Decatur, Sullivan, Taylor of Union—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Webber of Wapello, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Wilson moved that the Senate do now adjourn until 1:30 o'clock this afternoon.

Carried.

Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30 o'clock, President Clarke presiding.

#### THIRD READING OF BILLS.

On motion of Senator Hammill, Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907, was taken up and considered.

Senator Hammill moved that the Senate concur in the following House amendment:

Amend by striking out all after the word "majority" in the fourteenth line thereof down to and including the word "best" in line eighteen, and inserting in lieu thereof the following.

"In case a boy or girl so placed be not given the care, education, treatment and maintenance required by such agreement, the Board of Control may cause the boy or girl to be taken from the person or persons with whom placed and returned to the institution, or may replace, release, or finally discharge him or her as may seem best."



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

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Clarkson, Cowles, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, Malmberg, Neal, Proudfoot, Ream, Saunders, Savage, Taylor, Van Law, Webber, Wilson—28.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Brown, Chapman, Chase, Crow, DeWolf, Garrett, Jewell, Legel, McCulloch, McManus, Mattes, Parshall, Quigley, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, White—22.

So the House amendment having received a constitutional majority was declared concurred in.

Senator Cowles, from the Committee on Claims, returned to the Senate Senate Files Nos. 407 and 308, which were thereupon referred to the Sifting Committee.

The Senate resumed consideration of Senate File No. 360, a bill for an act to repeal Sections 1822, 1823, 1824 and 1825 of the Code, to enact substitutes therefor, and to amend Chapter Nine (9), Title Nine (IX), of the Code as amended, relating to fraternal beneficiary societies, orders and associations.

Senator Hammill moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Proudfoot moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Balluff, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hunter, Jewell, McColl, Mattes, Neal, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, Wilson—28.

The nays were:

Adams, Allen of Pocahontas, Clarkson, Hammill, Hoyt, Larrabee, Legel, McCulloch, Malmberg, Ream, Spaulding, Van Law, White—13.

Absent or not voting:

Bennett, Brown, Chapman, Chase, Crow, Garrett, McManus, Quigley, Sullivan—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 Sammis of the Sifting Committee, House File No. 25, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) of the Supplement to the Code, relating to the issuance of capital stock of railway and manufacturing corporations, was taken up and considered.

The bill was read for information.

Senator Clarkson 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Gates, Gilliland, Hoyt, Jewell, Legel, McManus, Malmberg, Quigley, Sammis, Saunders, Savage, Schrup, Taylor, White, Wilson—26.

The nays were:

Balkema, Brown, Crow, Fitchpatrick, Francis, Garrett, Hammill, Hunter, Larrabee, McColl, McCulloch, Mattes, Neal, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law, Webber—18.

Absent or not voting:

Chase, Parshall, Proudfoot, Ream, Stuckslager, Sullivan—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 concurred in the following Concurrent Resolution in which the concurrence of the House was asked:

Senate Concurrent Resolution relative to holding a Joint Convention for the purpose of electing a State Printer and Binder.

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:

Senate Concurrent Resolution authorizing the Secretary of State to have printed for general distribution, 5,000 copies of Senate File No. 387, law relating to taxation of moneys and credits and bank stock.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested by the Senate, House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge 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. 89, 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 in Chapter 71, Acts of the Thirty-third General Assembly of Iowa, in so far as they relate to the Public Service Commission, and the powers and the duties of the Railroad Commissioners as prescribed by law, to said commissioners; also repealing the powers heretofore granted to cities and towns and cities acting under a special charter 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 and other utilities.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred and Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twen-

ty-six Hundred and Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended, was taken up and considered.

The bill was read for information.

Senator Allen of Pocahontas moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunningan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Spaulding, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Ames, Chase, Clarkson, Francis, Garrett, Larrabee, Malmberg, Saunders, Smith of Shelby, Stuckslager, Sullivan—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 Sammis of the Sifting Committee, House File No. 56, a bill for an act to regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator DeWolf moved that the rules be suspended, 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McCulloch,

Malmberg, Mattes, Neal, Parshall, Sammis, Saunders, Schrup, Spaulding, Stuckslager, Van Law, Webber, White, Wilson—32.  
—33.

The nays were:

Balkema, Jewell, McColl, Proudfoot, Quigley, Savage, Smith of Mitchell, Smith of Shelby, Taylor—9.

Absent or not voting:

Chapman, Chase, Dunnegan, Francis, Garrett, Gates, McManus, Ream, Sullivan—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 Sammis of the Sifting Committee, House File No. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches and drains, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend the enacting clause by inserting after the word "Assembly" the words "of the State."

Adopted.

Senator Hammill 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, Clarkson, Cowles, Crow, De-Wolf, Francis, Garrett, Legel, Ream, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan—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 Sammis of the Sifting Committee, House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (VIII), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees, was taken up and considered.

The bill was read for information.

Senator Van Law offered the following amendment and moved its adoption:

I move to substitute for House File No. 27 the following:

A BILL

For an Act to Create a State Highway Department, and to Establish a State Highway Commission and the Office of State Highway Engineer; Prescribing the Duties of Each and Fixing the Compensation of said State Highway Engineer; Authorizing State Aid for the Establishment, Construction and Maintenance and Repair of Public Highways and Bridges; Creating a Fund Therefor; Authorizing the Receipt and Application of Donations and Appropriations for such Purpose, and Prescribing Procedure for Counties to Secure State Aid, and to Repeal Section Twenty-six Hundred Seventy-four-f (2674-f), Supplement to the Code, 1907, and to Repeal all Acts or Parts of Acts in Conflict with this Act, and Defining as a Misdemeanor a violation of the Provisions thereof and Prescribing the Penalty Therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That a State Highway Commission is hereby established, which shall consist of the head professor of Civil Engineering in the University of Iowa, and the head professor of Civil Engineering in the College of Agriculture and Mechanic Arts, and one civilian to be appointed by the Governor, with the advice and consent of the Senate upon the taking effect of this act. The term of office of such civilian so appointed shall be for three (3) years from and after the first day of April, 1911. Such Commissioners so appointed shall qualify before

entering upon the discharge of their duties, by taking an oath of office for the faithful performance of the duties imposed upon them hereunder.

All vacancies in the membership of said commission shall be filled in the same manner as prescribed for the original appointments.

Sec. 2. The members of said State Highway Commission shall serve without pay, but each member thereof shall be allowed his actual and necessary traveling and other expenses incurred under the provisions of this act.

Sec. 3. "As soon as practicable after the taking effect of this act, the said State Highway Commission shall appoint a State Highway Engineer, who shall be a competent civil engineer, and experienced, and not less than thirty-five years of age, and who shall receive a salary not to exceed \$4,000.00 per annum in the discretion of the commission and shall be allowed his actual traveling and other expenses incurred under the provisions of this act. He shall hold office until removed for cause by said State Highway Commission.

Sec. 4. Said State Highway Engineer, before entering upon the duties of his office, shall file with the said Commission, his oath of office, with sufficient bond to the State in the penal sum of not less than \$5,000.00, conditioned upon the faithful performance of his duties, said bond to be approved by the said State Highway Commission and then filed with the Secretary of State.

Sec. 5. The State Highway Engineer may appoint such assistant engineers, clerks and other assistants as may be necessary to the proper conduct of the work of said commission by and with the advice and consent of said commission.

Sec. 6. The said State Highway Commission and State Highway engineer shall constitute the State Highway Department, which shall be provided with suitable office rooms in the state buildings at the Capitol, which office shall be under the immediate charge of the said State Highway Engineer; and shall be kept open at such times as the business of said department and the convenience or interest of the public shall require. Such office shall be conveniently and properly furnished and shall be the repository for all the records of the State Highway Department.

Sec. 7. It shall be the duty of said State Highway Commission to hold meetings at such times and for such periods as they shall deem essential to the proper carrying out of the provisions of this act.

It shall be the duty of the said State Highway Commission to consider at their meetings all questions relating to the general policy of the State Highway Department and the conduct of the work in general, to receive and consider at such times as they may select the annual report of the State Highway Engineer; and to act for the said State Highway Department in all matters relating to recommendations, estimates and reports which shall be submitted annually to the Governor.

Sec. 8. The State Highway Engineer shall have charge of all the records of the State Highway Department; shall keep a record of all proceedings and orders pertaining to the business of his office and of the department; and shall keep on file copies of all plans, specifications and estimates prepared by his office. He shall cause to be made and kept by the State Highway Department a general highway plan of the state; shall collect information and compile statistics relative to the mileage, character and condition of the highways and bridges in the different counties of the state; and shall within one year from the passage and approval of this act, prepare a map of such of the main highways in the state as in his judgment are of sufficient importance to be designated as a system of trunk or state roads to be improved and maintained at the cost of the state and report same to the Highway Commission for adoption as a proposed system of trunk or state roads, which, if adopted, shall be improved as soon thereafter as possible. He shall investigate and subject to the approval of the State Highway Commission, determine the methods of road construction best adapted to the various sections of the state, and shall establish standards for the construction and maintenance of the state roads in the various counties, giving due regard to the topography, natural condition, character and availability of road building material and the ability of the counties to meet their portion of the cost of building and maintaining roads under the provisions of this act. He may at all reasonable times be consulted by county or township officers having authority over highways and bridges relative to any question involving such highways and bridges and he may, in a like manner call on such county or township officials for any information or assistance they may be able to render in the performance of his duties with reference to the highways and bridges within their county or township, and it shall be the duty of such county or township officials to supply such information when called upon for same by the said State Highway Engineer. Subject to the approval of the State Highway Commission, he shall determine the character of and shall have the general supervision of the construction and repair of all roads and bridges improved under the provisions of this act. He shall report all the proceedings of his office to the State Highway Commission, or at such times as they may designate.

Sec. 9. Whenever the Highway Commission shall decide that any main traveled road or roads shall be improved or constructed under the provisions of this act, the Board of Supervisors of the county within which such highway is located, shall be notified of such determination by the State Highway Engineer, and furnished with a statement of the amount of state highway funds available for such county for the current year, and estimates of the cost of such improvement, and such Board of Supervisors shall have 60 days thereafter within which to file application for state aid in improving the proposed road, which application shall be granted under the terms of this act. Upon the granting of such application the State Highway Engineer may undertake said work of improvement in accordance with the provisions of this act, and



said Engineer or one of his assistants shall proceed to view such road or part thereof proposed to be improved, and shall make all surveys, plans, specifications and estimates of cost for its construction out of such materials as may be determined upon by the said State Highway Engineer, under the advice and consent of the Highway Commission.

Sec. 10. For improvements to cost two thousand dollars (\$2,000.00) or less it shall be discretionary with the State Highway Engineer with the approval of the State Highway Commission to execute such work of improvement himself or to allow the county to do the work without complication or let the same contract; but where the cost of the proposed improvement is to exceed two thousand dollars (\$2,000.00) it will be the duty of the State Highway Engineer to advertise for bids to do the work according to the plans and specifications prepared therefor in two or more newspapers of general circulation published in the county in which such proposed highway lies, once each week for a period of three (3) successive weeks, and such advertisement shall also be published in two or more daily papers of a general circulation throughout the state once each week for a period of three (3) successive weeks. Such advertisement shall state the place where the bidder may inspect the plans and specifications, the place where the bids will be received and the time and place for opening the same. Every such bid shall be accompanied by a certified check of the bidder in an amount equal to two per centum of the amount of his bid, which check shall be forfeited to the State Highway fund, should the bidder to whom the contract is awarded fail to enter into contract as required within ten days after notice of such award. The checks of all unsuccessful bidders shall be returned forthwith and the checks of all successful bidders shall be returned after the contract is awarded, and bond given. All bids so submitted shall be received at the office of the said State Highway Engineer at the Capitol and shall be publicly opened and read at the time stated in said advertisement by the State Highway Commission. The Board of Supervisors of the county in which said improvement is to be made and for which bids are submitted shall be notified by the State Highway Engineer of the time set for opening said bids, and such Board or some member of Board may be present at said meeting. The Said Highway Commission shall have the right to reject all bids or to award the contract to the lowest responsible and competent bidder. The determination of responsibility and competency of bidders shall lie with the State Highway Commission. The successful bidder shall be required to furnish bond with sureties acceptable to the State Highway Commission in a sum equal to one-half the amount of the contract awarded, conditioned that such work shall be performed in accordance with the plans and specifications and the terms of the contract, and no party bidding for the work shall be accepted as surety on the required bond. When the contract is executed by the State Highway Commission and the successful bidder, a copy of the same, including the plans specifications and estimates of cost, shall be forthwith filed in the office of the said State Highway Engineer, with a like copy furnished to the Board of Supervisors of the county in which such proposed highway lies, and a copy to the successful bidder.

Sec. 11. The total cost of all works of highway and bridge construction or improvement, under the provisions of this act, shall be paid by the State Treasurer upon the warrant of the State Highway Commission, out of the fund hereinafter created for the purposes of this Act, the county wherein said work of improvement has been performed to refund to the state one-half of such total cost thereof. Provided, that in the case of any necessary bridge including its piers, abutments wing walls, and foundations for same so constructed on any such highway, under the provisions of this Act the cost of which shall not exceed \$11000.00, the State shall pay 50 per centum thereof, and where such cost shall exceed \$1000.00 the State shall pay 50 per centum of the first \$1000.00 thereof and 10 per centum of each additional dollar of such cost over and above \$1000.00; provided further that not more than one-third of the proportion of the State highway fund allotted to any one county in any one year shall be so used for bridges during such year. The portion of said cost to be borne by the county in which said highway improvement has been shall be paid to the State Treasurer by the treasurer of said county upon order of said Board of Supervisors. Upon the completion of any such contract of highway improvement, the State Highway engineer shall certify to the State Treasurer and to the Board of Supervisors wherein said work of improvement has been performed, the portion of the cost thereof to be borne by said county and if the portion of said county shall not be paid to the State Treasurer within thirty days after being so certified by the State Highway Engineer, then the portion of such county remaining unpaid shall be a charge against any funds of said county which may be in the hands of the State Treasurer, or which may thereafter be apportioned to such county, and the amounts so paid to the State by the counties shall be placed to the credit of the State highway fund hereinafter created for the purposes of this Act.

Sec. 12. The State Highway Commission may authorize partial payments to any contractor performing any highway or bridge improvement, under the provisions of this Act, as the same progresses; but not more than eighty-five per cent of the value of the portion of the work certified by the State Highway Engineer to have been satisfactorily completed at any given time. The said value is to be computed by multiplying the certified completed quantities by the contract unit price or in case of a lump sum price by estimating the percentage of the whole work done. At least fifteen per centum of the full contract price of any such work of improvement shall be withheld until the work is satisfactorily completed and has been accepted by the State Highway Commission upon the recommendation and approval of the State Highway Engineer.

Sec. 13. The improvement of roads under the provisions of this Act shall be taken up and carried forward in the respective counties of the State, as far as practicable, in the order of the date of receipt of the application therefor from the Boards of Supervisors of the respective counties, or as the State Highway Commission

may determine; but no county shall be entitled to receive State aid as provided in this Act unless and until it shall first be made to appear to the State Highway Commission that the money with which to meet the proportion of said expenses to be borne by the county is either already in the hands of the County Treasurer or that the proper levy has been made to render available such funds upon the completion and acceptance of said work of improvement.

Sec. 14. Every contract for highway improvement authorized to be made by the State Highway Commission under the provisions of this Act shall be made in the name of the State of Iowa, signed by the chairman of the State Highway Commission and the contracting party, attested by the chief clerk of the State Highway Department, and approved as to form and legality by the office of the Attorney-General of the State. And no such contract for highway improvement shall be entered into by the State Highway Commission, nor shall any such work be authorized under the provisions of this Act, until the written concurrence therein of the Board of Supervisors of the county in which said proposed improvement is to be made, agreeing that such county will assume their proportion of the cost thereof, as hereinbefore provided, shall have been obtained and placed on file in the office of the State Highway Commission.

Sec. 15. Whenever any road shall be constructed or improved in any county under the provisions of this Act, the same shall become a State highway and the authority of the county and township road officers with reference to the cure and maintenance thereof shall thereupon cease and the state engineer shall thereafter maintain and keep all such roads in proper repair, and the total cost of such maintenance shall be paid by the State Treasurer, the said county to reimburse the State its proportional share of such total cost, such payment and reimbursement to be made in like manner and as provided for the original cost of such highways. The State Treasurer is hereby authorized to pay, upon the warrant of said State Highway Commission from the State Highways fund apportioned to any such county, such sums as may be required for the repair of such roads.

Sec. 16. No State highway shall be dug up or otherwise used for laying pipe lines, sewers poles wires or railways or for other purposes, without the written permit of the State Highway Commission, and then only in accordance with the regulations prescribed by said Commission; and all such work shall be done under the supervision and to the satisfaction of the State Highway Engineer, and all the cost of replacing the highway in as good condition as previous to its being disturbed shall be paid by the persons to whom or in whose behalf such permit was given, or by the person by whom the work was done. In case of immediate necessity therefor, a city, or town may within its corporate limits dig up such State highway without such permit from said commission; Provided, that in such cases such highway shall be forthwith replaced in as good condition as before at the expense of such city or town.

Sec. 17. The State Highway Engineer, with the approval of the State Highway Commission may purchase from the State all rock crushers steam rollers and other road machinery, tools and implements that may be needed for the purpose of this Act, and such machinery shall be managed and used under the direction of said engineer, who shall employ competent men to operate and keep them in repair. Said engineer may purchase all necessary materials and supplies and incur such other expenses as may be necessary in the operation and maintenance and transportation of all such road machinery, tools and implements. Upon the application of the Board of Supervisors of any county, said State Highway Engineer may furnish such road machinery, when convenient and practicable for use in building or repairing any road or roads in such county, all expenses incurred thereby to be borne by said county.

Sec. 18. In all cases of a highway constructed under the provisions of this act, the right of way therefor shall be acquired by the county, in the manner provided for the establishment of public highways and the entire cost of such right of way shall be paid by the county.

Sec. 19. The said engineer, with the approval of the State Highway Commission and the concurrence of the said Board of Supervisors of the county wherein the same lies, may vacate any land or part thereof, or rights in land, which have been taken or acquired for road purposes under the provisions of this act, by executing and recording a deed thereof, and said vacation shall revert the title to the lands or rights so vacated in the persons their heirs and assigns, in whom it vested at the time of the taking.

Sec. 20. The said State Highway Engineer shall have authority, upon the advice and consent of the State Highway Commission to employ any and all labor necessary to carry out the provisions of this act, and shall pay such labor the reasonable and customary price per day for the class of work performed. Eight hours shall constitute a day's work for all labor so employed by the state, or otherwise employed in performance of any contract for work under the provisions of this act.

Sec. 21. In order to provide funds for carrying out the provisions of this act, there is hereby created a State Highway fund and the secretary of state is hereby authorized to cover into the treasury of the state all moneys accruing from the licensing or registration of automobiles and motor cycles within the state over and above the necessary expenses incident to such licensing or registration, including salaries of necessary officers and assistants for same, as a "State Highway Fund," for the exclusive uses and purposes of this act. Any portion of said "State Highway Fund" unexpended at the expiration of any fiscal year shall remain in said fund and be available for expenditure during the succeeding fiscal years.

Sec. 22. The said State Highway fund created hereby, after deducting all expenses of the state incurred in the collection thereof, shall be apportioned by said State Highway Commission at the beginning of each fiscal year among the various counties of the state in proportion as such

fund shall have been paid by the residents of the various counties of the state and not more of said fund than the amount so apportioned to any such county shall be expended therein in any one year, and then only in accordance with the provisions of this act, provided that should any county of the state fail to apply for the state aid hereunder provided, by the close of any fiscal year, and fail to make the necessary levy for road purposes to comply with the provisions hereof, then the amount of such state highway fund so apportioned to such county shall revert to the State Highway fund and be subject to re-apportionment among the various counties of the state for the ensuing year in the same proportion as hereinbefore provided.

Sec. 23. Every owner of a motor vehicle, who is a resident of this state, before operating the same over any of the highways of this state, shall file an application for registration of the same with the secretary of state and the secretary of state shall, upon receipt of such application in his office, register such motor vehicle with the name, post office address and business address of the owner, manufacturer or dealer, as the case may be, together with the facts stated in such application in a book properly indexed, to be kept for that purpose under a distinctive number assigned to such motor vehicle by the secretary of state, which book and index shall be open to public inspection during reasonable hours.

Sec. 24. Upon the filing of such application and the payment of the fee hereinafter provided, the secretary of state shall assign to such motor vehicle a distinctive number, and without expense to the applicant, issue and deliver or forward by mail or express to the owner, a certificate of registration in such form as the secretary of state shall prescribe, and two number plates. In the event of the loss, mutilation or destruction of any certificate of registration or number plate, the owner of a registered motor vehicle or manufacturer or dealer, as the case may be, may obtain from the secretary of state a duplicate thereof, upon filing in the office of the secretary of state an affidavit showing such facts, and the payment in fee of One (\$1.00) Dollar.

Section 25. Registration applied for on or before July 4th, 1911 (shall take effect on that date and certificates issued on such application or under any application made prior to December 31st, 1911, shall expire on the latter date. The fees for such registration shall be one-half of the annual fee provided herein. Registration thereafter shall be renewed annually in the same manner and upon payment of the same annual fee as provided for in the next succeeding section of this act, to take effect on the first day of January in each year, beginning with the first day of January in the year 1912. The certificates of registration issued under the provisions of this act shall expire on the last day of the calendar year in which they are issued.

Sec. 26. The following fee shall be paid to the secretary of state upon the registration or re-registration of a motor vehicle, in accordance with the provisions of this act: Eight (\$8.00) dollars upon the registration of a motor vehicle having a rating of twenty (20) horse power and less; and for each such vehicle which shall exceed twenty (20) horse power

the owner shall pay at the rate of forty (.40) cents per horse power, provided that if a motor vehicle shall have been licensed for four (4) separate years hereunder and for which there shall have been paid the annual registration fee herein provided during said period, or any motor vehicle which shall have been in use for a period of not less than four years, including the time before and after the taking effect of this act, the annual registration fee herein provided during said period, of any motor vehicle provided that the annual fee for the registration or re-registration of an electric motor vehicle or any steam motor vehicle, in accordance with the provisions of this act shall be Fifteen (\$15.00) Dollars; and provided further, that the annual fee for the registration or re-registration of a motor bicycle or motor cycle, in accordance with the provisions of this act, shall be Three (\$3.00) Dollars.

Sec. 27. The registration fees imposed by this act upon motor vehicles other than those of manufacturers or dealers, shall be in lieu of all taxes, general or local, to which motor vehicles may be subject.

It shall be the duty of the county auditor of each county to cancel all assessments entered upon the assessor's books against automobiles for the year 1911, and no assessments upon automobiles as made by assessors for the year 1911 shall be carried upon the tax lists.

Sec. 28. Upon the sale or transfer of a motor vehicle registered in accordance with the provisions of this act the vendor shall give notice thereof with his name, post office address and registration number, and the name and address of the vendee, to the secretary of state and the vendee shall, within ten days after the date of such sale or transfer, notify the secretary of state thereof upon a blank furnished promptly by him for that purpose, stating the name, post office address and business address of the previous owner, the number under which such motor vehicle is registered and the name, post office address, with the street number, if in a city, including the county and business address of the vendee. Upon filing such statement, duly verified, such vendee shall pay to the secretary of state a fee of one (\$1.00) dollar, and upon receipt of such statement and fee the secretary of state shall file such statement in his office and note upon the registration book and index such change in ownership.

Sec. 29. Upon the sale of a motor vehicle by a manufacturer or dealer the vendee shall be allowed to operate the same upon the public highways for a period of fifteen days after taking possession thereof, provided that during such period the motor vehicle shall have attached thereto, in accordance with the provisions hereof a placard bearing the registration number of the manufacturer or dealer under which it might previously have been operated, and provided further that application for registration shall be made by mail or otherwise before such vehicle shall be so used.

Sec. 30. Every person, firm, association or corporation, manufacturing or dealing in motor vehicles, may, instead of registering each motor vehicle so manufactured or dealt in, make a verified application

upon a blank to be furnished by the secretary of state for a general distinctive number for all the motor vehicles owned or controlled by such manufacturer or dealer, such application to contain:

(a) A brief description of each style or type of motor vehicle manufactured or dealt in by such manufacturer or dealer, including the character of the motive power, the amount of such motive power stated in figures of horse power in accordance with the rating established by the association of licensed automobile manufacturers, and (b) the name, residence including the county and business address of such manufacturer or dealer. On the payment of a registration fee of fifteen (\$15.00) dollars such application shall be filed and registered in the office of the secretary of state in the manner provided hereinbefore with reference to the registration of other motor vehicles. The secretary of state shall thereupon assign an issue to such manufacturer or dealer a general, distinctive number and without expense to the applicant, issue and promptly deliver to such manufacturer or dealer a certificate of registration in such form as the secretary of state shall prescribe and two number plates with a number preceded by the letter D corresponding to the number of such certificate of registration. Such number plates or duplicates thereof shall be displayed by every motor vehicle of such manufacturer or dealer when the same is operated or driven on the public highways. Such manufacturer or dealer may obtain as many duplicates of such number plates as may be desired, upon the payment to the secretary of state of One (\$1.00) Dollar for each duplicate, provided that if a manufacturer or dealer has an established place of business in more than one city or town, such manufacturer or dealer shall secure a separate and distinct certificate of registration and number plates for each such place of business.

Nothing in this section shall be construed to apply to a motor vehicle operated by a manufacturer or dealer for private use or hire.

Sec. 31. The registration provided for in the preceding section shall be renewed annually in the same manner and on the payment of the same fee as provided for original registration, such renewal to take effect on the first day of January of each year and shall expire on the last day of the calendar year in which they are issued.

Sec. 32. Within thirty days after the first day of July, 1911, and within thirty days after the first day of January annually thereafter the secretary of state shall forward to the county attorney in each county a list of the owners of automobiles in said county, who may have failed or neglected to pay the license fee required by the terms and provisions of this act, whereupon such county attorney shall proceed to enforce the provisions of this act, as herein provided.

Sec. 33. The provisions hereof, relative to registration shall not apply to a motor vehicle owned by a non-resident of this state, other than a foreign corporation, manufacturer or dealer doing business in this state provided that such owner shall have complied with the provisions of the law of the foreign county, state, territory or federal district

of his residence, relative to registration of motor vehicles and the display of registration numbers thereon, and shall conspicuously display his registration number as required thereby. The provisions of this Act, however shall be operative as to a motor vehicle owned by a non-resident of this state only to the extent that under the laws of the foreign county, state, territory or federal district of his residence, like exemptions and privileges are granted to motor vehicles, duly registered under the laws of and owned by the residents of this state.

Sec. 34. Any person making a false statement in the application for registration, or violating any of the provisions of any section of this act, relative to the registration of motor vehicles or motor cycles, shall be deemed guilty of a misdemeanor and upon conviction shall be punished by a fine not exceeding fifty (\$50.00) dollars.

Sec. 35. The Board of Supervisors of each county of the state is hereby authorized to levy in addition to the taxes authorized under statutes now in force an annual tax sufficient to raise a fund equal to the amount apportioned to such county under the provisions hereof for the purpose of paying the proportion of such county for public highway improvements constructed hereunder, but in no instance shall any such levy exceed Two and Five-tenths (2 5-10) mills on the dollar of taxable value of the property listed for taxes in any such county for any one year.

Sec. 36. The State Highway Commission shall have power to receive donations or funds set aside by cities or towns or cities acting under special charter of this state or public revenues whether appropriated by the State or the United States for expenditure in the construction and maintenance of public highways under the provisions of this act, and shall apportion any such funds among the counties of the State in proportion to the number of miles of State highways lying within such county and under the jurisdiction of the State Highway Commission, or as directed by the donor of such fund or specified in the terms and provisions of the appropriation thereof.

Sec. 37. The term "State Highway," as used in this act shall be construed to include all highways and bridges constructed or improved under the provisions hereof.

Sec. 38. Section Twenty-six Hundred Seventy-four-f (2674-f), Supplement to the Code, 1907, and all acts and parts of acts, inconsistent with this act are hereby repealed.

Sec. 39. This Act shall take effect July 4th, 1911, except that applications for registration may be made and number plates and licenses issued at any time within ninety (90) days prior to said date, to be effective thereafter.

Substitute read first and second time.

Laid over.



## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements, was taken up and considered.

Senator Balluff moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Motion prevailed.

The bill was read for information.

Senator Balluff moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Shelby, Taylor, Van Law, Webber, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Cowles, Crow, Francis, Garrett, Gates, Larrabee, Legel, McCullough, McManus, Malmberg, Ream, Savage, Smith of Mitchell, Spaulding, Stuckslager, Sullivan—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 Sammis of the Sifting committee, House File No. 355, a bill for an act to amend the law as it appears in Section 2727-a1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State Institutions, was taken up and considered.

Senator Saunders offered the following amendment and moved its adoption:

Amend by adding as Section Two 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 and the Des Moines Capital, newspapers published in the city of Des Moines, Iowa.”

Adopted.

The bill was read for information.

Senator Saunders 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 :

Adams, Allen of Jefferson, Balkema, Bennett, Chapman, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, Van Law, Webber, White, Wilson—29.

The nays were :

None.

Absent or not voting :

Allen of Pocahontas, Ames, Balluff, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Larrabee, Legel, McManus, Parshall, Ream, Savage, Spaulding, Stuckslager, Sullivan—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Saunders moved that Senate File No. 378 be indefinitely postponed, it being identical with the bill which had just passed the Senate.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 312, a bill for an act authorizing the levy of a tax for the purpose of defraying the expense of prospecting of coal, was taken up and considered.

The bill was read for information.

Senator Brown 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Gates, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parrshall, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Van Law, Webber, White, Wilson—29.

The nays were:

Clarkson, Gilliland, Hunter, Larrabee, Proudfoot, Quigley, Spaulding—7.

Absent or not voting.

Adams, Allen of Pocahontas, Chase, Francis, Garrett, Hammill, Hoyt, McManus, Ream, Saunders, Savage, Stuckslager, Sullivan, 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 Sammis of the Sifting Committee, House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor relative to the dragging of public highways and providing a penalty for failure to perform such duties, with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Balkema offered the following amendment and moved its adoption:

By striking from Section Two (2) all after the word "year" in the seventh line from the last, and substitute the following in lieu thereof: "Levy one mill on the dollar on the amount of the township assessment for that year, which shall be designated as the dragging fund and shall be expended only for the purpose of dragging the roads within the township.

Adopted.

Senator Balkema 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Larrabee, McColl, McCulloch, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, Wilson—31.

The nays were:

Jewell—1.

Absent or not voting.

Allen of Pocahontas, Brown, Chase, Clarkson, DeWolf, Francis, Garrett, Hunter, Legel, McManus, Malmberg, Mattes, Quigley, Savage, Schrup, Stuckslager, Sullivan, White—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Parshall submitted the following report, which was read:

*To the Honorable Senate and House of Representatives:*

Your Joint Committee, appointed under Concurrent Resolution, relative to the fire protection of the Capitol building, begs leave to report that it has made the investigation called for by said resolution and submits the following report:

It finds that the Capitol Building is seriously deficient in fire protection. In the construction of the building, stand pipes were installed at different points in the structure, yet the attaching of one hose to any yard hydrant would entirely remove the water pressure from these stand pipes at points as high as the House or Senate Chamber. In other words, while any one yard hydrant is working, no water can be drawn from any stand pipe with which to overcome a fire in the upper structure of the building. We find there are two pumps now in operation in the basement for elevator purposes which could be easily connected with the water supply and thereby furnish, to the stand pipes, a greatly increased pressure.

Your committee is strongly impressed with the belief that these engines should be connected with the stand pipes at the earliest possible time. The cost of making this connection would probably not exceed the sum of five hundred dollars.

Your committee also finds that when the ceiling of the House Chamber was re-constructed after the fire of several years ago, it was put in fire-proof condition. This is not the condition of the ceiling of the

Senate Chamber. The ceiling of the Senate Chamber is of wood construction and is so constructed that it is wholly inaccessible to firemen in case of fire.

We find three large steel tanks in the dome. These tanks are a remnant of the old fire system. They are not now being used. One of these tanks could be easily connected with a sprinkler system in the attic over the Senate Chamber and in the judgment of your committee, such a system should be immediately installed. The cost of installing such a system would not exceed one thousand dollars.

Your committee is also strongly impressed with the belief that it would be wise to install one fire extinguisher in each room of the State Historical Building. This last item would entail a cost of probably Five Hundred Dollars.

We find that the building is not supplied with extra hose. The hose now on hand is a linen hose, not capable of being used more than once, and the engineers in charge are not able to state what pressure such hose would stand, without testing the same. The test might come at a disastrous moment.

We deem it most advisable that at least five hundred feet of extra hose of the best quality be kept constantly on hand.

Respectfully, submitted,

LYMAN B. PARSHALL.

E. L. CROW,

A. C. RIPLEY,

U. G. WHITNEY.

J. T. HAZEN,

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Ames, Senate File No. 225, a bill for an act to transfer the control and management of the College for the Blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-Eight (2727-a8) of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the acts of the Thirty-third General Assembly, was taken up and considered.

Senator Ames moved that the Senate concur in the following house amendment.

Strike out the words "of this" in line four (4) of the title and insert in lieu thereof the words "over such".

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

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Hunter, Legel, McColl, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, DeWolf, Francis, Garrett, Jewell, Larrabee, McCulloch, McManus, Neal, Schrup, Smith of Mitchell, Stuckslager, Sullivan—14.

So the House amendment having received a constitutional majority was declared concurred in.

#### INTRODUCTION OF BILLS.

By Senator Saunders, Senate File No. 478, a bill for an act repealing the law as it appears in Section One Hundred Fifty-six (156) of the Supplement to the Code, 1907, providing for the appointment of a secretary of the Executive Council and fixing his salary, and authorizing the payment of the necessary expenses of the members of the Executive Council and its employes.

Read first and second time and referred to Sifting Committee.

By Senator Legel, Senate File No. 479, a bill for an act to repeal Section Twenty-five Hundred Thirty-eight-b (2538-b) of the Supplement to the Code, 1907, and to enact a substitute therefor and to amend Sections Twenty-five Hundred Thirty-eight-a (2538-a), Twenty-five Hundred Thirty-eight-c (2538-c) and Twenty-five Hundred Thirty-eight-l (2538-l) of the Supplement to the Code, 1907, all relating to the practice of veterinary medicine, surgery and dentistry.

Read first and second time and referred to Sifting Committee.

The President announced that as President of the Senate in the presence of the Senate he had signed Senate File Nos. 311, 341 and 279.

## HOUSE MESSAGES CONSIDERED.

House File No. 89, 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 in Chapter 71, acts of the Thirty-third General Assembly of Iowa, in so far as they relate to the Public Service Commissions, and the powers and the duties of the Railroad Commissioners as prescribed by law, to said commissioners; also repealing the powers heretofore granted to cities and towns and cities acting under a special charter 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 and other utilities.

Read first and second time and referred to Sifting committee.

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

Read first and second time and referred to Sifting Committee.

House Concurrent Resolution: Be it Resolved by the House, the Senate concurring, that the Secretary of State be authorized to have printed in pamphlet form, five thousand (5,000) copies of Senate File No. 387, law relating to taxation of moneys and credits and bank stock, for general distribution.

House Concurrent Resolution relative to holding a joint convention for the purpose of electing a state printer and state binder.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Smith of Shelby, House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge or a certain tract of land, was taken up and considered.

Senator Smith of Shelby moved that the vote by which the bill passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Smith of Shelby offered the following amendment and moved its adoption.

I move to amend the bill by striking out the enacting clause as the same appears immediately after the title of the bill.

Adopted.

Senator Smith of Shelby 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, Clarkson, Francis, Legel, McManus, Saunders, Savage, Smith of Mitchell, Stuckslager, Sullivan, White—13.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Mattes moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 5, 1911.

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

Prayer was offered by Rev. J. C. Kendrick of Ottumwa, Iowa.

On request of Senator Allen of Jefferson, leave of absence was granted Senator Spaulding until tomorrow.

## 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. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code, in relation to the disposition of the proceeds of real estate sold in actions of partition.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover 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 House was asked:

Senate File No. 346, a bill for an act authorizing the Executive Council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

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:

Substitute for House File No. 197, a bill for an act to amend Section Five Hundred Sixty-four (564) of the Code, and providing for the appearance of the county attorney for township trustees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 making it unlawful to obstruct public highways and defining such obstructions and providing for the removal 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. 531, a bill for an act providing for the production of books, papers and documents of corporations, partnerships, associations and individuals, and to compel attendance and testimony of witnesses in proceedings relating to pools, trusts, combinations and monopolies, and in proceedings relating to unfair discrimination between different sections, communities, localities, cities and towns; providing immunity to persons so testifying; providing for proceedings upon failure of witness to so testify or so produce books, papers and documents.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 446, a bill for an act to provide for the payment of compensation and expenses incurred under the law providing for the inspection of bees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 289, a bill for an act to invest the district courts of the state of Iowa with jurisdiction and authority to restrain violations of

any law heretofore or hereafter enacted to protect the public and trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, or unfair discrimination between different sections, communities or localities, or cause any person within the state of Iowa to be made party to an action pending in any court in this state, and to require any person, firm association or corporation to respond to a subpoena in any court in this state, and to give testimony and produce any books, papers or documents in any hearing, investigation, proceeding or prosecution for the violation of any laws relating to pools, trusts, conspiracies, combinations or monopolies, or prohibiting unfair discrimination between different sections, communities or localities, and to provide immunity to the persons so testifying; and to make an appropriation for the purpose of enforcing the provisions of this act and all laws passed to protect trade and commerce against unlawful restraints, trusts, conspiracies, combinations, and monopolies, and all laws relating to the fixing of prices and charges or designed to prohibit unfair discrimination between different sections, communities or localities.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

Senate File No. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition.

Passed on file.

Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover for a certain tract of land.

Passed on file.

Senate File No. 346, a bill for an act authorizing the Executive Council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

Passed on file.

Substitute for House File No. 197, a bill for an act to amend Section Five Hundred Sixty-four (564) of the Code, and providing for the appearance of the county attorney for township trustees.

Passed on file.

House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof.

Read first and second time and referred to Sifting committee.

House File No. 531, a bill for an act providing for the production of books, papers and documents of corporations, partnerships, associations and individuals, and to compel attendance and testimony of witnesses in proceedings relating to pools, trusts, combinations and monopolies, and in proceedings relating to unfair discrimination between different sections, communities, localities, cities and towns; providing immunity to persons so testifying; providing for proceedings upon failure of witness to so testify, or so produce books, papers and documents.

Read first and second time and referred to Sifting committee.

House File No. 446, a bill for an act to provide for the payment of compensation and expenses incurred under the law providing for the inspection of bees.

Read first and second time and referred to Sifting committee.

House File No. 289, a bill for an act to invest the district courts of the state of Iowa with jurisdiction and authority to restrain violations of any law heretofore or hereafter enacted to protect the public and trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, or unfair discrimination between different sections, communities or localities, to cause any person within the state of Iowa to be made party to an action pending in any court in this state, and to require any person, firm, association or corporation to respond to a subpoena in any court in this state, and to give testimony and produce any books, papers or documents in any hearing, investigation, proceeding or prosecution for the violation of any laws relating to pools, trusts, conspiracies, combinations or monopolies, or prohibiting unfair discrimination between different sections, communities or localities, and to provide immunity to the persons so testifying; and to make an appropriation for the purpose of enforcing the provisions of this act and all laws passed to protect trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies and all laws relating to the fixing of prices and charges or designed to prohibit unfair discrimination between different sections.

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

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 321, a bill for an act to authorize the Governor of the state to execute to Joseph Tucker a patent conveying to him the southwest quarter of the southeast quarter of Section 5, Township 87, North, Range 1, west of the 5th P. M., in Dubuque county, Iowa, was taken up and considered.

The bill was read for information.

Senator Schrup 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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Neal, Quigley, Savage, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Chase, Clarkson, Cowles, DeWolf, Francis, Hammill, Hoyt, Larrabee, McManus, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Spaulding, Sullivan—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 Sammis of the Sifting committee, Senate File No. 206, a bill for an act to repeal Sections Nineteen Hundred and Forty-two (1942), Nineteen Hundred and Forty-three (1943), Nineteen Hundred and Forty-five (1945), Nineteen Hundred and Forty-seven (1947), Nineteen Hundred and Forty-nine (1949), Nineteen Hundred and Fifty (1950), Nineteen Hundred and Fifty-two (1952), Nineteen Hundred and Fifty-three (1953), Nineteen Hundred and Fifty-four (1954) of the Code and Sections Nineteen Hundred and Forty (1940), Nineteen Hundred and Forty-four (1944), Nineteen Hundred and Forty-six (1946), Nineteen Hundred and Forty-six-a (1946-a), Nineteen Hundred

and Forty-six-b (1946-b), Nineteen Hundred and Forty-six-c (1946-c), Nineteen Hundred and Forty-six-d (1946-d), Nineteen Hundred and Forty-six-e (1946-e), Nineteen Hundred and Forty-eight (1948) and Nineteen Hundred and Fifty-one (1951) of the Supplement to the Code. Also to amend Section Nineteen Hundred and Eighty-nine-a-one (1989-a1) of the Supplement to the Code, Section Nineteen Hundred and Eighty-nine-a-six (1989-a6) of the Supplement to the Code as amended by Section Six (6) of Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly, Section Nineteen Hundred and Eighty-nine-a-Fourteen (1989-a14) of the Supplement to the Code as amended by Section Thirteen (13) of Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly. Also to repeal Sections Nineteen Hundred and Eighty-nine-a-Two (1989-a2), Nineteen Hundred and Eighty-Nine-a-Three (1989-a3) and Nineteen Hundred and Eighty-nine-a-Five (1989-a5) of the Supplement to the Code as amended by Chapter One Hundred and Eighteen (118) of the acts of the Thirty-third General Assembly and Sections Nineteen Hundred and Eighty-nine-a-Four (1989-a4) and Nineteen Hundred and Eighty-nine-a-Twenty-eight (1989-a28) of the Supplement to the Code and to enact substitutes therefor, relating to the subject of waters, water courses, ditches, levees, drainage and drainage districts was taken up and considered.

Senator Smith of Shelby moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Bennett, Chapman, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Jewell, Legel, McColl, McCulloch, McManus, Neal, Parshall, Quigley, Ream, Savage, Smith of Shelby, Stuckslager, Taylor, White, Wilson—27.

The nays were:

Ames, Hunter, Malmberg, Webber—4.

Absent or not voting:

Allen of Pocahontas, Brown, Chase, Clarkson, Cowles, DeWolf, Francis, Hammill, Hoyt, Larrabee, Mattes, Proudfoot, Sammis, Schrup, Smith of Mitchell, Spaulding, Sullivan, 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 Sammis of the Sifting committee, House File No. 523, a bill for an act to amend Section Twenty-one Hundred Twenty-five (2125) of the Code and Section Twenty-one Hundred Forty-five (2145) of the Code defining switching service by railway carriers and giving the railroad commissioners certain powers therein, was taken up and considered.

The bill was read for information.

Senator Hunter offered the following amendment and moved its adoption:

I move to amend Section Two of House File No. 523 by striking out the words "railroad companies or" in the fourth line of the printed bill and by inserting after the word "commissioners" in the fourth line of the printed bill the words "or railroad companies, if the same has been approved by the Board of Railroad Commissioners."

By unanimous consent the amendment was withdrawn.

Senator Hunter 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Crow, DeWolf, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Neal, Quigley, Savage, Taylor, Van Law, Webber, White, Wilson—27.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Brown, Chase, Clarkson, Cowles, Francis, Garrett, Gates, Hoyt, Larrabee, McManus, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan—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 Sammis of the Sifting committee, House File No. 423, a bill for an act to amend Section Eighteen Hundred Twenty-two (1822) of the Code relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under Chapter Nine, Title Nine, of the Code, was taken up and considered.

Senator Gates 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Balluff, Bennett, Chapman, Crow, DeWolf, Dunnegan, Fitch-  
patrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Lar-  
rabee, Legel, McColl, McCulloch, Malmberg, Neal, Quigley, Ream,  
Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, White,  
Wilson—33.

The nays were:

None.

Absent or not voting:

Brown, Chase, Clarkson, Cowles, Francis, Hoyt, McManus, Mat-  
tes, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith  
of Mitchell, Spaulding, Sullivan—17.

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 Sammis of the Sifting committee, House File No. 37, a bill for an act to prohibit the possession of roulette wheels, Klondyke tables, poker tables, poker chips, faro and keno layouts, and to provide for the seizure and destruction there-  
of, 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, 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 Jefferson, Balkema, Bennett, Brown, Chapman, Chase, Crow, DeWolf, Garrett, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Quigley, Ream, Smith of Shelby, Stuckslager, Taylor, Van Law, Webber, Wilson—29.

The nays were:

None.

Absent or not voting:

Ames, Balluff, Clarkson, Cowles, Dunnegan, Fitchpatrick, Francis, Gates, Hoyt, Jewell, Mattes, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Sullivan, White—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Sifting committee returned to the Senate House File No. 269, which was thereupon referred to the Committee on Appropriations.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive of the supplement to the Code, 1907, and to enact a substitute therefor, relative to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees, was taken up and considered.

Senator Van Law moved that the substitute offered by him on yesterday be substituted for the original bill.

Senator Allen of Jefferson moved the previous question on the substitute.

On the question, "Shall the main question be now put?" the previous question was ordered.

On the adoption of the substitute a roll call was demanded.

The ayes were:

Adams, Jewell, Malmberg, Van Law—4.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Brown, Chapman, Chase, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Larrabee, Legel, McColl, McCulloch, Neal, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, Webber, White—34.

Absent or not voting:

Balluff, Bennett, Dunnegan, Hunter, McManus, Mattes, Parshall, Sanders, Spaulding, Stuckslager, Sullivan, Wilson—12.

So the Senate refused to substitute the substitute for the original bill.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section 8 by striking out that part which follows the semi-colon after the word "power" in the sixth line and ending with the word "amount" in the twelfth line and inserting in lieu thereof the following: "Provided that if a motor vehicle shall have been in use for a period of not less than four years the annual registration fee shall be half of that amount."

By unanimous consent the amendment was withdrawn.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend Section 20 by striking out all that part following the word "person" in the fourth line and inserting in lieu thereof a period.

Amendment lost.

Senator Adams offered the following amendments and moved their adoption:

I move to amend Section 20, line 4, by striking out the words "for a distance of one-fourth of a mile." And strike out the period at the end of said Section and add the following: "in case of injury to the person or property of another."

Adopted.

Senator Cowles offered the following amendment and moved its adoption.

I move to amend Section 33 by striking out the words "as the number of townships in the several counties bear to the total number of townships in the state," and by inserting in lieu thereof, "in proportion to the amounts paid by the several counties."

The amendment was lost.

The bill was read for information.

Senator Fitchpatrick moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Francis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, Chase, Clarkson, Crow, DeWolf, Dunningan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, McCulloch, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Van Law, Webber, Wilson—37.

The nays were:

Jewell, Legel, Malmberg, Mattes, Taylor, White—6.

Absent or not voting:

Balluff, Cowles, McManus, Saunders, Spaulding, Stuckslager, Sullivan—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 concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge 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 concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor, relating to the dragging of public highways and providing penalty for failure to perform such duties.

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 amend the law as it appears in Section 2727-a-1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of state institutions.

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 Senate Joint Resolution in which the concurrence of the House was asked:

Senate Joint Resolution No. 5, a joint resolution approving estimate of cost, plans and specifications for an addition to the wing to the hospital at the state university.

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. 351, a bill for an act to amend Section Two Hundred Fifty-four-a-fourteen (254-a-14) of the Supplement to the Code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts.

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. 243, a bill for an act to repeal Section Twenty-three Hundred Forty-eight (2348) of the Code, and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty and prescribing punishment for the presentation of false or fraudulent claims for such bounty.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock, noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Chase, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krell, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby,

Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—151.

Absent:

Byerly, Escher, Fletcher, George, Saunders, Spaulding, Sullivan—7.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Chase, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp, Van Law—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of

Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Stillman, Stoddard, Zeller—61.

Those voting for Geo. M. Curtis were:

Bascom, Dixon, Whitney—3.

Those voting for Paul E. Stillman were:

Francis—1.

Absent:

Byerly, Escher, Fletcher, George, Saunders, Spaulding, Sullivan—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Representative Dewey of Guthrie the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Allen of Jefferson moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30 o'clock. President Clarke presiding.

#### INTRODUCTION OF BILLS.

By Senator Smith of Mitchell Senate Joint Resolution No. 7:

#### JOINT RESOLUTION

Approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College.

Senate Joint Resolution approving estimates of cost, plans and specifications for the erection of new buildings at the State University, at the State College of Agriculture and Mechanic Arts, and at the State Teachers' College.

Joint Resolution approving estimates of cost, plans and specifications for the erection of a hospital heating station, a woman's building, an addition to the hospital, and a nurses' home, at the State University; a mechanical engineering laboratory, a stock judging pavillion and laboratory, a library, and an addition to Margaret Hall, at the State College of Agriculture and Mechanic Arts; and a training school at the State Teachers' College, and authorizing the erection of said buildings.

*Whereas*, the State Board of Education has submitted to the Thirty-fourth General Assembly of the State of Iowa, estimates of the cost, plans and specifications for the erection of a hospital heating station, a woman's building, an addition to the hospital, and a nurses' home, at the State University; a mechanical engineering laboratory, a stock judging paviollion and laboratory, a library and an addition to Margaret Hall, at the State College of Agriculture and Mechanic Arts; and a training school at the State Teachers' College, to be completed and erected under the provisions of Chapter One Hundred Eighty-three (183) of the Acts of the Thirty-first General Assembly, and the acts of the Thirty-fourth General Assembly in House File No. Two Hundred and Fifty-one (251), 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 a hospital heating station at a cost not to exceed Thirty Thousand Dollars (\$30,000.00), a woman's building at a cost not to exceed One Hundred Fifty Thousand Dollars (\$150,000.00) an addition to the hospital at a cost not to exceed One Hundred Thousand Dollars (\$100,000.00), and a nurses' home at a cost not to exceed Fifty Thousand Dollars (\$50,000.00) at the State University, submitted to the General Assembly of Iowa for approval are hereby approved.

Sec. 2. That the plans and specifications for the erection of a mechanical engineering laboratory at a cost not to exceed Fifty Thousand Dollars (\$50,000.00), a stock judging pavillion and laboratory at a cost not to exceed Twenty Thousand Dollars (\$20,000.00), a library at a cost not to exceed Two Hundred and Twenty-five Thousand Dollars (\$225,000.00), and an addition to Margaret Hall at a cost not to exceed Fifty-Five Thousand Dollars (\$55,000.00), at the State College of Agriculture and Mechanic Arts, submitted to the General Assembly of Iowa for approval, are hereby approved.

Sec. 3. That the plans and specifications for the erection of a training school at a cost not to exceed One Hundred and Fifty Thousand Dollars (\$150,000.00) at the State Teachers' College, submitted to the General Assembly of Iowa for approval, are hereby approved.



Sec. 4. The State Board of Education is hereby authorized to erect all of the buildings enumerated in Sections One (1), Two (2), and Three (3) of this Joint Resolution.

Read first and second time, referred to Sifting committee and ordered printed in the Journal.

Senator Bennett filed the following motion:

I move to reconsider the vote by which House File No. 27 passed the Senate and the vote by which the same passed to its third reading:

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 341, a bill for an act to amend Section Two Thousand Three Hundred Forty-eight-a (2348-a) of the Supplement to the Code, 1907, relating to bounties.

Also:

Senate File No. 311, a bill for an act amending Section Two Hundred Fifty-four-a-18 (254-a-18) of the Supplement to the Code, 1907, relating to probation officers.

Also:

Senate File No. 279, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-thirty-five (4999-a-35) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, relating to pure drugs and the misbranding thereof.

ED. P. MALMBERG,

*Chairman.*

Adopted.

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

Also:

Substitute for Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with.

Also:

Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court.

Also:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten, (1310), and Thirteen Hundred and Eleven, (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of the shares of stock of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Also:

Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907.

ED. P. MALMBERG,

*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

Also:

Substitute for Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code were not observed or complied with.

Also:

Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court.

Also :

House File No. 197, a bill for an act to amend Section Five Hundred Sixty-four (564) of the Code, and providing for the appearance of the county attorney for township trustees.

Also :

House File No. 278, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (VI) of Title Twelve (XII) of the Code.

Also :

House File No. 402, a bill for an act to amend Section One Thousand Five (1005) of the Supplement to the Code, 1907, with additional provisions in regard to the fire fund.

Also :

House File No. 266, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a-2 (1989-a-2), Section Nineteen Hundred Eighty-nine-a-4 (1989-a-4), Section Nineteen Hundred Eighty-nine-a-5 (1989-a-5), and Section Nineteen Hundred Eighty-nine-a-6 (1989-a-6) of the Supplement to the Code, 1907, relating to securing right of way for levees, drains and ditches.

Also :

House File No. 248, a bill for an act to amend the law as it appears in Section Two Thousand Five Hundred Seventy-five-a-Twenty-eight (2575-a-28) and Section Two Thousand Five Hundred Seventy-five-a-Thirty-one (2575-a-31) as amended, Supplement to the Code, 1907, relating to graduated and registered nurses.

Also :

House File No. 300, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred and Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper.

Also :

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten, (1310), and Thirteen Hundred and Eleven, (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of the shares of stock of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Also:

Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 214, a bill for an act to appropriate two thousand (\$2,000.) dollars to assist in the erection of the 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 the adoption of the following substitute:

SENATE SUBSTITUTE FOR SENATE FILE NO. 214.

A BILL

For an Act to Appropriate Two Thousand Dollars (\$2,000.00) to Assist in the Erection of the Monument to the Unknown Soldiers Buried in the National Cemetery at Keokuk, Iowa.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby appropriated out of the funds in the public treasury, not otherwise appropriated the sum of Two Thousand Dollars (\$2,000.00) to assist in the erection of a Soldiers' Monument to the unknown dead buried in the National Cemetery at Keokuk, Iowa such appropriation shall be expended by the Executive Council under such conditions as it may prescribe, but it may join with a public committee organized in the city of Keokuk, Iowa, in the erection of such monument.

This appropriation shall not be available until the further sum of one thousand dollars (\$1,000.00) has been provided to be expended in the erection of such monument. The contract for the erection shall be presented to and approved by the Executive Council before the work of erecting the same shall be commenced and no part of the appropriation shall be paid from the state treasury until the Executive Council shall have approved the erection, and determined that the terms of the contract have been fully met and that the monument has been

erected in full compliance with the terms of this act. The monument shall be erected in a suitable spot in the National Cemetery at Keokuk, Iowa.

No part of the fund created shall be expended in paying a per diem to a committee or any member thereof nor shall any part of the same be used in paying the personal expenses of any committee unless the expense shall have been authorized by the Executive Council.

And when so amended the bill do pass.

JOS. MATTES,  
*Chairman.*

Substitute read first and second time.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 123, a bill for an act appropriating the sum of Twelve Hundred (\$1,200) dollars to be paid to Charles Haskell in settlement of damages sustained by him for quarantine of his cattle, established under the direction of the State Veterinarian, beg leave to report they have had the same under consideration and recommend the same be reported back to the Senate without recommendation.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 372, a bill for an act to amend Section One (1), of Chapter One Hundred Fifty-one (151) of the Acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of Five Thousand Dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 286, a bill for an act to provide for the support of the state hospitals for the insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

First: Strike out the word "fifteen" (15) in line seven (7) of the original bill and insert in lieu thereof the word "fourteen (14)".

Second: Strike out the word "sixteen (16)" in line nine (9) of the original bill and insert in lieu thereof, the word "fifteen (15)" and when so amended be reported favorably for passage.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 129, a bill for an act to amend Chapter Thirteen (13), Title Twelve (12) of the Supplement to the Code 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner, and State Dairy Inspector and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof and repealing all acts or parts of acts in conflict herewith, beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out the comma (,) after the word "year" in line thirty-four (34) of Section Two (2) of said bill and inserting in lieu thereof a period (.); also that the words and figures "and a secretary at a salary of twelve hundred dollars (\$1200) per year," be stricken out of lines thirty-four and thirty-five (34 and 35) of Section Two (2) of said bill; and also that the words "keeping out more than two (2) cows" be stricken from line twenty-one (21) of Section Three (3) of said bill, and that when so amended the bill be reported to the Senate without recommendation.

JOS. MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 309, a bill for an act making an appropriation to enable the state railroad commission to investigate and prepare cases affecting Iowa interstate rates, beg leave to report they have had the same under consideration and recommend the same do pass.

JOS. MATTES,  
*Chairman.*

Adopted.

#### HOUSE MESSAGES CONSIDERED.

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

Passed on file.

House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the Laws of the Thirty-third General Assem-

bly and to enact a substitute therefor, relating to the dragging of public highways and providing penalty for failure to perform such duties.

Passed on file.

House File No. 355, a bill for an act to amend the law as it appears in Section 2727-a-1 of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State Institutions.

Passed on file.

Senate Joint Resolution No. 5, approving estimate of cost, plans and specifications for an addition to the wing of the hospital at the State University.

Passed on file.

Senate File No. 351, a bill for an act to amend Section Two Hundred Fifty-four-a-fourteen (254-a-14) of the Supplement to the Code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts.

Passed on file.

Senate File No. 243, a bill for an act to repeal Section Twenty Three Hundred Forty-eight (2348) of the Code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty and prescribing punishment for the presentation of false or raudulent claims or such bounty.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 574, a bill for an act to legalize the official acts of certain notaries public, was taken up and considered.

Senator Sammis 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Cowles, Crow, DeWolf, Dunneagan, Fitchpatrick,

Gates, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulloch, Malmberg, Neal, Quigley, Sammis, Smith of Mitchell, Smith of Shelby, Taylor, White—28.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Chase, Francis, Garrett, Jewell, Larrabee, Legel, McManus, Mattes, Parshall, Proudfoot, Ream, Saunders, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Van Law, Webber, 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 Sammis of the Sifting Committee, Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa and making an appropriation therefor, was taken up and considered.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dungenan, Fitchpatrick, Gilliland, Hammill, Hunter, McColl, McCulloch, Malmberg; Mattes, Neal, Quigley, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Taylor, Van Law, Webber, White—31.

The nays were:

None.

Absent or not voting:

Chase, Cowles, Francis, Garrett, Gates, Hoyt, Jewell, Larrabee, Legel, McManus, Parshall, Proudfoot, Ream, Saunders, Savage, Spaulding, Stuckslager, Sullivan, 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 Sammis of the Sifting Committee, House File No. 26, 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 contract 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 contract, was taken up and considered.

The bill was read for information.

Senator Hammill 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulich, Malmberg, Neal, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby. Taylor, Van Law, White—30.

The nays were:

None.

Absent or not voting:

Chase, Cowles, Crow, Dunnegan, Garrett, Gates, Jewell, Larrabee, Legel, McManus, Mattes, Parshall, Proudfoot, Saunders, Savage, Spaulding, Stuckslager, Sullivan, Webber, Wilson—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 Sammis of the Sifting Committee, House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the State Industrial School, may be committed to accredited institutions, was taken up and considered.

The bill was read for information.

Senator Schrup 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Ham-mill, Hoyt, Hunter, McColl, McCulloch, McManus, Malmburg, Neal, Parshall, Quigley, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Ames, Chase, Jewell, Larrabee, Legel, Mattes, Proudfoot, Ream, Saunders, Savage, Spaulding, Sullivan, Van Law—13.

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 Sammis of the Sifting Committee, Senate File No. 335, a bill for an act defining duties of the State Food and Dairy Commissioner under the pure food law, regulating appointment of assistants, providing for compensation and ex-penses of assistants, defining food and the term "misbranded" and making appropriation therefor, and repealing acts and parts of acts in conflict therewith, with report of committee recom-mending the adoption of a substitute and passage, was taken up and considered.

The substitute was read for information.

Senator McColl moved to amend the substitute as follows:

I move to amend by striking out all of the substitute after the enacting clause and inserting in lieu thereof the following:

Section 1. That Section Four Thousand Nine Hundred and Ninety-nine-a-fifteen (4999-a15), Four Thousand Nine Hundred and Ninety-nine-a-sixteen (4999-a16), Four Thousand Nine Hundred and Ninety-nine-a-twenty-one (4999-a21), Four Thousand Nine Hundred and ninety-nine-a-twenty-two (4999-a-22), Four Thousand Nine Hundred and Ninety-nine-a-twenty-three (4999-a23), Four Thousand Nine Hun-dred and Ninety-nine-a-twenty-seven (4999-a27), Four Thousand Nine Hundred and Ninety-nine-a-twenty-eight (4999-a28), Supplement to the Code, 1907, are hereby repealed and the following enacted in lieu thereof:

Sec. 2. The State Food and Dairy Commissioner shall be charged with the duty of carrying into effect the provisions of this act and shall

have an official seal. He may, with the approval of the Executive Council, appoint such assistants as he may deem necessary, who may exercise the powers now provided by law in the case of milk inspectors together with those conferred by this act, and they shall perform such duties as may be assigned to them by the State Food and Dairy Commissioner. They shall be paid a salary of not to exceed sixteen hundred dollars (\$1600) per annum, said salary to be paid in the same manner as the salaries of other state officers and they shall be allowed the expenses necessarily incurred by them in the discharge of their duties.

Their accounts shall be itemized and sworn to, and when approved by the Commissioner and the Executive Council, shall be paid by warrant of the Auditor upon the Treasurer out of a sum hereinafter appropriated for carrying out the provisions of this act.

Sec. 3. The word "Commissioner," whenever used in this act, shall be taken to mean the State Food and Dairy Commissioner. The word "food," as used herein, shall include all articles used for food, drink, confectionery or condiment, by man or domestic animals, whether simple, blended, mixed or compound. The term "misbranded," as used herein, shall apply to all articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food product which is falsely branded as to the state, territory or country in which it is manufactured or produced, or if in package form, which bears any statement of the weight or measure unless the same be a correct statement of the net weight or measure of the contents.

For the purpose of this act an article of food shall be deemed to be "misbranded":

First. If it be offered for sale under the specific name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so.

Third. Baking powders if each can or package is not plainly labeled so as to show the name of each and every ingredient contained therein.

Fourth. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are mixtures, compounds, combinations, imitations or blends, and the word "mixture," "compound," "combination," "imitation" or "blend," as the case may be is plainly stated on the package in which it is offered for sale, unless the name of each ingredient shall appear on the main label, in continuous list with no intervening matter of any kind, immediately following the phrase, "mixture of," "compound of," "combination of," "blend of," as the case may be, such names of ingredients to appear in the order in which they are present in quantity in said article of food, beginning with the ingredient present in the greater proportion. All letters used in

naming the ingredients shall be of the same size, style, and color as the letters used in the phrase "mixture of," "compound of," "combination of," or "blend of" and shall appear on a background of one color. Labels required by this act shall be distinctly printed in the English language in legible type no smaller than eight point heavy gothic caps. Such label shall be placed upon the outside of the package and shall contain the name and place of business of the manufacturer, packer or dealer. The term "blend" as used herein shall be construed to mean a mixture of like substances. Provided, that nothing in this act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredients to disclose their trade formulas, except in so far as the provisions of this act may require to secure freedom from adulteration or misbranding.

Sec. 4. For the purpose of this act, an article of food shall be deemed to be **adulterated**:

First. If any substance or substances has or have been mixed and packed with it so as to reduce or lower or injuriously affect its quality, strength or purity.

Second. If any substance or substances has or have been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it does not conform to the standards established by law.

Fifth. If it be mixed, colored, powdered, coated or stained in a manner whereby damage or inferiority is concealed.

Sixth. If it contains any added poisonous ingredient, or any ingredient which may render such article injurious to health or if it contains saccharine or formaldehyde.

Seventh. If it consists of the whole or any part of a diseased, filthy, decomposed or putrid animal or vegetable substance or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal or one that has died otherwise than by slaughter.

Eighth. Candies and chocolates if they contain terra alba, barytes, talc, chrome yellow, or other mineral substances or poisonous colors or flavors, or other ingredients deleterious or detrimental to health.

Ninth. Vinegar if it contains any added coloring matter.

Sec. 5. For the purpose of enabling the Commissioner to enforce the provisions of the various laws, the enforcement of which is vested with the State Food and Dairy Commissioner, for the making of such analysis for other state departments as may be authorized by the Executive Council, for necessary traveling and miscellaneous expenses of assistants and experts and for all other expenses herein provided, the sum of twenty-four thousand dollars, (\$24,000.00) annually, or so much thereof as may be necessary, is hereby appropriated from the treasury not otherwise appropriated.

Sec. 6. All acts and parts of acts in conflict herewith are hereby repealed.

Sec. 7. 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.

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. 186, a bill for an act to amend the law as it appears in Section Twenty-one Hundred Fifty-seven-g (2157-g), Supplement to the Code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of 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. 602, a bill for an act to appropriate money for the purpose of defraying expenses incurred in the election contests from the the Tenth (10) Representative District of Iowa, the Eightieth (80) Representative District of Iowa, and the Ninety-ninth (99) 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.*

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 474, a bill for an act to repeal Section One Thousand Eighty-seven A-19 (1087-A19), Chapter 2A of the Supplement to the Code, 1907, as amended by Section Ten (10) of Chapter Sixty-nine (69), Acts of the Thirty-third General Assembly, and to enact a substitute therefor, relating to canvass by board of supervisors and certificates in primary elections, was taken up and considered.

The bill was read for information.

Senator Funtler was called to the chair at 2:35 o'clock.

Senator Balluff offered the following amendment and moved its adoption:

I move to amend by striking out all after the enacting clause and insert the following:

Section 1. That Chapter 2-A, Section 1087-A1, Supplement to the Code, 1907, and all acts amendatory thereof be and the same is hereby repealed.

On the amendment a roll call was demanded.

The ayes were:

Balluff, Dunnegan, Gilliland, Webber—4.

The nays were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Crow, Fitchpatrick, Francis, Garrett, Hammill, Hoyt, Hunter, McColl, Malmberg, Mattes, Neal, Ream, Smith of Mitchell, Smith of Shelby, Van Law, White—22.

Absent or not voting:

Brown, Chapman, Clarkson, Chase, Cowles, DeWolf, Gates, Jewell, Larrabee, Legel, McCulloch, McManus, Parshall, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Wilson—24.

So the amendment was lost.

Senator Allen of Pocahontas 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Clarkson, Cowles, Crow, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Legel, McColl, McManus, Malmberg, Mattes, Neal, Proudfoot, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Van Law, Webber, White—31.

The nays were:

Balluff, Brown, Chapman, Garrett—4.

Absent or not voting:

Ames, Brown, Chase, DeWolf, Jewell, Larrabee, McCulloch, Parshall, Quigley, Sammis, Saunders, Spaulding, Sullivan, Taylor, Wilson—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 of the Sifting Committee, House File No. 271, a bill for an act to amend Section Three (3), Chapter One Hundred Four (104), Acts of the Thirty-third General Assembly, relating to corporations for pecuniary profit, was taken up and considered.

The bill was read for information.

Senator Allen of Pocahontas 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunne-gan, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, Legel McColl, McManus, Mattes, Neal, Proudfoot, Quigley, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Van Law, Webber, White—32.

The nays were:

None.

Absent or not voting:

Adams, Ames, Chase, Garrett, Gates, Jewell, Larrabee, McCulloch, Malmberg, Parshall, Sammis, Saunders, Savage, Spaulding, Stuckslager, Sullivan, Taylor, Wilson—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. 186, a bill for an act to amend the law as it appears in Section Twenty-one Hundred Fifty-seven-g (2157-g), Supplement to the Code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of persons.

Read first and second time and referred to Sifting Committee.

House File No. 602, 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 Eightieth (80th) Representative District of Iowa, and the Ninety-ninth (99th) 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.

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

Senator Allen of Jefferson moved that the Senate do now adjourn until 9 o'clock tomorrow morning.

Carried.

Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 6, 1911.

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

Prayer was offered by Father M. M. Loftus of Centerville, Iowa.

On request of Senator Saunders, leave of absence was granted Senator Sullivan for the day.

On request of Senator Gilliland, leave of absence was granted Senator Chase for this week on account of sickness.

## PETITIONS AND MEMORIALS.

Senator Wilson presented a petition of citizens of DeWitt, Iowa, favoring the passage of a bill requiring the oiling and watering of streets and highways.

Referred to Committee on Cities and Towns.

Senator Parshall called up the report offered by him relative to fire protection in the capitol, and moved its adoption.

The report was adopted.

## MESSAGES FROM THE HOUSE.

The following messages were received from the House:

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

Senate File No. 292, a bill for an act to appropriate the sum of One Hundred Sixty-four and 22-100 Dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis county, Iowa, deceased, for military service performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May, A. D. Eighteen Hundred and Sixty-four.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 77, a bill for an act to amend the law as it appears in Sections Twenty-six Hundred Thirty-c (2630-c), Twenty-six

Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g), and Twenty-seven Hundred Thirty-eight (2738), of the Supplement to the Code, 1907, to repeal Section Twenty-six Hundred Thirty-four-h (2634-h), of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181), Acts of the Thirty-third General Assembly, and to enact substitutes therefor, to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i), and Section Twenty-seven Hundred Thirty-four-k (2734-k), of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such 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 House was asked:

Substitute for Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, 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. 238, a bill for an act relating to the exemption from taxation of the property used by a militia company and of all evidences of indebtedness against the property so used including stocks and bonds.

C. R. BENEDICT,

*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 238, a bill for an act relating to the exemption from taxation of the property used by a militia company and of all evidence of indebtedness against the property so used including stocks and bonds.

Read first and second time and referred to Sifting committee.

Senate File No. 292, a bill for an act to appropriate the sum of one hundred sixty-four and 22-100 dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County,

Iowa, deceased, for military service performed by him as captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May, A. D. Eighteen Hundred and Sixty-four.

Passed on file.

Substitute for Senate File No. 77, a bill for an act to amend the law as it appears in Sections Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, to repeal Section Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181), Acts of the Thirty-third General Assembly, and to enact substitutes therefor to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Passed on file.

Substitute for Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 289, 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 salary of the commandant of the Iowa Soldiers' Home, 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 amendment.

Amend by striking out Section Two (2), publication clause of the bill.

Adopted.

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:

Allen of Jefferson, Ames, Balluff, Bennett, Brown, Clarkson, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Legel, McCulloch, McManus, Malmberg, Neal, Quigley, Savage, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Wilson—26.

The nays were:

Webber—1.

Absent or not voting:

Adams, Allen of Pocahontas, Balkema, Chapman, Chase, Cowles, DeWolf, Francis, Garrett, Hoyt, Jewell, Larrabee, McColl, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Sullivan, White—23.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Stuckslager offered the following Resolution and moved its adoption:

WHEREAS, The Honorable Wm. C. Thompson, who was an honorable member of the Senate during the sixth and seventh General Assembly, died at his home in Kenwood Park, Iowa, on April 2, 1911, therefore be it

*Resolved*, That a committee of three be appointed by the President of the Senate to prepare and present suitable resolutions commemorating his life and public service.

Adopted.

The President appointed as such committee: Senators Stuckslager, Ames and Chapman.

Senator Bennett asked unanimous consent to withdraw his motion to reconsider the vote by which House File No. 27 passed the Senate, and the vote by which same passed to its third reading.

Consent granted.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 404, a bill for an act to amend Section Twenty-seven Hundred and Thirty-four-b (2734-b) of the Supplement to the Code, 1907, relating to the qualifications of the County Superintendents, was taken up and considered.

The bill was read for information.

Senator Gates moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Clark-son, Crow, Ftepatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McColl, McCulloch, McManus, Neal, Quigley, Savage, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, White, Wilson—27.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Brown, Chase, Cowles, De Wolf, Dunnegan, Francis, Hoyt, Larrabee, Legel, Malmberg, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Sullivan, Webber—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 Sammis of the Sifting Committee, Senate File No. 327, a bill for an act to amend Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the Secretary of the State Board of Health, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

The substitute was read for information.

Senator Allen of Jefferson moved that the substitute be substituted for the original bill.

Adopted.

Senator Allen of Jefferson offered the following amendment and moved its adoption:

I move to amend the substitute for Senate File No. 327 by adding the following additional section thereto, as follows:

Section 2. This act 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 Allen of Jefferson offered the following amendment and moved its adoption:

Strike out the comma (,) after the word "Treasurer" at the end of line four (4) in Section One (1) of said substitute and insert in lieu thereof a period (.); and also strike out the words and figures "provided, however, that the aforesaid twenty-four hundred (\$2400) dollars shall be in lieu of any and all other compensation he may receive in any official capacity" in lines five, six and seven of Section One of said substitute.

Further consideration of the bill was postponed.

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

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 465, a bill for an act to amend Section Seven Hundred and Seventy-nine (779) of the Supplement to the Code, 1907, and providing for the construction, reconstruction and repair of fixtures and apparatus for lighting streets and highways in cities and towns and providing for the assessment of the expense thereof for the abutting property owners, 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Crow, Dunnegan, Francis, Gates, Gilliland, Hunter, Legel, McColl, Mc-

Culloch, McManus, Malmberg, Neal, Quigley, Ream, Saunders, Savage, Smith of Shelby, Spaulding, Van Law, Webber, White, Wilson—27.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Brown, Chase, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Hammill, Hoyt, Jewell, Larrabee, Mattes, Parshall, Proudfoot, Sammis, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Taylor—23.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORT OF JOINT COMMITTEE.

Senator Mattes from the Joint Committee to whom was referred the First Biennial Report of the State Board of Education, submitted the following report:

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

Representatives of the Thirty-fourth General Assembly:

Your committee appointed under House Concurrent Resolution, to which was referred the First Biennial Report of the State Board of Education, beg leave to report as follows:

Under the terms of the resolution, the committee was authorized to visit and inspect the State University, the Iowa State College of Agricultural and Mechanic Arts, and the Iowa State Teachers' College, and to examine the report of the State Board of Education.

On account of the diversified duties in connection with the other matters of importance, the committee has been unable to make the comprehensive and satisfactory examination of the report or of the physical condition of the property of the state that had been desired, and therefore this report is based upon a somewhat abbreviated examination of the report of the State Board of Education, upon consultations and conferences with the members of the Board and the Finance Committee, and such other information as could be obtained from other sources within the reach of the committee members during the present session.

The committee has been able to visit but one of state institutions, namely; the Iowa State College of Agriculture and Mechanic Arts. We are convinced, however, that the recommendations offered by the State Board of Education in its report which are clearly defined and

the itemized reasons given for all purposes, is entitled to great weight in the conclusions which may be reached, either by this committee or by the General Assembly, or by the people of the state.

In the opinion of the committee, the legislation creating the one board to have supervision over all of the educational institutions, was wise and has proved to the advantage of the institutions and to the proper, business like management of all the affairs in connection with the educational interests of the state through these higher institutions. It seems apparent that the state can now work through the state board toward a systematic and economical building up of the different institutions without a conflict of the activities as between the different institutions.

The report rendered by the board is to be commended on account of its clearly defined policies and on account of the exhaustive, detailed statements of all matters pertaining to the business management.

This committee has presumed that the purpose of the resolution was to mean particularly the making of an examination as directed for the purpose of affording some measure of information relative to the askings made by the State Board of Education for additional appropriations for the various purposes, and which this General Assembly is requested to appropriate. By study of the report of the state board, it will be seen that the board has outlined a policy for the up-building and the maintenance of these three institutions under their control.

The unanimous opinion of this committee is that the construction of educational buildings at the institutions should not be promoted in excess of the special millage tax which has been levied by the authority of the assembly and which it is anticipated, will furnish for the Iowa State University the sum of \$135,000.00 annually; for the Iowa State College of Agriculture and Mechanic Arts, \$135,000.00 annually; and for the Iowa State Teachers' College the sum of \$67,500.00 annually. The committee has therefore, seen fit to recommend that the appropriations asked for the additional buildings be not granted and recommend that the policy of the board in the future should be to keep within the limits of the millage tax in the construction of buildings.

After a somewhat hurried review of the reasons assigned for additional appropriations for support funds and for additional equipment, which are the largest items in the special appropriations asked for, the committee believes that the appropriations should be granted. While the committee are not familiar with the sufficiency of salaries paid, we are of the opinion that the recommendations of the State Board of Education, composed as it is, of practical professional and business men, should have great weight.

The committee wish to commend the action of the state board in popularizing the State Agricultural Institution by adding a Two Year's Agricultural Course which has, we understand, as its purpose the meeting of the demands of our state in providing for a practical agricultural



course which may be utilized without entrance qualifications and which seeks to afford the means of accomplishing great good for the state in a practical way.

Your committee recommends that the special appropriations for the university be granted except the following: We recommend that the appropriation for additional funds for support be reduced to \$98,200 annually, the deduction having been made from the items of \$7,500.00 asked by the board for Fine Arts in the detailed report. We recommend also that the appropriation asked for the purchase of additional land be \$40,000.00 instead of \$100,000.00 and the appropriation asked for sidewalks, paving and improvement of grounds be \$10,000.00 instead of \$16,000.00. The purpose of the recommendation of these deductions is based upon the policy suggested by the committee that the board should not attempt to force the permanent improvement of the institution at a greater pace than the millage tax for erecting buildings will warrant. We recommend that the special appropriations for the Iowa State College be granted except the following: The judging pavilion and abatoir laboratory, \$50,000.00; and the poultry laboratory \$6,000.00. The reasons for this have heretofore been assigned in this report in regard to special appropriations for additional buildings.

The committee recommends that all of the appropriations for the State Teachers' College be granted except the last item for fire protection, \$5,000.00, which it recommends be not granted. The committee is advised that there is protection now afforded and that with the standpipe and the apparatus now accessible reasonable protection can be had with the city mains. We are also of the opinion that any apparatus which might be installed for emergency use only, is very often found to be of no avail when the emergency arises. The committee is advised that the appropriation for \$5,000.00 for a pipe organ will be made only on condition that the Students' Association furnish a like amount for the installment of such an organ. The state board advises that such a proposition has been submitted to them by a student organization and we feel that we wish to commend the energy of the students and alumni of this institution for this character of work.

The committee acknowledges the absolute inability to make a comprehensive report on the matters assigned to it. It would be utterly impossible for any committee attending to the many duties devolving upon the members of the legislature to go into the matter of the standing and the work of the various institutions or into the correctness of the report, in detail and this report is made acknowledging these limitations.

The report of the state board, submitted to each member of the legislature is worthy of study and is open to the examination and criticism of the entire state. We feel that the state has, in this state board, provided for a standing committee of business men to represent the interests of the people and endeavor to shape the policies of the in-

stitution so as to accomplish the desired results of first class institutions of higher education and the other objects for which the institutions were founded.

Respectfully submitted,

JOSEPH MATTES,  
JOHN T. CLARKSON,  
A. M. MCCOLL,  
FRED LARRABEE,

*Committee on the part of the Senate.*

ERNEST R. MOORE,  
HENRY RITTER,  
JOHN W. JACOES,  
K. J. JOHNSON,

*Committee on the part of the House.*

Ordered passed on file.

#### REPORT OF COMMITTEE.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations to whom was referred Senate File No. 291, a bill for an act to provide additional support for the wardens of the Reformatory at Anamosa, and the State Penitentiary at Ft. Madison, to furnish each deputy warden with house, water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing Sections 5717 and 5718 of the Code, and the law as found in Sections 5669-a, 5716 and 5718-a-28 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 Section Two (2), by striking out the word "seventy-five" in the thirteenth line and insert in lieu thereof the word "seventy."

Strike out the word "sixty-five" in the fourteenth line and insert in lieu thereof the word "sixty."

Strike out the word "sixty" in the fifteenth line and insert in lieu thereof the word "fifty-five."

Renumber the last two sections of the bill by striking out the figures "3" and "4," and insert in lieu thereof the figures "4" and "5" respectively.

Amend the next to the last section by striking out the word "eleven" in the fifth line of said section and insert in lieu thereof the words "ten dollars fifty cents."

Strike out the words "in the penitentiary and eleven dollars fifty cents for each prisoner in the reformatory," and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 243, a bill for an act entitled an act to amend Title XII, Chapter 12, of the law as it appears in the 1907 Supplement to the Code, relative to the inspection of passenger boats and requiring all such boats to be provided with life preservers, was taken up and considered.

The bill was read for information.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section One by inserting between the words "to" and "the" in line five thereof the words "one-half."

Adopted.

Senator Bennett moved that the rules be suspended, 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Chapman, Chase, Cowles, Gilliland, Hoyt, Larrabee, Parshall, Proudfoot, Saunders, Sullivan—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 Malmberg, 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. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268), of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition.

Also:

Senate File No. 225, a bill for an act to transfer the control and management of the College for the Blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control over such institutions to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8), of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170), of the law as it appears in the Acts of the Thirty-third General Assembly.

Also:

Senate File No. 346, a bill for an act authorizing the executive council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

ED. P. MALMBERG.

*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg from the Joint Committee, 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. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268), of the Code in relation to the disposition of the proceeds of real estate sold in actions of partition.

Also:

Senate File No. 225, a bill for an act to transfer the control and management of the College for the Blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control over such institutions to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8), of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170), of the law as it appears in the Acts of the Thirty-third General Assembly.

Also :

Senate File No 346, a bill for an act authorizing the executive council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
 U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

#### INTRODUCTION OF BILLS.

By Senator Allen of Jefferson, Senate File No. 480.

#### A BILL

For an act to amend Section Thirteen Hundred and Seventy-four (1374) of the Code relating to the taxation of property withheld or omitted from assessment.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Thirteen Hundred and Seventy-four (1374) of the Code, be and the same is hereby amended by inserting after the word "assessed" and before the word "and" in the eleventh line of said section the words "but before listing and assessing any such property the county treasurer shall give the person, firm or corporation in whose name it is proposed to list and assess the same, ten days' notice thereof by registered letter fixing the time and place where objections to such proposed listing and assessment may be heard and determined. Any person, firm or corporation may appeal to the district court from any such final action of the county treasurer, by serving written notice upon him and otherwise proceeding as provided in Section Thirteen Hundred Seventy-three (1373) of the Code."

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.

Read first and second time and referred to Sifting Committee.

#### REPORT OF COMMITTEE.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Substitute for House File No. 41, a bill for an act to create the office of State Fire Marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of

the state fire marshal's 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:

SENATE SUBSTITUTE FOR SUBSTITUTE FOR HOUSE FILE NO. 41.

A BILL

For an act to create the office of State Fire Marshal and Deputy Fire Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby created the office of state fire marshal and upon the taking effect of this act the Governor shall appoint a citizen of the state versed in the cause of fires and having a knowledge of improved methods of preventing fires, to fill the position hereby created. The term of office of the state fire marshal shall be four years and the term of the first incumbent of the office shall end July 1, 1915. During the Thirty-sixth session of the General Assembly and quadrennially thereafter the Governor with the consent of the senate shall appoint a citizen of the state possessing the above requirements as state fire marshal, and the person so appointed shall assume the duties of his office July 1st following the date of his appointment. The state fire marshal may be removed for cause at any time by the Governor and vacancies arising shall be filled by appointment by the Governor, which appointment shall be for the unexpired term. The state fire marshal shall maintain an office at the seat of government and for that purpose the executive council shall provide him with suitably furnished rooms, furniture, books, supplies, printing and stationery necessary to the proper conduct of his office. Before entering upon the discharge of his duties he shall give a bond in the penal sum of five thousand dollars (\$5,000.00) conditioned as provided in Section Eleven Hundred Eighty-three (1183) of the Code.

Sec. 2. The state fire marshal is hereby empowered to appoint a deputy fire marshal to assist him in his work, and with the approval of the executive council may appoint and fix the compensation of such additional deputies, clerks and assistants as may be necessary to properly and efficiently conduct the affairs of his office.

Sec. 3. While any vacancy shall exist in the office of state fire marshal or during his absence or inability to perform his duties, the same shall devolve upon and be performed by the deputy fire marshal.

Sec. 4. With the approval of the executive council the state fire marshal may, in addition to the provisions of Section Two (2), appoint any person, or persons, as state inspector, or inspectors, who may be known to him to be competent and skilled in the inspection of buildings and their contents. Such person, or persons, shall have all

the powers of a deputy fire marshal to enter and inspect buildings, including their contents and occupancies, as provided in Section Nine (9) hereof, and it shall be the duty of such inspector to report to the fire marshal any faulty or dangerous condition found. Such state inspector, or inspectors, shall be duly commissioned and shall receive such compensation as is provided for in Section Fifteen (15) of this act.

Sec. 5. The state fire marshal either by himself or through other persons as in this act provided shall investigate the cause, origin and circumstances of every fire occurring within the state and it shall be the duty of the chief of the fire department of every city, town or village in which a fire department is established, and of the mayor of every incorporated town, or village in which no fire department exists, and of the township clerk of every organized township, outside the limits of any organized city, town or village, to investigate the cause, origin and circumstances of every fire occurring in such city, town, village or township by which property has been destroyed, or damaged, and to specially make investigation as to whether such fire was the result of carelessness or design. Such investigation shall be begun within two days, not including Sunday, of the occurrence of such fire, and the state fire marshal shall have the right to supervise and direct such investigation whenever he deems it expedient or necessary. The officer making investigation of fires occurring in cities, villages, towns or townships shall forthwith notify said fire marshal, and shall within one week of the occurrence of the fire furnish to the said fire marshal a written statement of all facts relating to the cause and origin of the fire and such other information as may be called for by the blanks provided by said fire marshal.

Sec. 6. The state fire marshal shall keep in his office a record of all fires occurring in the state, showing the name of the owners and name or names of occupants of the property at the time of the fire and sound value of the property, and amount of insurance thereon, the total amount of insurance collected, and the total amount of loss to the property owner, together with all the facts, statistics, and circumstances, including the origin of the fire, which may be determined by the investigation provided for by this act. Such record shall at all times be opened to public inspection.

Sec. 7. The state fire marshal shall, when in his opinion further investigation is necessary, take or cause to be taken the testimony under oath of all persons supposed to have knowledge of any facts, or to have means of knowledge in relation to the matter in which an examination is herein required to be made, and shall cause the same to be reduced to writing. If the state fire marshal shall be of the opinion that there is evidence sufficient to charge any person with the crime of arson, or with the attempt to commit the crime of arson, or of conspiracy to defraud, or criminal conduct in connection with such fire, he shall cause such person to be arrested and charged with offense, or either of them, and shall furnish to the proper prosecuting

attorney all such evidence, together with the names of witnesses and all of the information obtained by same, including a copy of all matter and testimony taken in the case.

Sec. 8. The state fire marshal and his deputy shall each have power in any county in the state to administer an oath and compel the attendance of witnesses before them, or either of them, to testify in relation to any matter which is by the provisions of this act a subject of inquiry and investigation, and may require the production of any books, papers, or documents necessary for such investigation. False swearing in any matter of proceeding aforesaid shall be deemed perjury and shall be punished as such. Any witness who refuses to be sworn, or refuses to testify, or who disobeys any lawful order of said state fire marshal, or deputy state fire marshal, or who fails to produce any books, papers or documents touching any matter under examination, or who is guilty of any contentious conduct after being summoned by them, or either of them to appear before them or either of them to give testimony in relation to any matter or subject under investigation as aforesaid, shall be guilty of a misdemeanor, and it shall be the duty of the state fire marshal or deputy state fire marshal, or either of them to make or compel said person, or persons, so refusing to comply with the summons or orders of said state fire marshal, or deputy state fire marshal, before any justice of the peace, police magistrate, or any court of record in the county in which said investigation is being had, and upon the filing of such complaint for such cause, shall proceed in the same manner as other criminal cases. Any person convicted of the violation of any of the provisions of this act shall be deemed guilty of a misdemeanor and shall be fined in a sum not exceeding one hundred dollars (\$100.00) or imprisoned not to exceed thirty days, or both, in the discretion of the court; provided, however, any person so convicted shall have the right of appeal.

Sec. 9. Said state fire marshal and his deputy, or either of them, shall have the right and authority at all times of day or night in the performance of the duties imposed by the provisions of this act, to enter upon, or examine any buildings or premises, where any fire has occurred, and other buildings or premises adjoining or near the same. All investigations held by or under the direction of said state fire marshal may in his discretion be private, and persons other than those required to be present by the provisions of this act may be excluded from the place where such investigation is held, and witnesses may be kept separate and apart from each other and not allowed to communicate with each other until they have been examined; provided that any person suspected of the commission of any crime as contemplated by this act, may, if he so desires, be attended by counsel when being privately interrogated.

Sec. 10. The state fire marshal, his deputy and assistants, the chief of the fire department of all cities, towns or villages where a fire department is established, and the clerk of each township in the



territory outside the limits of an organized city, or village, upon complaint of any person having an interest in any building or property adjacent, and without any complaint, shall have a right at all reasonable hours, for the purpose of examination, to enter into and upon all buildings and premises within their jurisdiction. Whenever any of said officers shall find any buildings or structure, which by want of proper repair or by reason of age and dilapidated condition, or for any cause, is especially liable to fire, and is so situated as to endanger other buildings or property therein, and whenever any such official shall find in any building or upon any premises combustible or explosive matter or inflammable conditions dangerous to the safety of certain buildings or premises, they shall order the same to be removed or remedied and such order shall be forthwith complied with by the owner or occupant of said building or premises, providing, however, that if said occupant or owner shall deem himself aggrieved by such order he may within forty-eight (48) hours appeal to the state fire marshal, and the cause of complaint shall be at once investigated under the direction of the latter, and unless by his authority the order is rejected, such order shall remain in force and be forthwith complied with by said owner or occupant. Any owner or occupant of buildings or premises failing to comply with the order of the authorities above specified shall be punished by a fine of not less than ten dollars (\$10.00) nor more than fifty dollars (\$50.00) for each day's neglect; such penalty to be sued in the name of the state of Iowa upon complaint of the fire marshal, deputy fire marshal or county attorney, or of any officer named herein in the county in which such building or buildings shall be situated, before any justice of the peace or any court of record; right of appeal shall be granted, and such penalty, when recovered, shall be paid into the county treasury of the county wherein such recovery is had; provided, however, that in municipalities having building inspection and limit ordinances, nothing herein shall be construed to affect such local regulations, but the jurisdiction of the state fire marshal shall be concurrent with that of the municipal authorities.

Sec. 11. It shall be the duty of the state fire marshal and his deputies to require teachers of public and private schools, in all buildings of more than one story, to have at least one fire drill each month, and to require all teachers of such schools, whether occupying buildings of one or more stories, to keep all doors and exits of their respective rooms and buildings unlocked during school hours. The state fire marshal shall prepare a bulletin upon the causes and dangers of fires, arranged in not less than four divisions or chapters, and under the direction of the executive council shall publish and deliver the same to the public schools throughout the state and the teachers thereof shall be required to instruct their pupils in at least one lesson each quarter of the school year with reference to the causes and dangers of fires. Any teacher failing to comply with the provisions of this section shall be guilty of a misdemeanor and shall be punishable by a fine of not to exceed ten dollars (\$10.00) for each offense.

Sec. 12. The state fire marshal shall receive an annual salary of twenty-five hundred dollars (\$2,500.00) and the deputy fire marshal shall receive an annual salary of fifteen hundred dollars (\$1500.00). The said fire marshal his deputies and assistants shall be entitled to their actual and necessary traveling, hotel and other expenses while away from the city of Des Moines on business of the office; and the said fire marshal may contract such other expenses as may be necessary in the performance of his official duties, but the total amount to be expended for all purposes, including salaries, compensation, fees and expenses, except the office expenses provided in Section One (1) hereof, shall not exceed the sum of twelve thousand five hundred dollars (\$12,500.00) annually.

Sec. 13. The state fire marshal shall devote his entire time to the duties of his office and he or his deputy shall at all times be at the office of the state fire marshal, ready for such duties as are required by this act.

Sec. 14. The state fire marshal shall file with the Governor annually, as early as consistent with full and accurate preparation and not later than the first day of February each year, a detailed report of his official action and of the affairs of his office, which report shall be published and distributed as the reports of other state officers.

Sec. 15. There shall be paid to the chiefs of the fire department, and to mayors of incorporated villages, who do not receive compensation for their services as such chiefs and mayors, and to the township clerk of every organized township, who are by this act required to report fires to the state fire marshal, the sum of fifty (50) cents for each fire so reported to the satisfaction of the state fire marshal, and in addition thereto mileage at the rate of ten (10) cents per mile for each mile traveled to the place of fire. Said allowance shall be paid by the state fire marshal out of any funds appropriated for the use of the office of said state fire marshal.

Sec. 16. There is hereby appropriated out of any money in the state treasury not otherwise appropriated the sum of twelve thousand five hundred dollars (\$12,500.00) annually, or so much thereof as may be necessary for the purpose of maintaining the department of the state fire marshal and paying all expenses thereof. The said fire marshal shall keep on file in the office an itemized statement of all expenses incurred by his department and shall approve all vouchers issued, and said vouchers shall be allowed and paid out of the funds hereby appropriated in the same manner that other claims against the state are paid, upon approval of the executive council; and when so amended the bill do pass.

Adopted.

JOSEPH MATTES,  
*Chairman.*

THIRD READING OF BILLS.

On motion of Senator Chapman, House File No. 41, a bill for an act creating the office of State Fire Marshal and Deputy Fire

Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office, with report of committee recommending the adoption of a substitute and passage, was taken up, considered, and the report of the committee adopted.

Senator Chapman moved that the substitute be submitted for the original bill.

Adopted.

Further consideration of the bill was postponed.

The Senate resumed consideration of Senate File No. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the Secretary of the State Board of Health and enacting a substitute therefor.

The pending amendment offered by Senator Allen of Jefferson was by unanimous consent withdrawn.

Senator Allen of Jefferson offered the following amendment and moved its adoption:

I move to amend the substitute by striking from Section 1 the words and figures "twenty-four hundred (\$2400) dollars" wherever the same appears in said section, and inserting in lieu thereof the words and figures "three thousand (\$3,000) dollars."

Adopted.

Senator Bennett moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Allen of Jefferson 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larabee, Legel, McCulloch, Neal, Parshall, Sammis, Saunders, Savage, Smith of Sheby, Spaulding, Stuckslager, White—28.

The nays were:

Ames, Fitchpatrick, Garrett, McManus, Quigley, Ream, Smith of Mitchell, Van Law, Webber—9.

Absent or not voting:

Balkema, Brown, Chase, Crow, Hoyt, McManus, Malmberg, Mattes, Proudfoot, Schrup, Sullivan, Taylor, Wilson—13.

Senator Allen of Jefferson moved to amend the title as follows:

Insert after the word "secretary" the words "and members."

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

House File No. 471, a bill for an act to legalize certain conveyances of real estate heretofore recorded.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 591, a bill for an act legalizing the ordinances of the town of Menlo, Guthrie 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. 594, a bill for an act to legalize the notices of a certain special election held at Corydon, 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. 579, a bill for an act authorizing the issue of a patent to the southwest quarter (1-4), of the southeast (1-4), Section Sixteen (16), Township Seventy-six (76), Range Twenty-one (21), West Fifth (5th) P. M.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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. 460, a bill for an act to legalize the action of the Independent School District of Bennett, Cedar County, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by 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 House was asked:

Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the water-works fund by the Town Council of the incorporated town of Fayette, Fayette county, State of Iowa, and regulating the payment 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. 452, a bill for an act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay County, Iowa, so far as affected by the election of six members of said council instead of five.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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. 454, a bill for an act to legalize the action of the Board of Directors of Independent School District of Walker,

Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditures of the funds derived from said 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 House was asked:

Senate File No. 477, a bill for an act to amend Section Eight Hundred Ten (810), of the Code, relative to publication of preliminary notice of street improvements in towns.

C. R. BENEDICT,  
*Chief Clerk.*

Also :

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. 459, a bill for an act to legalize certain warrants of the City of Ottumwa, 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. 382, a bill for an act to legalize the acts of the Treasurer of Monroe County, Iowa, relating to transferring of funds from the District School Fund to the County 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 House was asked:

Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the Council of the incorporated town of Prairie City, Jasper County, Iowa, relating to special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

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. 272, a bill for an act to amend Section One (1), and Section Three (3), Chapter One Hundred Four (104), Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

C. R. BENEDICT,  
*Chief Clerk.*

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 446, a bill for an act to confer additional powers upon trust companies and to prescribe the conditions under which they may transact business, was taken up and considered.

The bill was read for information.

Senator Cowles offered the following substitute and moved its adoption:

Substitute for Senate File No. 446:

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 and Eleven (1611) of the Code, relating to corporations.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Corporations organized under the provisions of Chapter One (1) of Title Nine (9) of the Code for the purpose of loaning money, receiving deposits, dealing in notes, bonds, mortgages, stocks, debentures and other securities and real estate, and acting as fiscal agents or trustees for individuals, municipalities or corporations, or in a fiduciary capacity, shall be known as trust companies and shall have the word "trust" incorporated in the name thereof, and no other corporation, partnership, individual or unincorporated association, except a state or savings bank which is authorized by this act in a fiduciary capacity, shall incorporate or embrace the word "trust" in its name, and no such trust company shall use the same name as that used by any other trust company organized in this state, or to a name closely resembling that used by a trust company organized in this state as to mislead the public.

Sec. 2. Such corporations may be organized by not less than three persons of lawful age, and if the place of business of any such corporation is a city or town having a population of five thousand (5,000) or less, it shall have a paid capital of not less than twenty-five thousand dollars (\$25,000.00); if in a city having a population of more than five thousand (5,000), and not exceeding twenty-five thousand (25,000), it shall have a paid up capital of not less than fifty thousand

dollars (\$50,000.00); and if in a city having a population of more than twenty-five thousand (25,000), it shall have a paid up capital of one hundred thousand dollars (\$100,000.00); and no such trust company shall be organized unless it shall have a paid up capital of twenty-five thousand dollars (\$25,000.00) or more.

Sec. 3. Trust companies organized under the provisions hereof, or under the laws of this state prior to the passage of this act, which have complied with the provisions of this act and received from the Auditor of State a permit to transact business in this state, may exercise the powers conferred by Chapter One (1), ten (10), eleven (11) and twelve (12) of title nine of the Code.

Sec. 4. The articles of incorporation of any such company shall be submitted to the Auditor of State and the Attorney General, and if found to be in accordance with the constitution and laws of this state and the laws of the United States, shall be approved by them. A statement under oath of the officers named in the articles of incorporation that the required capital has been subscribed, paid in and is held in good faith by such trust company, shall be filed with the Auditor of State, and when the Auditor of State has satisfied himself by personal examination or other wise at the expense of the company that such statement is true, he shall issue to the corporation a certificate to that effect and authorizing it to commence business, which certificate shall be published once a week for four consecutive weeks in some newspaper printed in the town or city where such trust company has its place of business, and proof of such publication by affidavit shall be filed with the auditor of state.

Sec. 5. The provisions of Section Eighteen Hundred and Forty-nine (1849), Eighteen Hundred Fifty-two (1852), Eighteen Hundred Fifty-four (1854), Eighteen Hundred Fifty-seven (1857), Eighteen Hundred Fifty-eight (1858), Eighteen Hundred Seventy (1870) of the Code, as same are now amended and number Eighteen Hundred Fifty-three (1853) of the Code except as to trust companies already organized, and all the provisions of Chapter Twelve (12) of Title Nine (9) of the Code as the same is now amended, shall apply to trust companies organized under the laws of the state and transacting business under the provisions hereof, to the same extent and in the same manner as such provisions now apply to banking corporations and all of the provisions now apply to banking corporations and all of the provisions of law relating to the power, authority and duty of the Auditor of State to examine and control state and savings banks, and to require reports thereof to be made, and of provisions of law requiring the payment of fees to the Auditor of State of the payment of expenses incurred by him, or by any examiner appointed by him, shall apply with equal force to all trust companies.

Sec. 6. Any trust company which has complied with the provisions of this act, and has received a permit from the Auditor of State to transact business in this state, and any state or savings bank now or hereafter organized under the laws of this state having a paid up



capital of not less than twenty-five thousand dollars (\$25,000) may act as guardian, administrator, executor, trustee, assignee, receiver, custodian, agent or conservator of any money or property or in any other fiduciary capacity.

Sec. 7. All money or property held by any trust company, state or savings banks, as guardian, administrator, executor, trustee, assignee, receiver, custodian, conservator, shall constitute a trust fund, and unless otherwise ordered by court, there shall be paid, on any money thus held by any such trust company or bank, interest at a rate of not less than two (2) per centum per annum when such money is not otherwise invested.

Sec. 8. Whenever any state bank, savings bank or trust company is appointed or made guardian, administrator, executor, trustee, assignee, receiver, custodian or conservator under the provisions of this act, the president, vice president, cashier or treasurer of such corporation shall take and subscribe for the corporation any and all oaths or affirmation required to be taken or subscribed by such guardian, administrator, executor, trustee, assignee, receiver, custodian or conservator.

Sec. 9. Every state or savings bank, or trust company, acting as guardian, administrator, executor, trustee, assignee, receiver, custodian or conservator, shall have the same rights, powers and privileges as individuals so acting, and receive the same compensation as is or may be allowed individuals for exercising similar offices or trusts, so far as the same are fixed by statutes and shall execute a bond for the faithful performance of the trust confided to it in like sum and with like penalties as is required by individuals, providing, however, that no such bond shall be required in case any state or savings bank or trust company so acting, which possesses sufficient surplus shall deposit with the Auditor of State the sum of two hundred thousand dollars (\$200,000) in cities having a population of fifty thousand (50,000) or over and the sum of one hundred thousand dollars (\$100,000) in cities and towns having a population of less than fifty thousand (50,000); such deposits to be for the benefit of the creditors of said company and to consist of bonds of the United States or municipal bonds of this state, or in mortgages on improved and productive real estate in this state, being first liens thereon, and the real estate being worth twice at least the amount loaned thereon. The interest on such security so deposited being paid to the owners thereof as the same becomes due and is paid.

Sec. 10. That Section Sixteen Hundred and Eleven (1611) of the Code, be and the same is hereby amended by inserting after the word "banks" in the fourth line of said section and the words "or trust companies."

Sec. 11. All acts and parts of acts in conflict with the provisions of this act are hereby repealed.

Sec. 12. 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 Daily Capital, newspapers published at Des Moines, Iowa.

Substitute read a first and second time.

Senator DeWolf raised the point of order that the substitute offered by Senator Cowles was not germane to the bill, and therefore not in order.

The President ruled the point of order was not well taken.

Senator Hammill moved that the further consideration of the bill and the substitute be postponed until 2:30 tomorrow.

Senator Van Law moved that Senate File No. 446 and the substitute offered by Senator Cowles be laid on the table.

On the motion a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Ames, Clarkson, Cowles, Crow, Garrett, Gates, Gilliland, Hammill, Malmberg, Quigley, Ream, Smith of Shelby, Taylor, Van Law, White—17.

The nays were:

Balkema, Balluff, Bennett, Chapman, DeWolf, Dunnegan, Fitchpatrick, Francis, Hoyt, Hunter, Legel, McCulloch, Mattes, Neal, Parshall, Sammis, Savage, Smith of Mitchell, Spaulding, Stuckslager, Webber, Wilson—23.

Absent or not voting:

Allen of Pocahontas, Brown, Chase, Jewell, Larrabee, McColl, McManus, Proudfoot, Saunders, Sullivan—10.

So the Senate declined to lay the bill on the table.

The motion offered by Senator Hammill was lost.

Senator Adams moved that the further consideration of this bill and the substitute be postponed until 2 o'clock tomorrow, and if at that time any bill is under consideration the same to follow the disposition of such bill.

Senator Hunter moved as a substitute that the further consideration be postponed until this afternoon at 1:30 o'clock.

Substitute motion was lost.

The motion offered by Senator Hammill prevailed.

The President announced that as President of the Senate in the presence of the Senate he had signed Senate Files Nos. 346, 225, 418, 278, 197, 300, 402, 248 and 266.

## MESSAGE 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 by substitute amendment and passed the following bill in which the concurrence of the House was asked:

Senate File No. 421, a bill for an act to amend Section 1072, 422, 1303, of the Supplement to the Code, 1907, and to repeal Section 1528 of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the election of officers, to the powers of the Board of Supervisors levying of taxes and powers and duties, of the township trustees.

C. R. BENEDICT.

*Chief Clerk.*

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 418, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268) of the Code, in relation to the disposition of the proceeds of real estate sold in actions of partition.

Also:

Senate File No. 225, a bill for an act to transfer the control and management of the College for the blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control over such institution to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a8) of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the acts of the Thirty-third General Assembly.

Also:

Senate File No. 346, a bill for an act authorizing the executive council to pay court costs taxed to or expenses incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.

Also:

Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as

it appears in Section Thirteen Hundred and Twenty-two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the taxation of the shares of stock of national banks, state and savings banks and loan and trust companies, and defining moneyed capital, and providing for the taxation thereof.

Also :

Senate File No. 249, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704) of the Supplement to the Code, 1907.

Also :

Senate File No. 231, a bill for an act to repeal Section One Thousand Three (1003) of the Code and enact a substitute therefor relative to the levy of taxes in special charter cities.

Also :

Substitute for Senate File No. 398, a bill for an act to legalize conveyances of real property by executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295) of the Code, were not observed or complied with.

Also :

Senate File No. 359, a bill for an act to amend the law as it appears in Section Two Hundred Eighty (280) of the Code, relating to the compensation of marshal in superior court.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 180, a bill for an act amending Chapter 8, Title XIII of the Supplement to the Code, 1907, and being additional thereto; providing that females liable to be committed to the state industrial school, may be committed to accredited institutions, providing for the compensation for such care; providing for the control and reports from such institutions.

Also :

House File No. 423, a bill for an act to amend Section Eighteen Hundred Twenty-two (1822) of the Code, relating to beneficiary associations composed of the members of any one religious denomination and

permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under Chapter Nine, Title Nine, of the Code.

Also:

House File No. 46, a bill for an act to repeal Chapter One Hundred One (101) of the laws of the Thirty-third General Assembly and to enact a substitute therefor relating to the dragging of public highways and providing penalty for failure to perform such duties.

Also:

House File No. 321, a bill for an act to authorize the governor of the state to execute to Joseph Tucker, a patent, conveying to him the south-west quarter (S. W. 1-4) of the southeast quarter (S. E. 1-4) of Section Five (5), Township Eighty-seven (87), North, Range One (1), West of the 5th P. M. in Dubuque County, Iowa.

Also:

House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

ED. P. MALMBERG,  
*Chairman Senate Committee.*

U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller, Senator Hoyt.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Dan-

iels, Dawson, Dewey, DeWolf, Dixon Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull,, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickfórd, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—150.

Absent:

Byerly, Chase, Cowles, Fletcher, McManus, Malmberg, Shankland, Sullivan—8.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke than announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of he Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, De Wolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater,

Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—50.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Crist, Daniels, Dewey, Edmunds, Francis, Fulton, Gilliland, Hickenlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp, Van Law—34.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Zeller—62.

Those voting for George M. Curtis were:

Bascom, Dixon, Whitney—3.

Those voting for N. F. Reed were:

Webber—1.

Absent:

Byerly, Chase, Cowles, Fletcher, McManus, Malmberg, Shankland, Sullivan—8.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Clarkson of Monroe the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Bennett moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

## AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30, President Clarke presiding.

On request of Senator Ream, leave of absence was granted Senator Malmberg for the remainder of the day.

## HOUSE MESSAGES CONSIDERED.

Substitute for Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3) Chapter One Hundred and Four (104) acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

Passed on file.

Senate File No. 421, a bill for an act to amend Section 1072, 422, 1303 of the Supplement to the Code 1907, and to repeal Section 1528 of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to the election of officers to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

Substitute read first and second time.

Passed on file.

Senate File No. 444, a bill or an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

Passed on file.

Senate File No. 382, a bill for an act to legalize the acts of the treasurer of Monroe county, Iowa, relating to the transferring of funds from the district school fund to the county fund.

Passed on file.

Senate File No. 459, a bill for an act to legalize certain warrants of the City of Ottumwa, Iowa.

Passed on file.



Senate File No. 477, a bill for an act to amend Section Eight Hundred and Ten (810) of the Code, in relation to publication of preliminary notice of street improvements in towns.

Passed on file.

Substitute for Senate File No. 454, a bill for an act to legalize the action of the Board of Directors of the Independent School District of Walker, Linn county, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

Passed on file.

Senate File No. 452, a bill for an act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay county, Iowa, so far as effected by the election of six members of said council instead of five.

Passed on file.

Senate File No. 460, a bill for an act to legalize the action of the Independent School District of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said election.

Passed on file.

Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the water works fund by the town council of the Incorporated town of Fayette, Fayette county, state of Iowa, and regulating the payment thereof.

Passed on file.

House File No. 579, a bill for an act authorizing the issue of a patent to the southwest quarter (1-4) of the southeast quarter (1-4), Section sixteen (16), Township seventy-six (76), Range twenty-one (21), west Fifth (5th) P. M.

Read first and second time and referred to Sifting committee.

House File No. 594, a bill for an act to legalize the notices of a certain special election held at Corydon, Iowa.

Read first and second time and referred to Sifting committee.

House File No. 471, a bill for an act to legalize certain conveyances of real estate heretofore recorded.

Read first and second time and referred to Sifting committee.

House File No. 591, a bill for an act legalizing the ordinances of the town of Menlo, Guthrie county, Iowa, and the acts and proceedings of the council of said town had thereunder.

Read first and second time and referred to Sifting committee.

Senator Smith of Mitchell called up House Concurrent Resolution relative to the printing of extra copies of Senate File No. 387, and offered the following amendment:

I move to amend the Concurrent Resolution by changing the word "pamphlet" therein to read "leaflet," and by adding to said resolution the following:

"And he is hereby ordered to mail to each county auditor in the state a sufficient number so that said auditor can furnish one copy to each assessor and each board of equalization in his county."

Adopted.

Senator Smith of Mitchell moved the adoption of the resolution as amended.

Adopted.

Senator Larrabee offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Relative to the Printing of Additional Copies of the Report of the State Veterinary Surgeon.

*Resolved by the Senate; the House Concurring:*

That the Secretary of state is directed to have printed three thousand (3,000) additional copies of the Seventh Biennial Report of the State Veterinary Surgeon, to be bound in paper covers, and containing the map and illustrations, for general distribution.

Laid over.

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 5, approving estimate of cost, plans and specifications for an addition to the wing to the hospital at the State University, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendment:

Amend by striking out the word "third" in the sixth line of the preamble and substituting in lieu thereof the word "first".

On the question, "Shall the Senate Concur in the House amendment?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, McManus, Neal, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Cowles, DeWolf, Garrett, Gilliland, McColl, Malmberg, Mattes, Parshall, Proudfoot, Sammis, Saunders, Sullivan—16.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Chapman, Senate File No. 291, a bill for an act to provide additional support for the wardens of the reformatory at Anamosa and the state penitentiary at Fort Madison, to furnish each deputy wardens with house, water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing Sections Fifty-seven Hundred Seventeen (1517) and Fifty-seven Hundred Eighteen (5718) of the Code and the law as found in Section Fifty-six Hundred Sixty-nine-a (5669-a), Fifty-seven Hundred Sixteen (5716) and Fifty-seven Hundred Eighteen-a-twenty-eight (5718-a28) of the Supplement to the Code 1907, was taken up and considered.

Senator Chapman moved the adoption of the following amendments:

Amend Section Two (2) by striking out the word "seventy-five" in the thirteenth line and insert in lieu thereof the word "seventy."

Strike out the word "sixty-five" in the fourteenth line and insert in lieu thereof the word "sixty."

Strike out the word "sixty" in the fifteenth line and insert in lieu thereof the word "fifty-five."

Renumber the last two sections of the bill by striking out the figures "3" and "4" and insert in lieu thereof the figures "4" and "5" respectively.

Amend the next to the last section by striking out the word "eleven dollars" in the fifth line of said section and insert in lieu thereof the words "ten dollars fifty cents."

Strike out the words "in the penitentiary and eleven dollars fifty cents for each prisoner in the reformatory."

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McManus, Neal, Quigley, Savage, Smith of Mitchell, Spaulding, Taylor, Van Law, Webber, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Chase, Cowles, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Parshall, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Stuckslager, Sullivan—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 Senate is asked:

House File No. 461, a bill for an act to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the State University of Iowa Hospital, 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 House was asked:

Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the state of Iowa 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:

Substitute for Senate File No. 262, a bill for an act repealing Section Four Thousand Nine Hundred Ninety-nine-a-38 (4999-a-38) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 115, a bill for an act making appropriation to the State Historical Society of Iowa.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator McManus, Senate File No. 214, a bill for an act to appropriate two thousand dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa, was taken up and considered.

The substitute was read for information.

Senator McManus moved that the substitute be substituted for the original bill.

Adopted.

Senator Brown offered the following amendment and moved its adoption: I move to amend the bill by striking out the words and figures in the 10th line of Section One, "one thousand dollars (\$1,000.00)," and insert in lieu thereof the words and figures "seven hundred dollars (\$700.00)."

Adopted.

Senator Balluff offered the following amendment and moved its adoption: I move to strike out the word "public" in the 2d line of Section One and to insert in lieu thereof the word "state."

Adopted.

Senator McManus 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—43.

The nays were:

None.

Absent or not voting:

Chase, Cowels, Gilliland, Malmberg, Proudfoot, Smith of Mitchell, Sullivan—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 Sammis, Senate File No. 229, a bill for an act authorizing cities and towns including special charter cities and cities under commission plan of government to adopt and enforce building rules and regulations and to adopt a building code, was taken up and considered.

Senator Sammis moved that the Senate concur in the following House amendments:

By striking out the words "of Iowa" in the first line of Section 1.

By striking out the words "of Iowa" in the first line of Section 2.

By striking out the words "of Iowa" in the first line of Section 3.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Quigley, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Bennett, Chase, Clarkson, Cowles, Jewell, Malmberg, Proudfoot, Ream, Schrup, Smith of Mitchell, Sullivan—11.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Balkema, Senate File No. 421, a bill for an act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422) and One Thousand Three Hundred Three (1303) of the Supplement to the Code, 1907, and to repeal Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees, was taken up and considered.

Senator Balkema moved that the Senate concur in the following House substitute amendment:

A BILL

For an Act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422), One Thousand Three Hundred Three (1303), Four Hundred Sixty-nine (469) of the Supplement to the Code, 1907, and Section Sixteen (16) Chapter One Hundred Eighteen (118), Section One (1), Chapter Ninety-seven (97), of the Acts of the Thirty-third General Assembly and to repeal Section Five (5), of Chapter Ninety-six (96), of the Acts of the Thirty-third General

Assembly, and to repeal Section Fifteen Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the election of Officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the Township Trustees.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Amend Section One Thousand Seventy-two (1072) of the Supplement to the Code, 1907, by striking from the seventh line of said section the words "a surveyor."

Sec. 2. Amend Section Four Hundred Twenty-two (422) of the Supplement to the Code, 1907, by adding thereto paragraph Twenty-four (24.)

Paragraph 24. "To employ a competent person who shall perform all the duties now belonging to the office of county surveyor, and who may be employed by them for the purpose of making general specifications for the grading, repairing and building of roads, bridges and culverts, and to perform such other duties as the Board of Supervisors may determine.

Sec. 3. Amend Section One Thousand Three Hundred Three (1303) of the Supplement to the Code, 1907, by adding thereto paragraph five (5).

Paragraph 5. "For the grading and building of roads not more than two mills on the dollar, to be known as the county road building fund, but such tax shall not be levied upon any property assessable within the limits of any city or incorporated town and none of such road tax shall be used in the grading or building of any roads within the limits of such cities or incorporated towns.

Sec. 4. Amend Section Four Hundred Sixty-nine (469) of the Supplement of the Code, 1907, by striking out the word "three" in the fifth line of said section and inserting in lieu thereof the word "four."

Sec. 5. Amend Section Sixteen (16) of Chapter One Hundred Eighteen (118), of the Acts of the Thirty-third General Assembly by striking out all of said section following the comma (,) following the word "fund" in the twenty-first line and inserting in lieu thereof the following:

"Or out of a fund created for said purpose as provided in Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907."

Sec. 6. Amend Section One (1) of Chapter Ninety-seven (97) of the Acts of the Thirty-third General Assembly by striking out all of said section after the period (.) following the word "chapter" in line thirty-seven of said section.

Sec. 7. That Section Five (5) of Chapter Ninety-six (96) of the Acts of the Thirty-third General Assembly be and the same is hereby repealed.

Sec. 8. That Section One Thousand Five Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:



The township trustees in each township shall meet on the first Monday in February and on the first Monday in April, or as soon thereafter as the assessment book is received by the township clerk and on the first Monday in November in each year. At the February meeting said trustees shall select a superintendent of dragging and employ a road superintendent. At the April meeting said trustees shall determine:

1. The rate of property tax to be levied for the succeeding year for the repair of the roads, culverts and bridges and for guide boards, plows, scrapers, road drags, tools and machinery adapted to the repair of the roads, culverts and bridges and for the destruction of noxious weeds in public highways and other public places, and for the payment of any indebtedness previously incurred for road purposes, and levy the same, which shall not be more than four mills on a dollar on the amount of the township assessment for that year, which when collected, shall be expended under the direction and order of the township trustees; and they may determine and certify to the Board of Supervisors, a tax on the assessed property in the township of not exceeding five mills on a dollar of such assessment, which shall be applied, or so much thereof as may be necessary, in paying drainage taxes heretofore levied and still unpaid or for the payment of any drainage assessments that may be hereafter levied against the township on account of benefits to highways under the provisions of Section Sixteen (16) of Chapter One Hundred Eighteen (118) of the Acts of the Thirty-third General Assembly of Iowa, and the balance of such levy or the whole thereof in case there be no drainage taxes due from the township, may be applied in paying the expense of draining highways of the township or in co-operating with those owning land in the township in securing the drainage of such highways; but in the event that the amount to be expended in any one place, exceed the sum of fifty dollars (\$50.00), the township shall not pay more than its just proportion of the benefits to be ascertained by a competent civil engineer and duly set forth in his report approving of such drainage, which report shall be filed with the township clerk before any money is paid out for such drainage.

2. The amount that will be allowed for a day's labor done by a man, and by a man and team, on the road. To certify to the Board of Supervisors the desire for an additional road tax, not to exceed one mill to be levied in whole or in part by the Board of Supervisors, as hereinafter provided. At the November meeting they shall settle with the township clerk and with all parties with whom contracts have been made for work in repairing or dragging of the roads.

Senator Balkema moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Motion prevailed.

The House substitute amendment was read for information.

Senator Balkema moved that the rules be suspended, the reading just had be considered a third reading and the House substitute amendment be concurred in.

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

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Chapman, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Van Law, White Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Jefferson Brown, Chase, Clarkson, Cowles, DeWolf, Garrett, Larrabee, McManus, Malmberg, Mattes, Saunders, Schrup, Sullivan, Taylor, Webber—16.

So the House substitute amendment having received a constitutional majority was declared concurred in and to have passed the Senate.

On motion of Senator Stuckslager, Senate File No. 272, a bill for an act to amend Section One Thousand Three Hundred and Twenty-six (1326) of the Code, relating to domestic local building and loan associations, with report of committee recommending passage, was taken up and considered.

Senator Stuckslager moved that the Senate concur in the following House amendments:

Amend by inserting after the word "association" and before the word "and" in line 4 of Section 2 the following: "Domestic and domestic local building and loan or savings and loan associations."

Strike out Section One (1) of the substitute for Senate File No. 272 and offer in lieu thereof the following:

Section 1. That Section One (1), Chapter One Hundred Four (104), acts of the Thirty-third General Assembly be amended by inserting after the word "profits" and before the word "incor-

porations" in the twenty-first line thereof, the words "domestic and domestic local building and loan associations," and by striking out the period after the word "herein" in the twenty-fourth line of said section and adding the words, "in excess of twenty-five dollars (\$25.00)."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Crow, Dunningan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chapman, Chase, Clarkson, Cowles, DeWolf, Francis, McManus, Malmberg, Smith of Mitchell, Sullivan, White—14.

So the House amendment having received a constitutional majority was declared concurred in.

The President announced that as President of the Senate, in the presence of the Senate, he had signed House File Nos. 574, 46, 180 and 321.

#### INTRODUCTION OF BILLS.

By Senator Webber, Senate File No. 481:

#### A BILL

For an Act to amend Section Six Hundred Seventy-nine-h (679-h) of the Supplement of the Code in relation to removals and discharges of police officers and policemen, except the Chief of Police, and firemen, including the chief of the fire department.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Six Hundred and Seventy-nine-h (679-h) of the Supplement to the Code be and the same is hereby amended by adding thereto at the end thereof the following, to-wit:

"In case the city council of any city which has a board of police and fire commissioners under this Chapter 2-a of Title V of the Supplement to

the Code shall hereafter provide by a general ordinance for a reduction in the number of its police officers and policemen, except the chief of police, or its firemen including the chief of the fire department, then such a number of its said police officers except the chief of police, or of its said firemen including the chief of the fire department, shall be honorably discharged from said police force or fire department as is required to reduce its said police force, or the members of its fire department to the number fixed in said ordinance, and the mayor of said city shall designate in writing the ones to be so discharged."

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 Des Moines, Iowa.

Read first and second time and referred to Sifting Committee.

By Senator Ames, Senate File No. 482:

A BILL

For an Act legalizing certain acts and proceedings of the City Council of the City of Toledo, Tama County, Iowa.

*Whereas*, in the year 1910, three vacancies occurred simultaneously in the city council of the city of Toledo, Iowa, and

*Whereas*, the remaining two members of said City Council at an adjourned meeting of the same regular meeting of said council when such vacancies occurred, proceeded to fill said vacancies as by law provided in Section Twelve Hundred Seventy-two (1272) Supplement to the Code, 1907, and

*Whereas*, doubts have arisen as to the authority of the remaining councilmen to make such appointments, therefore

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the action of the said city council of the city of Toledo, Iowa, in appointing Councilmen to fill the vacancies occurring by the resignation of three councilmen for said City of Toledo in the year 1910, be and the same is hereby legalized and declared to be legal, valid, and binding; and all official acts done by the City Council of the City of Toledo, Iowa, in consequence of such appointments are hereby legalized and declared to be valid and binding.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Toledo Chronicle, a newspaper published at Toledo, Iowa, and the Register and Leader, a newspaper published at Des Moines, Iowa, without expense to the state.

Read first and second time and referred to Sifting committee.

By Senator Ames, Senate File No. 483:

A BILL

For an Act to amend the law as it appears in Section Twelve Hundred and Seventy-two (1272) Supplement to the Code, 1907, relating to the filling of vacancies in the office of councilman or mayor of any city, and all other elective city officers.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section Twelve Hundred and Seventy-two (1272) Supplement to the Code, 1907, be and the same is hereby amended by striking from said section the word "council" in the 19th line thereof and inserting in lieu thereof the words "remaining councilmen."

Read first and second time and referred to Sifting Committee.

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 338, a bill for an act to amend Section Six Hundred Seventy-nine-a (679-a) and One Thousand Fifty-six-a-Thirty-two (1056-a32) Subdivision F of the Supplement to the Code 1907, relative to the board of police and fire commissioners in certain cities of the first class, was taken up and considered.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend House File No. 338 by striking all after the enacting clause and inserting in lieu thereof the following:

"Section 1. Section eight, Chapter Sixty-four of the Acts of the Thirty-third General Assembly be, and hereby is, amended by striking from line sixteen the words and language, to-wit: "chief of the fire department."

Sec. 2. Subdivision b, c, and d of Section One Thousand Fifty-six-a-32 of the Supplement to the Code, 1907 be, and hereby are, repealed and the following enacted as a substitute therefor:

"Such commission shall, on the first Monday of April and October of each year, or oftener if they shall deem it necessary, under such rules and regulations as it may prescribe, hold examinations for the purpose of determining the qualifications of applicants for positions, including applicants for position of chief of the fire department, and for positions in the fire and police department, which examinations shall be practical in their character and shall relate to such matters as will fairly test the fitness of the person examined to discharge the duties of the position to which he seeks to be appointed. Such commission, shall, as soon as possible after every such examination, certify to the city council the names of ten persons for each department who, according to its records, have the highest standing for the positions they seek to fill, as a result of such

examination, and all vacancies in positions under civil service which shall occur before the holding of the next examination shall be filled from said list so certified; provided, however, if the list for any cause shall be reduced to less than three for any division or department, then the superintendent of the proper department may temporarily fill a vacancy until the next examination of the commission. In all examinations and appointments under the provisions of this act, honorably discharged soldiers, sailors or marines of the regular or volunteer army or navy of the United States shall be given a preference if otherwise qualified.

Sec. 3. All persons subject to such civil service examination shall be subject to removal from office or employment by majority vote of such civil service commission for misconduct or failure to properly perform their duties under such rules and regulations as may be adopted by the council. The chief of police, the chief of the fire department, or any superintendent or foreman in charge of municipal work, may peremptorily suspend or discharge any subordinate then under his direction for neglect of duty, disobedience of orders or misconduct, but shall, within twenty-four hours thereafter, report such suspension or discharge, with the reason therefor, to the superintendent of his department, who shall thereupon affirm or revoke such suspension or discharge according to the merits under the facts in the case. Every officer or employe so suspended or discharged and whose suspension or discharge has been affirmed, or the officer or person so suspending or discharging a subordinate when such suspension or discharge has been revoked, as the case may be, may, within five days from the affirmation or revocation of any such suspension or discharge, appeal therefrom to the civil service commission, if the person taking the appeal was subject to such civil service, otherwise to the city council, and such commission or council, as the case may be, shall fully hear and determine the appeal upon the merits of the case, and if it be determined that any such suspension or discharge was unwarranted the appellant shall be reinstated, otherwise it shall be affirmed. Any such appeal may be taken by serving upon the proper department superintendent or his secretary or clerk a notice in writing, within said time, specifying the ruling appealed from, which notice shall be signed by the person taking the appeal. A true copy of such notice of appeal shall be filed with the chairman of the civil service commission or mayor, as the case may be. Within five days from the service of such notice of appeal, the proper department superintendent shall file with the civil service commission, or city council, as the case may be, a written specification of the charges or grounds upon which the affirmation or revocation of the suspension or discharge appealed from was based. Within five days after such specifications are filed as aforesaid the commission or council, as the case may be, shall fix the time and place for hearing the appeal and notify the appellant in writing of the time and place so fixed, which notice shall contain a copy of the specifications so filed. The time for hearing any such appeal shall not be fixed earlier than five days nor later than twenty days from the filing of such specifications. The council and commission shall have the power to enforce the attendance of witnesses, the production of books and papers, and to administer oaths in

the same manner and with like effect, and under same penalties, as in the case of magistrates exercising criminal or civil jurisdiction under the statutes of Iowa. The hearings on such appeals shall be public and appellant may be represented by counsel. The council or commission, as the case may be, shall issue subpoenas for such witnesses as appellant may designate, which shall be signed by the mayor or chairman of the commission, as the case may be. Such commission shall make annual report to the council and it may require a special report from such commission at any time. Such commission may prescribe such rules and regulations for the proper conduct of its business as shall be found expedient and advisable.

Sec. 4. Such commission shall appoint a chief of the fire department, but the tenure of any person holding such position at this time shall not be affected by this section; provided, however, that such officer may be removed for cause in accordance with the provisions of the next preceding section. No person shall be employed in any capacity in the fire or police department unless he is a citizen of the United States and has been a resident of such city more than one year and is of good moral character and can read and write the English language and is not addicted to the use of intoxicating liquors as a beverage. Nothing in this act shall be construed as limiting the powers conferred upon the city council and its members in Section One Thousand Fifty-six-a-25, of the Supplement to the Code, 1907.

Sec. 5. No member of the fire or police department in any such city shall directly or indirectly contribute any money or anything of value to any candidate for nomination or election to any office or to any campaign or political committee. Any person violating any of the provisions of this section shall be deemed guilty of a misdemeanor and upon conviction shall pay a fine of not less than Twenty-five dollars nor more than One Hundred dollars, or be imprisoned in the county jail not to exceed thirty days."

Adopted.

The bill as amended was read for information.

Senator Saunders 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:

Allen of Pocahontas, Ames, Balkema, Bennett, Chapman, DeWolf, Dunnegan, Francis, Garrett, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, Mattes, Neal, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding Stuckliger, Taylor, Van Law, Wilson—30.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Balluff, Brown, Chase, Clarkson, Cowles, Crow, Fitchpatrick, Gates, Gilliland, Larrabee, McManus, Malmberg, Parshall, Proudfoot, Smith of Mitchell, Sullivan, Webber, White—20.

Senator Saunders moved to amend the title as follows: I move to further amend said House File by striking out the title and inserting in lieu thereof the following:

A BILL

For an Act to amend Section Eight (8) Chapter Sixty-four (64), Acts of the Thirty-third General Assembly, and to repeal Subdivisions b, c and d of Section One Thousand Fifty-six-a-32 (1056-a-32) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the government of certain cities."

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 Sammis of the Sifting committee, House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof, was taken up and considered.

The bill was read for information.

Further consideration of the bill was postponed.

REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 137, 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 amended as follows:

By striking out the words and figures "fifteen thousand (\$15,000.00) dollars" in Section Six (6), and substituting in lieu thereof the words and figures, "ten thousand (\$10,000.00) dollars," and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Adopted.



Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 152, a bill for an act to establish and maintain a second state normal school for the education and preparation of common and high school teachers, and also for the education of commercial and business course students, and providing for the transfer of certain property to said school, and making appropriation therefor, beg leave to report they have had the same under consideration and recommend the same be reported back to the Senate without recommendation.

JOSEPH MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 254, a bill for an act to provide for the support of the Industrial School and fixing the minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) 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 Section One (1) by striking out the words "five hundred" in line thirteen and insert in lieu thereof the words "four hundred seventy."

Strike out the word "five" in line fifteen (15) and insert in lieu thereof the word "one."

Strike out the word "fifty" in line seventeen (17) and insert in lieu thereof the word "twenty-five".

Amend further by striking out the words "four thousand" in line nineteen (19) and insert in lieu thereof the words "thirty-six hundred," and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 265, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a) 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 the word "eighty" in Section 1, line 21, and inserting in lieu thereof the word "sixty", and strike out the words "four thousand" in line 22 and insert in lieu thereof the words "thirty-six hundred", and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 317, a bill for an act to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hoyt 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:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Brown, Chapman, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gilliland, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law, Webber, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Chase, Clarkson, Cowles, Garrett, Gates, Hammill, Jewell, McManus, Malmberg, Mattes, Quigley, Sammis, Stuckslager, Sullivan, Taylor, White—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 Hammill, House File No. 129, a bill for an act to amend Chapter Thirteen (13) Title Twelve (12) of the Supplement to the Code, 1907, and providing for the appointment of dairy commissioner, deputy commissioner and state dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith, 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 by striking out the comma (,) after the word "year"

in line thirty-four (34) of Section Two (2) of said bill and inserting in lieu thereof a period (.); also that the words and figures "and a secretary at a salary of twelve hundred (\$1,200) dollars per year" be stricken out of lines thirty-four and thirty-five (34 and 35) of Section Two (2) of said bill; and also that the words "keeping out more than two (2) cows" be stricken from line twenty-one (21) of Section Three (3) of said bill.

Adopted.

The bill was read for information.

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. 410, a bill for an act to amend Section Thirteen Hundred Nineteen (1319) of the Code, and to enlarge the same so as to apply the exemptions provided for therein to the owners of stock in corporations incorporated under the laws of other states, subject to certain provisions.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 477, a bill for an act authorizing the governor of the state of Iowa to issue patent, attested by the Secretary of State, to lot Six (6), in Block Ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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

House File No. 559, a bill for an act to punish the crime of compounding misdemeanors and to declare the elements of such offense and to provide for the punishment therefor.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

House File No. 559, a bill for an act to punish the crime of compounding misdemeanors and to declare the elements of such offense and to provide for the punishment therefor.

Read first and second time and referred to Sifting Committee.

House File No. 477, a bill for an act authorizing the Governor of the state of Iowa to issue patent, attested by the Secretary of State, to Lot Six (6) in Block Ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.

Read first and second time and referred to Sifting Committee.

House File No. 410, a bill for an act to amend Section Thirteen Hundred Nineteen (1319) of the Code, and to enlarge the same so as to apply the exemptions provided for therein to the owners of stock in corporations incorporated under the laws of other states, subject to certain provisions.

Read first and second time and referred to Sifting Committee.

House File No. 461, a bill for an act to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the State University hospital, Iowa City, Iowa.

Read first and second time and referred to Sifting Committee.

House File No. 115, a bill for an act making appropriation to the State Historical Society of Iowa.

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

Substitute for Senate File No. 262, a bill for an act repealing Section Four Thousand Nine Hundred Ninety-nine-a-38 (4999-a-38) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

Passed on file.

Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the state of Iowa and making an appropriation therefor.

Passed on file.

The President announced that as President of the Senate, in

the presence of the Senate he had signed Senate File Nos. 387, 231, 359, 398 and 249.

Senator Smith of Mitchell moved that the Senate do now adjourn until 7:50 o'clock, tonight.

Carried.

Senate adjourned.

#### EVENING SESSION.

Senate met pursuant to adjournment at 7:50 o'clock, P. M., President Clarke presiding.

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

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 8:00 P. M.

The roll being called those responding as present, were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Black, Boettger, Bowman, Brady, Brown of Wright, Bruce, Bybee, Campbell of Webster, Chase, Clarkson, Collin, Cousins, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, Dixon, Downey, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fry, Fulton, Garrett, Gates, George, Gilbert, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hammill, Harding, Harvey, Hayes, Hazen, Hick-enlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McColl, McCulloch of Wayne, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Patterson, Penn, Perkins Pickford, Proudfoot, Quigley, Ripley, Ritter, Robbins, Rowles, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stephenson, Stillman, Stipe,

Stoddard, Stuckslager, Taylor of Appanoose, Townsend, Van Camp, Van Law, White of Benton, White of Iowa, Whitney, Zeller—129.

Absent:

Bennett, Brockway, Brown of Decatur, Byerly, Campbell of Ida, Chapman, Cowles, DeWolf, Dunlap, Dunnegan, Fletcher, Fraley, Francis, Gilliland, Hamilton, Hoyt, McCleery, McCullough of Dubuque, McManus, Malmberg, Moore, Parshall, Ream, Russell, Speer, Sullivan, Taylor of Union, Webber, Wilson—29.

President Clarke announced that the Joint Convention was duly organized with a quorum of members present.

Senator Clarkson of Monroe moved that the Joint Convention proceed to the election of a State Printer and Binder by ballot.

Klay of Sioux moved to amend the motion so as to change the method of election from ballot to roll call.

Amendment adopted.

Motion as amended prevailed.

President Clarke appointed as teller on the part of the Senate, Senator Savage of Adair and as assistant teller, Senator McColl of Dallas.

Speaker Stillman appointed as teller on the part of the House Crist of Clarke, and as assistant teller, Huff of Hardin.

Upon the roll being called for the election of State Printer, those voting for Robert Henderson were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beans, Beebe, Bowman, Brady, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousins, Crist, Cunningham, Daniels, Dawson, Dewey, Dixon, Edmunds, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fry, Fulton, Gates, George, Goodykoonts, Grout, Halgrims, Hammill, Harding, Harvey, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lenocker, Lounsberry, Lund, McColl, McCulloch of Wayne, Mattes, Neal, Newell, Patterson, Perkins, Pickford, Proudfoot, Ripley, Robbins, Russell, Sammis, Saunders, Savage, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stillman, Stipe, Stoddard, Stuckslager, Van Camp, Van Law, Whitney, Zeller—90.

Those voting for Clint L. Price were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, Downey, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hayes, Koontz, Krebill, Kull, Leach, Legel, Linnan, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Penn, Quigley, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, White of Benton, White of Iowa—39.

Absent or not voting:

Bennett, Brockway, Brown of Decatur, Byerly, Campbell of Ida, Chapman, Chase, Cowles, DeWolf, Dunlap, Dunnegan, Fletcher, Fraley, Francis, Gilliland, Hamilton, Hoyt, McCleery, McCulloch of Dubuque, McManus, Malmberg, Moore, Parshall, Ream, Speer, Sullivan, Taylor of Union, Webber, Wilson—29.

President Clarke announced that Robert Henderson having received a majority of all the votes cast in the Joint Convention, was declared duly elected State Printer for the term of two years commencing January 1, 1913.

Upon the roll being called for the election of State Binder, those voting for John M. Jamieson were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beans, Beebe, Bowman, Brady, Brown of Wright, Bruce, Bybee, Campbell of Webster, Collin, Cousins, Crist, Cunningham, Daniels, Dawson, Dewey, Dixon, Edmunds, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fry, Fulton, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hickenloop-er, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, McCulloch of Wayne, Matter, Neal, Newell, Patterson, Perkins, Pickford, Proudfoot, Ripley, Robbins, Russell, Sammis, Saunders, Savage, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Stillman, Stipe, Stoddard, Stuckslager, Van Camp, Van Law, Whitney, Zeller—89.

Those voting for Charles W. Miller were:

Balluff, Bauman, Black, Boettger, Clarkson, Crow, Dabney, Downey, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, Miller of

Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Penn, Quigley, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Ap-panoose, Townsend, White of Benton, White of Iowa—40.

Those voting for Clint L. Price were:

Miller—1.

Absent or not voting:

Bennett, Brockway, Brown of Decatur, Byerly, Campbell of Ida, Chapman, Chase, Cowles, DeWolf, Dunlap, Dunnegan, Fletcher, Fraley, Francis, Hamilton, Hoyt, McCleery, McCullough of Dubuque, McManus Malmberg Moore, Parshall, Ream, Speer, Sullivan, Taylor of Union, Webber, Wilson—28.

President Clarke announced that John M. Jamieson, having received a majority of all the votes cast of the Joint Convention, was declared duly elected State Binder for the term of two years commencing January 1, 1913.

The following certificates of election were signed in the presence of the Joint Convention:

This is to certify that an election by the two Houses of the Thirty-fourth General Assembly of the State of Iowa in joint convention on the 6th day of April, A. D. 1911, for the purpose of electing a State Printer, Robert Henderson of Pottawattamie county, Iowa, having received a majority of all the votes cast for said office, was declared duly elected State Printer for the term of two years from and after the expiration of the term of the present incumbent and until his successor is elected and qualified.

Signed in the presence of the joint convention, this sixth day of April, A. D. 1911.

GEO. W. CLARKE,

*President of the Senate and Joint Convention.*

PAUL E. STILLMAN,

*Speaker of the House.*

GEO. A. WILSON,

*Secretary of the Senate.*

C. R. BENEDICT,

*Clerk of the House of Representatives.*

A. C. SAVAGE,

A. M. MCCOLL,

*Tellers on Part of the Senate.*

HERBERT A. HUFF,

L. E. CRIST.

*Tellers on Part of the House.*

This is to certify that an election by the two Houses of the Thirty-fourth General Assembly of the State of Iowa in joint convention on



the 6th day of April A. D. 1911, for the purpose of electing a State Binder, John M. Jamieson, of Casey, Guthrie County, Iowa, having received a majority of all the votes cast for said office, was declared duly elected State Binder for the term of two years from and after the expiration of the term of the present incumbent and until his successor is elected and qualified.

Signed in the presence of the joint convention, this sixth day of April, A. D. 1911.

GEO. W. CLARKE,

*President of the Senate and Joint Convention.*

PAUL E. STILLMAN,

*Speaker of the House.*

GEO. A. WILSON,

*Secretary of the Senate.*

C. R. BENEDICT,

*Clerk of the House of Representatives.*

A. C. SAVAGE,

A. M. McCOLL,

*Tellers on Part of the Senate.*

HERBERT A. HUFF,

L. E. CRIST.

*Tellers on Part of the House.*

Senator Gilliland of Mills was absent during the election of Printer and stated that had he been present he would have cast his vote for Robert Henderson.

The Journal of the Joint Convention was read and approved.

On motion of O'Connor of Chickasaw the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Savage moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 7, 1911.

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

Prayer was offered by Rev. J. R. Robbins of Malvern, Iowa.

The Journal of yesterday was taken up, corrected and approved.

On request of Senator Savage leave of absence was granted Senator Hoyt for the day.

Senator Sullivan moved that the House be requested to return to the Senate House File No. 574.

Motion prevailed.

## INTRODUCTION OF BILLS.

By Senator Van Law, Senate File No. 484, a bill for an act to legalize certain warrants of the city of Marshalltown, Iowa.

### A BILL

For an Act to legalize certain warrants of the City of Marshalltown, Iowa.

*Whereas*, the city of Marshalltown, County of Marshall, State of Iowa, did hitherto make expenditures in the amount of Twenty-seven Thousand (\$27,000.00) Dollars, and

*Whereas*, Said City of Marshalltown, issued warrants in the sum of Twenty-seven Thousand (\$27,000.00) Dollars, to evidence the indebtedness incurred in making said expenditures, and

*Whereas*, said warrants did not when issued and do not now exceed the constitutional limitation of indebtedness, and

*Whereas*, Said expenditures were all made for purposes authorized by law, and

*Whereas*, The City of Marshalltown has been and now is enjoying the use and benefit of said expenditures, and

*Whereas*, The results of said expenditures were well worth the price which the City of Marshalltown contracted should be paid therefor, and

*Whereas*, Doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the aforesaid expenditures or a portion thereof, were contracted in excess of the city's authorized annual revenues, and

*Whereas*, Doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that aforesaid expenditures or a portion thereof, were not provided for in the city's annual appropriations, and

*Whereas*, Doubts have arisen concerning the legality of the aforesaid warrants, or a portion thereof, on the ground that the indebtedness which said warrants evidence, was contracted in excess of the statutory limitation of indebtedness, now therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the acts of the city council of the city of Marshalltown, in the county of Marshall, State of Iowa, in making expenditures for the City of Marshalltown and issuing warrants therefor in the sum of Twenty-seven Thousand (\$27,000.00) Dollars, be and the same are hereby legalized, as though the law had in all respects been complied with.

Sec. 2. The aforesaid warrants of the City of Marshalltown, in the sum of Twenty-seven Thousand (\$27,000.00) Dollars, be and the same are hereby legalized and declared to be valid, legal and subsisting obligations, the same as though the law had in all respects been complied with.

Sec. 3. Nothing in this act shall affect any pending litigation.

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, a newspaper published at Des Moines, Iowa, and the Evening Times-Republican, a newspaper published at Marshalltown, Iowa, without expense to the state.

Read first and second time and referred to Sifting Committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee House File No. 512, a bill for an act to amend Section 1056-a-nineteen (1056a19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory 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 Balluff 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, McCulloch, Parshall, Quigley, Ream, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor Van Law, White—27.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Cowles, Chase, Crow, DeWolf, Garrett, Hoyt, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mat-tes, Neal, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager, Webber, 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 Sammis of the Sifting Committee Senate File No. 411, a bill for an Act to amend the law as it appears in Sections Ten Hundred Fifty-six-a-twenty-five and Ten Hundred Fifty-six-a-twenty-six (1056-a25 and 1056-a26) of the Supplement to the Code, 1907, as amended, and to provide for the appointment and powers of library trustees in certain cities, with report of Sifting Committee recommending the adoption of the following substitute:

Substitute for Senate File No. 411 was taken up and considered.

A BILL

For an Act to amend the law as it appears in Sections Ten Hundred Fifty-six-a Twenty-five (1056-a-25) and Ten Hundred Fifty-six-a-Twenty-six (1056-a-26) of the Supplement to the Code, 1907, as amended by Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly, and to provide for the appointment and powers of library trustees in certain cities, relating to public libraries.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section Ten Hundred Fifty-six-a-Twenty-five (1056-a-25) of the Supplement to the Code, 1907, as

amended by Section Seven (7), Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly be and the same is hereby amended by striking out the words: "and Board of Trustees," wherever the same occurs in said section.

Sec. 2. That the law as it appears in Section Ten Hundred Fifty-six-a-Twenty-six (1056-a-26) of the Supplement to the Code, 1907, as amended by Chapter Sixty-four (64) of the laws of the Thirty-third General Assembly be and the same is hereby amended by striking therefrom the words: "three library trustees."

Sec. 3. That the Board of Library Trustees in all cities, now or hereafter organized under the provisions of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, shall consist of five (5) members, except where the city council of any city shall, by ordinance, authorize the appointment of the number of trustees as provided for under the general statutes with reference thereto, and said board shall have and exercise all the powers possessed by library boards in cities acting under the general laws governing the public libraries.

Sec. 4. The said board of five (5) trustees shall be selected as follows:

At the first meeting of the city council or as soon as practicable thereafter, the mayor shall appoint, by and with the approval of the council, five (5) library trustees, one to serve for a period of five (5) years, one for four (4) years, one for three (3) years, one for two (2) years, and one for one (1) year, and, until their successors are elected and qualified, whose terms of office shall commence upon the date now designated by general statute with reference to library trustees. Upon the election of said five (5) trustees the term of the existing board of nine (9) trustees heretofore acting under the general law, shall cease. Annually thereafter, prior to the expiration of the term of any library trustee, there shall be elected in like manner one trustee to serve for five (5) years and to take the place of the trustee whose term first expires, provided, however, that in cities already operating under said chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, the library board in said cities as now constituted, shall continue in office until the meeting of the first council elected after this date, and until their successors as such trustees shall be elected and qualified.

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.

Motion prevailed.

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:

Adams, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Jewell Larrabee McCulloch, Malmberg, Neal, Parshall, Quigley, Ream, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balkema, Chase, Cowles, Crow, DeWolf, Francis, Hoyt, Hunter, Legel, McColl, McManus, Mattes, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager—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 Sammis of the Sifting Committee, Senate File No. 484, a bill for an Act legalizing certain warrants of the city of Marshalltown, Iowa, was taken up and considered.

The bill was read for information.

Senator Van Law moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Motion prevailed.

Senator Van Law moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, McCulloch, Malmberg, Neal, Quigley, Ream, Savage, Sullivan, Van Law, Webber, White, Wilson—27.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Cowles, Crow, DeWolf, Fitchpatrick, Hoyt, Larrabee, Legel, McColl, McManus, Mattes, Parshall, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor—23.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The Senate resumed consideration of House File No. 129, a bill for an act to amend Chapter Thirteen (13) Title Twelve (12) of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner, and State Dairy Inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

Further consideration of the bill was postponed.

The President announced as a committee to prepare suitable resolutions to commemorate the life, character and public services of the late E. W. Clarke, Senators Bennett, Spaulding and Wilson.

#### THIRD READING OF BILLS.

The Senate resumed consideration of House File No. 41, a bill for an Act creating the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office.

Senator Van Law offered the following amendment and moved its adoption: I move to amend Senate Substitute for House File No. 41 by striking therefrom Section 8, and renumbering the subsequent Sections of said substitute consecutively to conform herewith.

Senator Neal moved the previous question on the amendment.

On the question, "Shall the main question be now put?" the previous question was ordered.

On the adoption of the amendment a roll call was demanded.

The ayes were:

Brown, Clarkson, Cowles, Garrett, Gilliland, Jewell, McManus, Quigley, Ream, Sullivan, Taylor, Van Law, Wilson—13.

The nays were:

Adams, Allen of Jefferson, Ames, Bennett, Chapman, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Hammill, Hunter, Legel, McColl, McCullough, Malmberg, Neal, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Webber, White—27.

Absent or not voting:

Allen of Pocahontas, Balkema, Balluff, Chase, Crow, Hoyt, Larrabee, Mattes, Smith of Mitchell, Spaulding—10.

So the amendment was lost.

Senator Francis offered the following amendment and moved its adoption:

I move to amend Section 13 by inserting between the words "shall and at" in line two the words "except when engaged elsewhere in the performance of his duties."

Adopted.

Senator Clarkson offered the following amendment and moved its adoption:

I move to strike out all of Section 9 following the word "same" in line 6 as printed in Senate Journal, page 1403.

Senator Chapman moved the previous question on the amendment and the bill,

On the question, "Shall the main question be now put", the previous question was ordered.

On the adoption of the amendment a roll call was demanded.

The ayes were:

Alln of Jefferson, Ames, Balkema, Bennett, Brown, Clarkson, Cowles, Francis, Garrett, Gilliland, Hunter, Jewell, Larrabee, McManus, Neal, Quigley, Ream, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Wilson—23.



The nays were:

Adams, Allen of Pocahontas, Chapman, DeWolf, Fitchpatrick, Gates, Hammill, Legel, McColl, McCulloch, Malmberg, Mattes, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Webber, White—22.

Absent or not voting:

Balluff, Chase, Crow, Dunnegan, Hoyt—5.

So the amendment was adopted.

Senator Chapman 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, DeWolf, Fitchpatrick, Francis, Gates, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Webber, White, Wilson—36.

The nays were:

Ames, Garrett, Larrabee, Quigley—4.

Absent or not voting:

Brown, Chase, Crow, Dunnegan, Gilliland, Hoyt, Ream, Smith of Mitchell, Taylor, Van Law—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 the following Concurrent Resolution in which the concurrence of the Senate is asked:

House Concurrent Resolution relative to printing 3,000 additional copies of the report of the 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. 490, a bill for an act providing for limitations for the commencement of actions, relative to real property, additional to Chapter Two (2), Title Eighteen (18), 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. 601, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings 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. 486, a bill for an act to repeal the law as it appears in Sections Sixty-five (65) and Twenty-six Hundred Twenty-seven (2627) of the Supplement to the Code, 1907, and to repeal Sections Eighty-six (86), Ninety-eight (98), and One Hundred Fifteen (115) of the Code, in reference to the salaries of the governor and his secretary, secretary of state, auditor of state, treasurer of state and superintendent of public instruction and his deputy, and allowance for his traveling expenses, and 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 House was asked:

Senate File No. 463, a bill for an act to legalize an election held in the Independent School District of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 469, a bill for an act to legalize the action of the Town Council of the Town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining 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. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

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. 243, a bill for an act to amend Title Twelve (12), Chapter Twelve (12), Supplement to the Code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

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 Concurrent Resolution relative to printing pamphlets, relating to taxation of moneys and credits and bank stock.

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. 338, a bill for an act to amend Section Eight (8) Chapter Sixty-four (64) of the Acts of the Thirty-third General Assembly and to repeal Subdivision B, Subdivision C, and Subdivision D, of Section One Thousand Fifty-six-a-Thirty-two (1056-a-32) Supplement to the Code, 1907, and enact a substitute therefor relating to the civil service commissioners, their duties and powers under the commission form of government.

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. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintenance of levees, ditches and drains.

C. R. BENEDICT.

*Chief Clerk.*

The President announced as teller on the part of the Senate Senator Savage, and as assistant teller, Senator Sullivan.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boett-  
ger, Bowman, Brady, Brockway, Brown of Decatur, Brown of  
Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster,  
Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Cunningham,  
Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dun-  
lap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson,  
Fitchpatrick, Fletcher, Fourt, Fraley, Francis, Fry, Fulton, Gar-  
rett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene,  
Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey,  
Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Hunt-  
ley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz,  
Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette,  
Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, Mc-  
Coll, McCulloch of Wayne, McCullough of Dubuque, McManus,  
Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton,  
Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Par-  
shall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley,

Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Byerly, Chase, Crow, Hoyt—4.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage, of Adair, and as assistant teller, Senator Sullivan of Polk.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Clarkson, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fletcher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown, of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—36.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Zeller—61.

Those voting for George M. Curtis were:

Bascom, Dixon, Whitney—3.

Those voting for Henry Wallace were:

Francis—1.

Absent or not voting:

Byerly, Chase, Crow, Hoyt, Moore—5.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Wilson moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30, P. M., President Clarke presiding.

#### HOUSE MESSAGES CONSIDERED.

House Concurrent Resolution; Concurrent Resolution relative to printing pamphlets, relating to taxation of moneys and credits and bank stock.

Passed on file.

House File No. 490, a bill for an act providing for limitations for the commencement of actions, relative to real property, additional to Chapter Two (2) Title Eighteen (18), of the Code.

Read first and second time and referred to Sifting committee.

House File No. 486, a bill for an act to repeal the law as it appears in Sections Sixty-five (65) and Twenty-six Hundred Twenty-seven (2627) of the Supplement to the Code, 1907, and to repeal Sections Eighty-six (86), Ninety-eight (98), and One Hundred Fifteen (115) of the Code, in reference to the salaries of the governor and his secretary, secretary of state, auditor of state, treasurer of state and superintendent of public instruction and his deputy, and allowance for his traveling expenses, and enact substitutes therefor.

Read first and second time and referred to Sifting committee.

Senate File No. 463, a bill for an act to legalize an election held in the Independent School District of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

Passed on file.

Senate File No. 469, a bill for an act to legalize the action of the Town Council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

Passed on file.

Senate File No. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

Passed on file.

House File No. 601, a bill for an act to legalize the Incorporated Town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.

Read first and second time and referred to Sifting Committee.

Senate File No. 243, a bill for an act to amend Title Twelve (12), Chapter Twelve (12), Supplement to the Code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

Passed on file.

House File No. 338, a bill for an act to amend Section Eight (8) Chapter Sixty-four (64) of the Acts of the Thirty-third General Assembly, and to repeal Sub-Division B, Sub-Division C, and Sub-Division D of Section One Thousand Fifty-six-a-thirty-two (1056-a32) Supplement to the Code, 1907, and enact a substitute therefor relating to the civil service commissioners, their duties and powers under the commission form of government.

Passed on file.

House File No. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintenance of levees, ditches and drains.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee House File No. 601, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof, was taken up and considered.

Senator Sammis offered the following amendment and moved its adoption.

Amend by adding before the period at the end of Section Three (3) the following "said publications to be without expense to the State."

Adopted.

The bill was read for information.

Senator Sammis moved that the rule by which no bill shall be read a second and third time the same day be suspended. Motion prevailed.

Senator Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, Dunnegan,



Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill Hunter, McCulloch, McManus, Quigley, Ream, Sammis, Smith of Shelby, Sullivan, Van Law, Webber—27.

The nays were:

None.

Absent or not voting:

Ames, Brown, Chase, DeWolf, Hoyt, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Taylor, White, Wilson—23.

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 Concurrent Resolution in which the concurrence of the Senate is asked:

Concurrent Resolution relating to printing the early Iowa 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:

Substitute for Senate File No. 258, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

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. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the Acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds 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. 565, a bill for an act to amend the law as it appears in Section Fifteen Hundred and Twenty-nine (1529) of the Code, and Section One (1), Chapter Seventy-five (75), of the Acts of the Thirty-third General Assembly, relating to the bond of Township Trustees.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 authorize the filing in the office of County Recorder, of copies of the tract books of land patents now on deposit in the office of the Secretary of State, and making such copies presumptive evidence. (Additional to Section 75 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. 599, a bill for an act to authorize boards of supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating purposes to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 542, a bill for an act to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked: .

House File No. 597, a bill for an act to amend Section Two Hundred Thirty-three (233) of the Code relating to the calling of special terms of court.

C. R. BENEDICT,  
*Chief Clerk.*

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 7, a Joint Resolution approving estimates of cost, plans and specifications for buildings at the Agricultural college, at the State University, and at the State Teachers' college, with report of committee recommending passage.

Senator Smith of Mitchell moved that the rules 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Cowles, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, McCulloch, Malmberg, Parshall, Ream, Sammis, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Van Law, Webber, White—26.

The nays were:

Garrett—1.

Absent or not voting:

Adams, Ames, Brown, Chase, Clarkson, Crow, DeWolf, Hoyt, Jewell Larrabee, Legel, McColl, McManus, Mattes, Neal Proudfoot, Quigley, Saunders, Savage, Schrup, Spaulding, Taylor, Wilson—23.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Sullivan moved that the vote by which the Senate requested the House to return to the Senate House File No. 574 be reconsidered and that the request be withdrawn.

Motion prevailed.

## HOUSE MESSAGES CONSIDERED.

## CONCURRENT RESOLUTION.

Relative to the printing of additional copies of the report of the State Veterinary Surgeon.

*Resolved by the House; the Senate concurring,* that the Secretary of State is directed to have printed three thousand (3,000) additional copies of the Seventh Biennial report of the State Veterinary Surgeon, to be bound in paper covers, and containing the map and illustrations for general distribution.

Passed on file.

Senate File No. 257, a bill for an act to legalize an election of Scott county, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds thereof.

Passed on file.

Substitute for Senate File No. 258, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

Passed on file.

House File No. 565, a bill for an act to amend the law as it appears in Section Fifteen Hundred and Twenty-nine (1529) of the Code, and Section One (1), Chapter Seventy-five (75), of the Acts of the Thirty-third General Assembly, relating to the bond of Township Trustees.

Read first and second time and referred to Sifting Committee.

House File No. 417, a bill for an act to authorize the filing in the office of County Recorder, of copies of the tract books of land patents now on deposit in the office of the Secretary of State, and making such copies presumptive evidence. (Additional to Section 75 of the Code.)

Read first and second time and referred to Sifting Committee.

House File No. 599, a bill for an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating

purposes, to lay mains and pipes in highways, to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such persons is located.

Read first and second time and referred to Sifting Committee.

House File No. 542, a bill for an act to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures.

Read first and second time and referred to Sifting Committee.

House File No. 597, a bill for an act to amend Section Two Hundred Thirty-three (233) of the Code, relating to the calling of special terms of court.

Read first and second time and referred to Sifting Committee.

#### CONCURRENT RESOLUTION.

Relating to Printing the Early Iowa Laws.

*Whereas*, the supply has been exhausted and there is considerable demand for the laws hereinafter mentioned,

*Be it Resolved by the House of Representatives, the Senate concurring*, that the Secretary of State be and is hereby authorized to have printed and bound in cloth one thousand each of the following:

The Iowa Code of 1851 in one volume.

The Acts of the General Assembly of Iowa enacted at each session, between the Code of 1851 and the Revision of 1860, in volumes of convenient size.

The revised statutes of the Territory of Iowa, 1843 in one volume.

The Acts of the Territorial legislature of Iowa, commencing with the regular session of 1840 and ending with the last session prior to the adoption of the Code of 1851, in volumes of convenient size.

That when published said volumes shall be sold at cost and shall be distributed for sale in the same manner that the Code is now distributed, except that none of said volumes shall be distributed free to any county, town, township or city officer.

Passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg from the Committee on Enrolled Bills, submitted the following report and moved its adoption:

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report they have examined and find correctly enrolled Substitute for Senate File No. 77, a bill for an act to amend the law as it appears in

Section Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, to repeal Sections Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181), Acts of the Thirty-third General Assembly and to enact substitutes therefor, to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Also:

Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.

Also:

Substitute for Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

ED. P. MALMBERG,

*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 they have examined and find correctly enrolled Substitute for Senate File No. 77, a bill for an act to amend the law as it appears in Sections Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d), Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, to repeal Sections Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181), Acts of the Thirty-third General Assembly and to enact substitutes therefor, to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of

state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Also :

Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.

Also :

Substitute for Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

Also :

House File No. 56, a bill for an act to regulate the sale or disposal of stocks of goods, wares, or merchandise in bulk, and to provide a penalty for the violation thereof.

Also :

House File No. 523, a bill for an act to amend Section Twenty-one Hundred Twenty-five (2125) of the Code and Section Twenty-one Hundred Forty-five (2145) of the Code defining switching service by railway carriers and giving the railroad commissioners certain powers therein.

Also :

House File No. 355, a bill for an act to amend the law as it appears in Section 2727-al of the Supplement to the Code, 1907, relating to the term of office of the members of the Board of Control of State Institutions.

Also :

House File No. 408, a bill for an act to legalize all the elections of the town of Floyd, State of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as Chapter Twenty-six of the Acts of the Thirty-second General Assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

Also :

House File No. 26, 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 contract 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 contract.

Also:

House File No. 37, a bill for an act to prohibit the possession of roulette wheels, Klondyke tables, poker tables, faro, and Keno layouts, and to provide for the seizure and destruction thereof.

Also:

House File No. 312, a bill for an act authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal.

Also:

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 446, a bill for an act to confer additional powers upon trust companies and to prescribe the conditions under which they may transact business, was taken up and considered.

Senator Cowles moved that the substitute amendment be substituted for the original bill. On the motion a roll call was demanded.

On the question, "Shall the substitute amendment be substituted for the original bill?"

The ayes were:

Adams, Allen of Jefferson, Balkema, Brown, Clarkson, Cowles, Crow, Dunnegan, Garrett, Gilliland, Hammill, Legel, McCulloch, McManus, Malmberg, Parshall, Proudfoot, Quigley, Ream, Van Law, Webber, White—22.

The nays were:

Balluff, Bennett, Chapman, DeWolf, Fitchpatrick, Gates, Hunter, McColl, Neal, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Wilson—16.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, Francis, Hoyt, Jewell, Larabee, Mattes, Smith of Mitchell, Spaulding, Sullivan, Taylor—12.

So the substitute was adopted.



Senator De Wolf moved that the enacting clause be stricken from the bill.

On this motion a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Clarkson, Crow, DeWolf, Garrett, Gates, Gilliland, Jewell, Neal, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Taylor, Van Law—23.

The nays were:

Balkema, Brown, Cowles, Dunnegan, Fitchpatrick, Hammill, Hunter, Legel, McColl, McCulloch, McManus, Malmberg, Parshall, Sammis, Sullivan, Webber, White, Wilson—18.

Absent or not voting:

Ames, Chapman, Chase, Francis, Hoyt, Larrabee, Mattes, Smith of Mitchell, Spaulding—9.

So the bill was declared rejected by 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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of clerks of the district courts in certain counties.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 214, a bill for an act to appropriate Two Thousand Dollars (\$2,000.00) to assist in the erection of the 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. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils.

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. 291, a bill for an act to provide additional support for the wardens of the reformatory at Anamosa and the state penitentiary at Fort Madison, to furnish each deputy warden with house, water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing Sections Fifty-seven Hundred Seventeen (5717) and Fifty-seven Hundred Eighteen (5718) of the Code and the law as found in Sections Fifty-six Hundred Sixty-nine-a (5669-a), Fifty-seven Hundred Sixteen (5716) and Fifty-seven Hundred Eighteen-a-Twenty-eight (5718-a-28) 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 herewith returns House File No. 574; a bill for an act to legalize certain official acts of notaries public.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGE CONSIDERED.

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title (5), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils.

Passed on file.

Senate File No. 291, a bill for an act to provide additional support for the wardens of the Reformatory at Anamosa and the State Penitentiary at Fort Madison, to furnish each deputy warden with house, water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing Sections Fifty-seven Hundred Seventeen (5717) and Fifty-seven Hundred Eighteen, (5718) of the Code and the law as found in Sections Fifty-six Hundred Sixty-nine-a (5669-a), Fifty-seven Hundred Sixteen (5716) and Fifty-

seven Hundred Eighteen-a Twenty-eight (5718-a28) of the Supplement to the Code, 1907.

Passed on file.

House File No. 574, a bill for an act to legalize certain official acts of Notaries Public.

Passed on file.

Senate File No. 214, a bill for an act to appropriate two thousand dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

Passed on file.

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of Clerks of the district courts in certain counties.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Hunter Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties, was taken up and considered.

Senator Hunter moved that the Senate refuse to concur in the following House amendments:

Amend by striking out of said bill lines five, six, seven, eight and nine and inserting in lieu thereof the following: "In counties having a population of forty-five thousand (45,000) and less than sixty thousand (60,000), the salary shall be twenty-five hundred dollars (\$2500) per annum and in counties having a population of sixty thousand and over, the salary shall be three thousand (\$3,000) per annum."

On the question, "Shall the Senate refuse to concur in the House Amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Balluff, Brown, Chapman, Cowles, Crow, DeWolf, Dunne-  
gan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter,  
Jewell, Legel, McColl, McManus, Malmberg, Neal, Parshall,

Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White—36.

The nays were:

McCulloch—1.

Absent or not voting:

Bennett, Chase, Clarkson, Francis, Hoyt, Larrabee, Mattes, Savage, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Wilson—13.

So the Senate refused to concur in House Amendments.

On request Senator Jewell leave of absence was granted Senator Bennett until tomorrow.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee House File No. 44, a bill for an act to amend the law as the same appears in Section 303-a of the Supplement to the Code of 1907, relating to the appointment and compensation of assistants to the county attorney, was taken up and considered.

The bill was read for information.

Senator Sullivan 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hunter, Jewell, McManus, Malmberg, Mattes, Neal, Proudfoot, Ream, Sammis, Saunders, Savage, Spaulding, Sullivan, Taylor, Van Law—27.

The nays were:

Hammill, McCulloch, Quigley, Smith of Shelby, Webber—5.

Absent or not voting:

Adams, Bennett, Brown, Chase, Clarkson, Cowles, Francis, Gilliland, Hoyt, Larrabee, Legel, McColl, Parshall, Schrup, Smith of Mitchell, Stuckslager, White, 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 Van Law, House File No. 470, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner, was taken up and considered.

The bill was read for information. Senator Van Law offered the following amendment and moved its adoption:

I move to amend the bill by striking the word and figure "Section 2" from line five of the original bill and that Section 3 of the bill be made to conform therewith.

Adopted.

Senator Van Law 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:

Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Cowles, Crow, Dunnegan, Gates, Gilliland, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Neal, Proudfoot, Quigley, Sammis, Saunders, Schrup, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White—28.

The nays were:

Adams, Ames, Garrett, Hammill, McColl, Parshall, Ream, Savage, Smith of Mitchell, Wilson—10.

Absent or not voting:

Allen of Pocahontas, Bennett, Chase, Clarkson, DeWolf, Fitchpatrick, Francis, Hoyt, Larrabee, Mattes, Smith of Shelby, Taylor—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Balkema filed the following motion:

I move to reconsider the vote by which the committee substitute for House File No. 470 passed the Senate and the vote by which the same passed to its third reading.

On request of Senator Gilliland leave of absence was granted Senator Allen of Jefferson for the day.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee House File No. 89, 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 in Chapter 71, Acts of the Thirty-third General Assembly of Iowa, in so far as they relate to the Public Service Commissions, and the powers and the duties of the Railroad Commissioners as prescribed by law, to said commissioners; also repealing the powers heretofore granted to cities and towns and cities acting under special charter 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 and other utilities, etc., etc.

Senator Smith of Mitchell moved that the bill be laid on the table.

On this motion a roll call was demanded.

The ayes were:

Allen of Pocahontas, Brown, Clarkson, Cowles, Crow, Francis, Garrett, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law—24.

The nays were:

Adams, Ames Balkema, Balluff, Chapman, DeWolf, Dunnegan, Gates, Gilliland, Hammill, Legel, McColl, McManus, Parshall, Proudfoot, Saunders, Savage, Stuckslager, Webber, White, Wilson—21.

Absent or not voting:

Allen of Jefferson, Bennett, Chase, Fitchpatrick, Hoyt—5.

So the bill was laid on the table.

Senator Smith of Mitchell moved that the vote by which the Senate laid House File No. 89 on the table be reconsidered and that the motion be laid on the table.

On the motion a roll call was demanded.

The ayes were:

Allen of Pocahontas, Brown, Clarkson, Cowles, Crow, Francis, Garrett, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes,

Neal, Proudfoot, Quigley, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Wilson—25.

The nays were:

Adams, Ames, Balkema, Balluff, Chapman, DeWolf, Dunnegan, Gilliland, Hammill, Legel, McColl, McManus, Parshall, Sammis, Saunders, Savage, Taylor, Webber, White—19.

Absent or not voting:

Allen of Jefferson, Bennett, Chase, Fitchaptrick, Gates, Hoyt—6.

#### 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. 365, a bill for an act to make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa Railroad Commission in the cases before the Interstate Commerce Commission involving general advance in rates.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 364, a bill for an act to provide for making an appropriation for the Railroad Commission on account of deficit in traveling and expense fund.

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. 125, a bill for an act to create an employer's liability commission and make an appropriation therefor.

C. R. BENEDICT,  
*Chief Clerk.*

REPORTS OF COMMITTEES.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR, PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 209, a bill for an act making appropriation for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College, 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 Making Appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. State University. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to the State University, the sum of Forty Thousand Dollars (\$40,000.00) annually hereafter for the purpose of making permanent the following appropriations granted for the biennial period by the Thirty-third General Assembly:

Educational support fund .....	\$25,000.00
Library support fund .....	15,000.00

There is further appropriated out of any money in the State Treasury not otherwise appropriated, to the State University, the additional sum of One Hundred Five Thousand Seven Hundred Dollars (\$105,700.00) annually hereafter for the following purposes:

Additional support fund .....	\$98,200.00
Repair and contingent fund .....	5,000.00
Library support fund .....	2,500.00

Sec. 2. There is further appropriated out of any money in the State Treasury not otherwise appropriated, to the State University, the sum of One Hundred Sixteen Thousand Dollars (\$116,000.00) for the following purposes:

For General Equipment and supplies .....	\$15,000.00
For equipment new buildings and partially erected buildings .....	51,000.00
For the purchase of additional land .....	40,000.00
For paving, side-walks and improvement of grounds	10,000.00

The sums mentioned in the first section shall be paid in quarterly installments on order of the Iowa State Board of Education. The sums mentioned in the second section shall be paid on order of the Iowa State Board of Education, but not more than one-half of the entire amount shall be paid before July 1, 1912.



Sec. 3. Iowa State College of Agriculture and Mechanic Arts. 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 Forty-five Thousand Dollars (\$45,000.00 annually hereafter, for the purpose of making permanent the following appropriations granted for the biennial period by the Thirty-third General Assembly:

Educational support fund .....	\$25,000.00
Agricultural Experiment Station .....	15,000.00
Agricultural Extension Work .....	5,000.00

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 additional sum of One Hundred Ten Thousand Dollars (\$110,000.00) annually hereafter for the following purposes:

Educational support fund .....	\$50,000.00
College extension .....	10,000.00
Agricultural Experiment Station .....	15,000.00
Engineering Experiment Station .....	5,000.00
Good Roads .....	5,000.00
Two year agricultural course .....	25,000.00

Sec. 4. There is also appropriated out of any money in the state treasury not otherwise appropriated, to the Iowa College of Agriculture and Mechanic Arts, the sum of One Hundred Thirty-one Thousand Five Hundred dollars (\$131,500.00) for the following purposes:

Additional department equipment, including pure bred stock and furnishings for domestic Technology building, gymnasium and veterinary hospital .....	\$75,000.00
Public grounds improvements .....	13,500.00
Heating plant .....	43,000.00

The sums mentioned in the third section shall be paid in quarterly installments on order of the Iowa State Board of Education. The sums mentioned in Section 4 shall be paid on order of Iowa State Board of Education, but not more than one-half of the entire amount shall be paid before July 1, 1912.

Sec. 5. State Teachers' College. There is hereby appropriated out of any money in the state treasury not otherwise appropriated, to the State Teachers' College, the sum of Forty-six Thousand Two Hundred and Fifty dollars (\$46,250.00) annually hereafter for the following purposes:

For the Teachers' Fund .....	\$22,000.00
For the contingent fund .....	8,000.00
For the summer term fund .....	3,000.00
For the library Fund .....	5,000.00
For the librarian's salary fund .....	7,000.00
For the Hospital Fund .....	1,250.00

Sec. 6. There is further appropriated out of any money in the state treasury not otherwise appropriated, to the State Teachers' College, the sum of Five Thousand dollars (\$5,000.00) for the following purposes:

For pipe organ .....\$5,000.00

Said sum to be paid in quarterly installments on order of the Iowa State Board of Education.

Sec. 7. 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.

JOSEPH MATTES,  
*Chairman.*

Substitute read first and second time.

Adopted.

Also.

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 269, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State hospital, Vinton, Iowa, beg leave to report they have had the same under consideration and recommend the same do pass.

JOSEPH MATTES,  
*Chairman.*

Adopted.

Also.

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 112, a bill for an act to provide for the support of the institution for feeble-minded children at Glenwood and repealing the law as it appears in Section 2700, Chapter 7, Title XIII, Supplement to the Code, 1907, beg leave to report they have had the same under consideration and recommend the same be indefinitely postponed.

JOSEPH MATTES,  
*Chairman.*

Senator Mattes moved the adoption of the report of the committee.

Adopted.

So the bill was indefinitely postponed.

Also.

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 298, a bill for an act to authorize the removal of the Soldiers' and Sailors' monument in Des Moines, Iowa, and the erection of the same upon the site provided by the City of Des Moines adjacent to the east bank of the Des Moines river between Locust and Walnut streets in said city, 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 by the adoption of the following substitute:

SUBSTITUTE FOR SENATE FILE NO. 298.

A BILL

For an Act to authorize the removal of the soldiers' and sailors' monument in Des Moines, Iowa, and the erection of the same upon the site provided by the City of Des Moines adjacent to the east bank of the Des Moines River between Locust and Walnut streets in said city, and making an appropriation to defray the expense thereof.

*Whereas*, the City of Des Moines, Iowa, in response to the requests of certain patriotic societies and citizens, has provided a tract of ground adjacent to the east bank of the Des Moines River, between Locust and Walnut streets in said city, suitable as a site for the Soldiers' and Sailors' monument and has proffered to the State of Iowa the use of the same for such purpose; and will agree to perpetually maintain and keep in suitable repair said monument, without expense to the state, and

*Whereas*, the grounds upon which said monument is now located are not suitable or appropriate as a site for such monument, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. The Executive Council of the State of Iowa is hereby clothed with full authority to remove the Soldiers' and Sailors' monument from its present location, and to re-locate and erect the same upon the grounds tendered by the City of Des Moines therefor, adjacent to the east bank of the Des Moines river between Locust and Walnut streets in said city. When such grounds are legally dedicated by said city to such use, said Executive Council shall have authority to do all things reasonable and necessary to the removal and re-location and erection of said monument, provided that the expense thereof to the State of Iowa shall not exceed Thirty Thousand Dollars (\$30,000.00); and, provided, said City of Des Moines, Iowa, shall bind itself to perpetually maintain and keep in suitable repair said monument without expense to the state.

Sec. 2. The City of Des Moines shall deed to the State of Iowa sufficient ground upon which said monument may be located, said ground to be the property of the State of Iowa. The City of Des Moines further assumes the obligation to at all times care for and keep the ground surrounding the monument as a park. This to be without expense at any time, to the State of Iowa.

Sec. 3. There is hereby appropriated from the funds in the State treasury not otherwise appropriated, the sum of \$30,000, or so much thereof as may be necessary to defray the authorized expense of removing, re-locating and erecting said monument, but no part of said sum shall be available before July 1st, 1913. The Auditor of State is authorized to draw warrants against said appropriation upon the certificate of

said council, showing that the several sums have, in good faith, been expended in the removal, re-location and erection of said monument, and when so amended the bill do pass.

JOSEPH MATTES,  
*Chairman.*

Substitute read first and second time.

Ordered passed on file.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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 Substitute for Senate File No. 77, a bill for an act to amend the law as it appears in Section Twenty-six Hundred Thirty-c (2630-c), Twenty-six Hundred Thirty-four-d (2634-d) Twenty-seven Hundred Thirty-four-e (2734-e), Twenty-seven Hundred Thirty-four-g (2734-g) and Twenty-seven Hundred Thirty-eight (2738) of the Supplement to the Code, 1907, to repeal Sections Twenty-six Hundred Thirty-four-h (2634-h) of the Supplement to the Code, 1907, and Section Twenty-seven Hundred Thirty-four-h (2734-h) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Eighty-one (181) Acts of the Thirty-third General Assembly and to enact substitute therefor, to repeal Section Twenty-seven Hundred Thirty-four-i (2734-i) and Section Twenty-seven Hundred Thirty-four-k (2734-k) of the Supplement to the Code, 1907, relating to the issuance, validation and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Also.

Senate File No. 364, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.

Also:

Substitute for Senate File No. 119, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

Adopted.

ED. P. MALMBERG,  
*Chairman.*

HOUSE MESSAGE CONSIDERED.

Substitute for Senate File No. 125, a bill for an act to create an employer's liability commission and make an appropriation therefor.

Passed on file.

House File No. 364, a bill for an act to provide for making an appropriation for the Railroad Commission on account of deficit in traveling and expense fund.

Read first and second time and referred to Committee on Appropriations.

House File No. 365, a bill for an act to make an appropriation for the payment of the bill of Hulse and Allen for transcript of testimony furnished the Railroad Commission in the cases before the Interstate Commerce Commission involving general advance in rates.

Read first and second time and referred to Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Substitute for Senate File No. 125, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment, was taken up and considered. Senator Clarkson moved that the Senate concur in the following House amendment:

Amend by adding to Section 3: "A copy of said report shall be mailed to each member elect of the Thirty-fifth General Assembly not later than November 15, 1912."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Balluff, Clarkson, Cowles, DeWolf, Garrett, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Bennett, Brown, Chapman, Chase, Crow, Dunnegan, Fitchpatrick, Francis, Gates, Hoyt, Larrabee, Sammis, Smith of Mitchell, Stuckslager, Webber, Wilson—18.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Sammis of the Sifting committee, Senate File No. 482, a bill for an act legalizing certain acts and proceedings of the city council of the City of Toledo, Tama county, Iowa, was taken up and considered.

The bill was read for information.

Senator Ames moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Ames, Bennett, Chase, Fitchpatrick, Francis, Hammill, Hoyt, McCulloch, McManus, Neal, Saunders, Schrup, Stuckslager—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 of the Sifting committee, House File No. 471, a bill for an act to legalize certain conveyances of real estate heretofore recorded, was taken up and considered.

The bill was read for information.

Senator Neal 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Gil-

lilland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Bennett, Chase, Fitchpatrick, Francis, Hoyt, McManus, Sammis, Saunders, Stuckslager, Sullivan, Webber—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 Sammis of the Sifting Committee, House File No. 591, a bill for an act legalizing the ordinances of the town of Menlo, Guthrie county, Iowa, and the acts and proceeding of the council of said town had thereunder, was taken up and considered.

The bill was read for information.

Senator McColl 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Gil-lilland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Quigley, Ream, Saunders, Savage, Smith of Shelby, Van Law, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Bennett, Chase, Fitchpatrick, Francis, Hoyt, Larrabee, Parshall, Proudfoot, Sammis, Schrup, Smith of Mitchell, Spaulding Stuckslager, Sullivan, Webber, McManus, Taylor—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 Sammis of the Sifting committee, Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor, with report of committee recommending amendments and passage, was taken up, considered and the report of the committee adopted.

Senator Balluff moved the adoption of the following amendments:

Amend Section 1 by striking from the eighth line thereof the words "or subsequent".

Also amend Section 1 by striking from the fourteenth and fifteenth lines thereof, the words "passed or to be".

Adopted.

The bill was read for information.

Senator Balluff moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Mamberg, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Bennett, Chase, Fitchpatrick, Gates, Hoyt, Larrabee, McManus, Quigley, Sammis, Spaulding, Sullivan, 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 Sammis of the Sifting committee, House File No. 477, a bill for an act authorizing the Governor of the



state of Iowa to issue a patent to lot 6, block 96, of Iowa City, Iowa, to John A. Reed, was taken up and considered.

The bill was read for information.

Senator White 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Bennett, Chase, Fitchpatrick, Francis, Gilliland, Hoyt, Hunter, Sammis, Saunders, Stuckslager, Sullivan, Webber—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 Sammis of the Sifting committee, House File No. 579, a bill for an act authorizing the issue of a patent to the southwest quarter (1-4), of the southeast (1-4), Section Sixteen (16), Township seventy-six, (76), Range Twenty-one, (21), West Fifth (5th) P. M., was taken up and considered.

Senator Clarkson 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—35.

The nays were :

None.

Absent or not voting :

Adams, Allen of Jefferson, Francis, Hoyt, Larrabee, Malmberg, Sammis, Saunders, Savage, Stuckslager, Sullivan, Webber—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 Sammis of the Sifting Committee House File No. 594, a bill for an act to legalize the notices of a certain special election held at Corydon, Iowa, was taken up and considered.

The bill was read for information.

Senator McCulloch 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 :

Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—35.

The nays were :

None.

Absent or not voting :

Adams, Allen of Jefferson, Bennett, Chase, Cowles, Fitchpatrick, Francis, Hoyt, Malmberg, Sammis, Saunders, Smith of Mitchell, Stuckslager, Sullivan, Webber—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 Balkema Senate File No. 449, a bill for an act to repeal Sections Two Thousand Five Hundred Three (2503), Two Thousand Five Hundred Four (2504), Two Thousand Five Hundred Five (2505), Two Thousand Five Hundred Six (2506), Two Thousand Five Hundred Seven (2507), Two Thous-

and Five Hundred Eight (2508), Two Thousand Five Hundred Eight-a) (2508-a), Two Thousand Five Hundred Nine (2509) Two Thousand Five Hundred Nine-a (2509-a), Two Thousand Five Hundred Ten (2510), of the Supplement to the Code, 1907, relating to the test of illuminating oil and inspection of petroleum products and enacting substitutes therefor, was taken up, and considered.

Senator Balkema offered the following substitute amendment:

A BILL

For an Act to amend the law as it appears in Section Twentyfive Hundred and Five (2505) Supplement to the Code, 1907, as amended by Chapter One Hundred and Forty-seven (147), Acts of the Thirty-third General Assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state.

*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 and Five (2505) Supplement to the Code, 1907, as amended by Chapter One Hundred Forty-seven (147), Acts of the Thirty-third General Assembly, be and the same is hereby amended by striking from the seventh line of Section Twenty-five Hundred and Five (2505) Supplement to the Code, 1907, the figures "105" and inserting in lieu thereof the figures "100".

Substitute read first and second time.

Further consideration of the bill was postponed.

On motion of Senator Sammis of the Sifting Committee Senate File No. 483, a bill for an act to amend the law as it appears in Section Twelve Hundred and Seventy-two (1272) Supplement to the Code, 1907, relating to the filling of vacancies in the office of Councilman or Mayor of any city, and all other elective officers, was taken up and considered.

The Bill was read for information.

Senator Ames moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Brown, Clarkson, Cowles, DeWolf, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall,

Proudfoot, Quigley, Ream, Saunders, Savage, Schrup, Spaulding, Taylor, Van Law, White—31.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Chapman, Chase, Crow, Fitchpatrick, Francis, Hoyt, Larrabee, McManus, Sammis, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Webber, 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 Mattes, Senate File No. 265, a bill for an act to provide for the support of the college for the blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a) 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 Mattes moved the adoption of the following amendments:

By striking out the word "eighty" in Section 1, line 21, and inserting in lieu thereof the word "sixty", and strike out the words "four thousand" in line 22 and insert in lieu thereof the words "thirty-six hundred."

Adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Gilliland, Hammill, Jewell, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Spaulding, Taylor, Van Law, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Bennett, Chase, Cowles, Crow, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Larabee, McColl, McManus, Sammis, Saunders, Smith of Shelby, Stuckslager, Sullivan, Webber—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 Mattes, Senate File No. 296, a bill for an act to provide for the support of the state hospitals for the insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, 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 Mattes moved the adoption of the following amendments:

First: Strik out the word "fifteen (15)" in line seven (7) of the original bill and insert in lieu thereof the word "fourteen (14)."

Second: Strike out the word "sixteen (16)" in line nine (9) of the original bill and insert in lieu thereof, the word "fifteen (15)."

Adopted.

The bill was read for information.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reaing, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Balkema, Balluff, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Gilliland, Gates, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Parshall, Proudfoot, Quigley, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Taylor, Van Law, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Bennett, Chase, Cowles, Crow, Fitchpatrick, Francis, Garrett, Hoyt, Larrabee, McManus, Neal, Ream, Sammis, Smith, Shelby, Stuckslager, Sullivan, Webber—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

The President announced that as President of the Senate in the presence of the Senate, he had signed House File Nos. 523, 312, 56, 26, 355, 415, 37, 423 and 408, and Senate File Nos. 364, 119, and 77.

Senator Webber offered the following substitute for Senate File No. 481 and asked that the same be taken up for consideration when Senate File No. 481 is reached.

I move to amend Senate File No. 481 by substituting therefor the following substitute:

A BILL

For an Act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, relating to the removal and discharge of the firemen, police officers and policemen, except the chief of police.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, be and the same is hereby amended by adding thereto at the end thereof the following:

"Whenever the revenue of any city available for the use of paying the salaries of the police officers, policemen and firemen is insufficient to pay the current salaries to the number of policemen then engaged on the police force and the firemen, the city council of any city which has a board of police and fire commissioners, as provided in Chapter 2-a of Title V of the Supplement to the Code, 1907, may provide by general ordinance for a reduction in the number of firemen, and its police officers, and policemen, except the chief of police, in which event, the necessary number to make such reduction shall be honorably discharged from the said police force or the fire department. The persons discharged shall be designated in writing by the mayor; provided, however, that in making such discharge, the mayor shall take into consideration the length of service, competency and efficiency of the members of the police force and the members of the fire department including the chief. It shall be

the duty of the mayor to designate for discharge the policemen and firemen whose length of service is of the shortest duration and who have shown the least efficiency and competency.

Sec. 2. This act being deemed of immediate importance shall take effect and be in force from and after its publication in the Register & Leader and Des Moines Capital, newspapers published in the city of Des Moines, Iowa.

Substitute read first and second time.

Senator Clarkson moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

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SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 8, 1911.

The Senate met in regular session at 9 o'clock, A. M., President Clarke presiding.

Prayer was offered by Rev. C. A. Bates of Radcliffe, Iowa.

Senator White offered the following Resolution which was read and ordered printed in the Journal:

*Whereas*, it has been the sentiment of this league, since its preliminary organization, early last summer, that the State of Iowa should start a campaign of research and publicity and adopt a measure at the next session of the legislature to create a state publicity and development bureau, for gathering statistics in regard to Iowa's advantages and resources, concerning agriculture, manufacturing and the general business interests of the state and disseminate knowledge thereof throughout the state and the civilized world by all means of judicious advertising.

*Whereas*, We further have received the hearty co-operation and support of the most progressive Commercial Clubs and other booster organizations in the state in our efforts to support and promote a campaign for a state publicity and development bureau.

*Therefore, Be it Resolved*, We express our hearty approval and urge the passage of the bill known as House File No. 560, by Murtagh; an act to create a fund for a state publicity and development bureau and the duties assigned thereto.

*Be it Further Resolved*, That a copy of these resolutions shall be furnished to the members of the Thirty-fourth General Assembly of Iowa and to the newspapers.

IOWA LEAGUE OF COMMERCIAL CLUBS,

ROBT. N. CARSON,

*President.*

H. E. STOUT,

*Secretary.*

## THIRD READING OF BILLS.

On motion of Senator Balluff, Senate File No. 257, a bill for an act to legalize an election of Scott county, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for



dependent, neglected and delinquent children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor, was taken up and considered.

Senator Balluff moved that the Senate concur in the following House amendment:

By adding "1907" after the comma (,) following the word "Code" in the fourteenth line of the second page of the preamble to the bill, and by adding "1907" after the comma (,) following the word "Code" in the fourth line of Section 1.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Ames, Balluff, Bennett, Chapman, DeWolf, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Spaulding, Taylor, Van Law, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Brown, Chase, Clarkson, Cowles, Crow, Francis, Garrett, Gates, Hoyt, Saunders, Savage, Smith of Shelby, Stuckslager, Sullivan, Webber—19.

So the House amendments 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 insists on its amendments to Senate File No. 89, a bill for an act to amend Section 297 of the Code, fixing the salaries of clerks of district courts in certain counties, and asks for a Conference Committee. The Speaker on the part of the House, appoints as such committee: Harding of Woodbury, Boettger of Scott, More of Linn and Grout of Blackhawk.

C. R. BENEDICT,  
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to the following bill in which the concurrence of the House was asked:

House File No. 601, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers of said town and the ordinances, resolutions and other proceedings thereof.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to the following bill in which the concurrence of the House was asked:

House File No. 41, a bill for an act to create the office of State Fire Marshal and Deputy Fire Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304) of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 134, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provision of said section.

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. 133, a bill for an act to amend Section Two Thousand and Ninety (2090) of the Code Supplement, 1907, relative to

the forfeiture of taxes voted in aid of railroads under the provisions of Title Ten (X), Chapter Five (5), of said Code Supplement.

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. 136, a bill for an act to amend Section Two Thousand and Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made up under Chapter Five (5), Title Ten (X), of said Code Supplement relative to trolley or electric railways.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 392, a bill for an act amending the law as it appears in Section Two Thousand Five Hundred Thirty-nine (2539) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), Acts of the Thirty-third General Assembly, fixing the salary of the Fish and Game Warden and providing for the payment of his expenses.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 588, a bill for an act to establish in the State of Iowa the title and ownership of all wild game, animals, birds and 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. 577, a bill for an act to amend the law as it appears in Sections Forty-nine Hundred Ninety-nine-a6 (4999-a6), Forty-nine Hundred Ninety-nine-a7 (4999-a7), and Forty-nine Hundred Ninety-nine-a8 (4999-a8) of the Supplement to the Code, 1907, relating to protection against, and means of escape from fire.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 479, a bill for an act to amend Section One (1), Chapter One Hundred Twenty-six (126) of the Acts of the Thirty-third General Assembly, providing a limit on the time for which switching engines may be used.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 556, a bill for an act declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a2 (1989-a2), Nineteen Hundred Eighty-nine-a8 (1989-a8) as amended by Section Eight (8), Chapter One Hundred Eighteen (118), Acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a12 (1989-a12) as amended by Section Eleven (11), Chapter One Hundred Eighteen (118), Acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a14 (1989-a14) as amended by Section Thirteen (13), Chapter One Hundred Eighteen (118), Acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a21 (1989-a21), Nineteen Hundred Eighty-nine-a49 (1989-a49) of the Supplement to the Code, 1907, and to amend the law as it appears in Section Three (3) and Section Ten (10), Chapter One Hundred Eighteen (118), Acts of the Thirty-third General Assembly, relating to the subject of waters, watercourses, levees, drainage and drainage 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. 210, a bill for an act to regulate the size and construction of caboose cars, and providing penalties for the violation thereof.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

House File No. 210, a bill for an act to regulate the size and construction of caboose cars, and providing penalties for the violation thereof.

Read first and second time and referred to Sifting committee.

House File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a14 (1989-a14) as amended, and nineteen Hundred Eighty-nine-a21 (1989-a21) of the Supplement to the Code, 1907, and Section Ten (10), Chapter One Hundred Eighteen (118), laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.

Read first and second time and referred to Sifting committee.

House File No. 556, a bill for an act declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances.

Read first and second time and referred to Sifting committee.

House File No. 479, a bill for an act to amend Section One (1) Chapter One Hundred Twenty-six (126) of the acts of the Thirty-third General Assembly, providing a limit on the time for which switching engines may be used.

Read first and second time and referred to Sifting committee.

House File No. 577, a bill for an act to amend the law as it appears in Sections Forty-nine Hundred Ninety-nine-a6 (4999-a6), Forty-nine Hundred Ninety-nine-a7 (4999-a7), and Forty-nine Hundred Ninety-nine-a8 (4999-a8) of the Supplement to the Code, 1907, relating to protection against, and means of escape from fire.

Read first and second time and referred to Sifting committee.

House File No. 588, a bill for an act to establish in the state of Iowa the title and ownership of all wild game, animals, birds and fish.

Read first and second time and referred to Sifting committee.

House File No. 392, a bill for an act amending the law as it appears in Section Two Thousand Five Hundred Thirty-nine (2539) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), acts of the Thirty-third General Assembly, fixing the salary of the Fish and Game Warden and providing for the payment of his expenses.

Read first and second time and referred to Sifting committee.

Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made up under Chapter Five (5), Title Ten (10), of said Code Supplement relative to trolley or electric railways.

Passed on file.

Senate File No. 133, a bill for an act to amend Section Two Thousand and Ninety (2090) of the Code Supplement, 1907, relative to the forfeiture of taxes voted in aid of railroads under the provisions of Title Ten (X) Chapter Five (5) of said Code Supplement.

Passed on file.

Senate File No. 134, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provision of said section.

Passed on file.

Substitute for Senate File No. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

Passed on file.

House File No. 41, a bill for an act to create the office of State Fire Marshal and Deputy Fire Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.

Passed on file.

House File No. 601, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.

Passed on file.

Senate File No. 89, a bill for an act to amend Section 297 of the Code, fixing the salaries of clerks of district courts in certain counties and asks for a conference committee.

Passed on file.

Senator Hunter moved that the Senate appoint a conference committee on Senate File No. 89.

Carried.

The President appointed as such conference committee on the part of the Senate, Senators Hunter, Stuckslager, Sullivan and DeWolf.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 449, a bill for an act to repeal Sections Two Thousand Five Hundred Three (2503), Two Thousand Five Hundred Four (2504), Two Thousand Five Hundred Five (2505), Two Thousand Five Hundred Six (2506), Two Thousand Five Hundred Seven (2507), Two Thousand Five Hundred Eight (2508), Two Thousand Five Hundred Eight-a (2508-a), Two Thousand Five Hundred Nine (2509), Two Thousand Five Hundred Nine-a (2509-a), Two Thousand Five Hundred Ten (2510), of the Supplement to the Code, 1907, relating to the test of illuminating oil and inspection of petroleum products and enacting substitutes therefor, was taken up and considered.

Senator Balkema moved that the substitute offered by him yesterday be substituted for the original bill.

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:

Adams, Balkema, Balluff, Bennett, Chapman, Cowles, Crow, De-Wolf, Francis, Garrett, Gilliland Hammill, Hunter, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Ames, Brown Chase, Clarkson, Dunnegan, Fitchpatrick, Gates, Hoyt, Jewell, Larrabee, Mattes, Proudfoot, Sammis, Stuckslager—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 Mattes, Senate File No. 254, a bill for an act to provide for the support of the industrial school and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) of the Supplement to the Code, 1907, was taken up and considered.

Senator Mattes moved the adoption of the following amendments.

Amend Section One (1) by striking out the words "five hundred" in line thirteen and insert in lieu thereof the words "four hundred seventy".

Strike out the word "five" in line fifteen (15) and insert in lieu thereof the word "one".

Strike out the word "fifty" in line seventeen (17) and insert in lieu thereof the word "twenty-five".

Amend further by striking out the words "four thousand" in line nineteen (19) and insert in lieu thereof the words "thirty-six hundred."

Adopted.



Senator Mattes 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:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Chapman, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Shelby, Sullivan, Taylor, Webber, White, Wilson—36.

The nays were:

• None.

Absent or not voting:

Allen of Jefferson, Ames, Brown, Chase, Clarkson, Cowles, Fitchpatrick, Hoyt, Proudfoot, Sammis, Smith of Mitchell, Spaulding, 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 Bennett, from the Committee on Public Health, returned to the Senate, Senate File No. 450, which was thereupon referred to the Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Dunnegan, Senate File No. 152, a bill for an act to establish and maintain a second State Normal college for the education and preparation of common and high school teachers, and also for the education of commercial and business course students, and providing for the transfer of certain property to said school and making appropriation therefor, was taken up and considered.

Senator Dunnegan moved that the substitute be substituted for the original bill.

Adopted.

The bill was read for information.

Senator White moved the previous question.

On the question, "Shall the main question be now put?", the previous question was ordered.

Senator Dunnegan moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Legel, McColl, McCulloch, McManus, Parshall, Proudfoot, Sammis, Saunders, Savage, Schrup, Sullivan, Taylor, Van Law, White—26.

The nays were:

Ames, DeWolf, Francis, Hammill, Hunter, Jewell, Larrabee, Mattes, Smith of Mitchell, Smith of Shelby, Spaulding—11.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Chase, Hoyt, Malmberg, Neal, Quigley, Ream, Stuckslager, Webber, 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 Senate is asked:

House File No. 389, a bill for an act to indemnify H. C. Jackson for personal injury sustained by him while employed as head farmer at the State Hospital at Mt. Pleasant, 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 Joint Resolution No. 7, a Joint Resolution approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University and at the State Teachers' College.

C. R. BENEDICT,  
*Chief Clerk.*

Also.

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 describing and defining negotiable and non-negotiable bills of lading and providing for the issuing, transfer and indorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 298, a bill for an act to authorize the removal of the soldiers' and sailors' monument in Des Moines, Iowa, and the erection of the same upon the site provided by the city of Des Moines adjacent to the east bank of the Des Moines river between Locust and Walnut streets in said city, and making an appropriation to defray the expense thereof was taken up and considered.

The substitute was read for information.

Senator Brown moved that the substitute be substituted for the original bill.

Adopted.

Further consideration of the bill was postponed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—151.

Absent or paired:

Allen of Jefferson, Chase, Fletcher, Hoyt, Leach, Miller of Bremer, Spaulding—7.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage, of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Gar-

rett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Legel, Lenoeker, Linnan, McCullough of Dubuque, McManus, Miller of Dubuque, Milton, Murtagh, O'Connor, Oden-dahl, Olson, Parshall, Penn, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—48.

Those voting for Horace E. Deemer were:

Adams, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hick-enlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—35.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Fin-layson, Fitchpatrick, Fourt, Fraley, Fry, Gates, George, Goody-koontz, Grout, Halgrims, Hammill, Harding, Harvey, Huff, Hunt, Huntley, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, New-ell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Stillman, Stoddard, Zeller—60.

Those voting for George M. Curtis were:

Bascom, Dixon, Whitney—3.

Those voting for L. E. Francis were:

Hunter—1.

Those voting for Henry Wallace were:

Francis—1.

Those voting for John T. Clarkson were:

Quigley, Ream, Webber—3.

Absent or paired:

Allen of Jefferson, Chase, Fletcher, Hoyt, Leach, Miller of Bremer, Spaulding—7.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Representative Dewey of Guthrie the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Smith of Mitchell moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

Senate adjourned.

AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30, P. M., President Clarke presiding.

Senator Van Law offered the following Concurrent Resolution:

CONCURRENT RESOLUTION.

Be it Resolved, that the Committee on Appropriations be and are hereby requested to offer to this Senate a Joint Resolution authorizing the appointment of a Joint Committee, to consist of three members of the Senate and three members of the House, for the purpose of investigating Public Service Corporations of this state, and reporting the results of such investigation together with such recommendation as may be determined upon, and providing an appropriation for the expense of such investigation.

Senator Sammis offered the following Concurrent Resolution as a substitute for the resolution offered by Senator Van Law:

CONCURRENT RESOLUTION.

*Whereas* the subject of the best methods of further regulating and controlling the public service corporations doing business in the state is engaging the interest and consideration of our people, and

*Whereas*, it is recognized by the members of the Thirty-fourth General Assembly that the time before the final adjournment is too short to permit of giving the subject further attention during this session.

*Therefore, Be it Resolved by the Senate, the House concurring*, that the Appropriations Committees of the Senate and the House be, and they are hereby, requested to forthwith prepare and report to the Senate and to the House a bill providing for the appointment of a commission of six or more members to fully investigate said subject and to report thereon

to the next General Assembly, making such recommendations as such commission may see fit; said bill to provide also for the appropriation of a sufficient sum of money to defray the expenses of said commission and such a sum as will permit of a complete and thorough investigation of said question.

By unanimous consent the substitution was made.

Laid over.

Senator Adams offered the following motion:

I move that the Senate do not consider any more bills in which provision is made for the increase of salaries.

Senator Proudfoot raised the point of order that the motion made by Senator Adams sought to change an order of the Senate relative to the Sifting committee, and that under rule 38 would require a two-thirds vote.

Point of order sustained.

Senator DeWolf raised the point of order that it would not be in order for the Senate to determine that it would not hereafter consider bills passed by the House.

Point of order sustained.

On the motion offered by Senator Adams a roll call was demanded.

The ayes were:

Adams, Cowles, Garrett, Larrabee, Legel, McCulloch, Malmberg, Mattes, Parshall, Ream, Savage, Smith of Mitchell, Stuckslager, Webber, White—15.

The nays were:

Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hamml, Hoyt, Hunter, Neal, Proudfoot, Sammis, Saunders, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Wilson—29.

Absent or not voting:

Allen of Jefferson, Chase, Jewell, McColl, McManus, Quigley—6.

So the motion was lost.

## REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 409, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette County, State of Iowa, and regulating the payment thereof.

Also.

Senate File No 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements in towns.

Also.

Senate File No. 421, a bill for an act to amend Sections One Thousand and Seventy-two (1072), Four Hundred Twenty-two (422) One Thousand and Three Hundred Three (1303), Four Hundred Sixty-nine (469) of the Supplement to the Code, 1907, and Section sixteen (16), Chapter One Hundred Eighteen (118), Section One (1), Chapter Ninety-seven (97) of the Acts of the Thirty-third General Assembly and to repeal Section Five (5) of Chapter Ninety-six (96) of the Acts of the Thirty-third General Assembly, and to repeal Section Fifteen Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

Also.

Senate File No. 229, a bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

Also.

Senate File No. 463, a bill for an act to legalize an election held in the independent school district of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

Also.

Senate File No. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.



Also:

Substitute for Senate File No. 262, a bill for an act repealing Section Four Thousand Nine Hundred Ninety-nine-a38 (4999-a38) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

Also:

Senate File No. 454, a bill for an act to legalize the action of the Board of Directors of the Independent School District of Walker, Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

Also:

Senate File No. 382, a bill for an act to legalize the acts of the Treasurer of Monroe County, Iowa, relating to the transferring of funds from the district school fund to the county fund.

Also:

Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper County, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

Also:

Senate File No. 452, a bill for an act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay County, Iowa, so far as effected by the election of six members of said council instead of five.

Also:

Senate File No. 460, a bill for an act to legalize the action of the Independent School District of Bennett, Cedar County, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

Also:

Senate Joint Resolution No. 5, a bill for an act approving estimate of cost, plans and specifications for an addition to the wing to the Hospital at the State University.

Also:

Senate File No 469, a bill for an act to legalize the action of the Town Council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

Also:

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns by city and town councils.

Also:

Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa and making an appropriation therefor.

Also:

Substitute for Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3), Chapter One Hundred and Four (104), Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

Also:

Senate File No. 459, a bill for an act to legalize certain warrants of the city of Ottumwa, Iowa.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa and making an appropriation therefor.

Also:

Substitute for Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3), Chapter One Hundred and Four (104), Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

Also:

Senate File No. 459, a bill for an act to legalize certain warrants of the city of Ottumwa, Iowa.

Also:

Senate Joint Resolution No. 5, a bill for an act approving estimate of cost, plans and specifications for an addition to the wing to the Hospital at the State University.

Also:

Senate File No 469, a bill for an act to legalize the action of the Town Council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

Also:

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns by city and town councils.

Also:

Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper County, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

Also:

Senate File No. 452, a bill for an act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay County, Iowa, so far as effected by the election of six members of said council instead of five.

Also:

Senate File No. 460, a bill for an act to legalize the action of the Independent School District of Bennett, Cedar County, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

Also:

Senate File No. 229, a bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

Also:

Senate File No. 463, a bill for an act to legalize an election held in the independent school district of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

Also:

Senate File No. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

Also:

Substitute for Senate File No. 262, a bill for an act repealing Section Four Thousand Nine Hundred Ninety-nine-a38 (4999-a38) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

Also:

Senate File No. 454, a bill for an act to legalize the action of the Board of Directors of the Independent School District of Walker, Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

Also:

Senate File No. 382, a bill for an act to legalize the acts of the Treasurer of Monroe County, Iowa, relating to the transferring of funds from the district school fund to the county fund.

Also:

Senate File No. 409, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette County, State of Iowa, and regulating the payment thereof.

Also:

Senate File No 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements in towns.

Also:

Senate File No. 421, a bill for an act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422) One Thousand Three Hundred Three (1303), Four Hundred Sixty-nine (469) of the Supplement to the Code, 1907, and Section Sixteen (16), Chapter One Hundred Eighteen (118), Section One (1), Chapter Ninety-seven (97) of the Acts of the Thirty-third General Assembly and to repeal Section Five (5) of Chapter Ninety-six (96) of the Acts of the

Thirty-third General Assembly, and to repeal Section Fifteen Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

THIRD READING OF BILLS.

The Senate resumed consideration of Senate File No. 298, a bill for an act to authorize the removal of the soldiers' and sailors' monument in Des Moines, Iowa, and the erection of the same upon the site provided by the city of Des Moines adjacent to the east bank of the Des Moines river between Locust and Walnut streets in said city and making an appropriation to defray the expense thereof.

Senator Brown moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hunter, Larrabee, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Chase, Clarkson, Fitchpatrick, Hoyt, Jewell, Legel, Schrup, Smith of Mitchell, Stuckslager—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

## REPORTS OF COMMITTEE.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, Institution for Feeble-Minded Children, Sanatorium for the Treatment of Tuberculosis, Industrial Schools, State Hospitals, Penitentiary and Reformatory, and for the purchase of land, beg leave to report they have had the same under consideration and recommend the same be amended by adoption of the following substitute:

## SUBSTITUTE FOR SENATE FILE NO. 126.

## A BILL

For an Act making appropriations for the construction, repair, improvement and contingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, Institution for Feeble Minded Children, Sanatorium for the Treatment of Tuberculosis, Industrial Schools, State Hospitals, Penitentiary and Reformatory, and for the purchase of land.

*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 Fifty-seven Thousand Six Hundred Fifty (\$557,650.00) Dollars for the construction, repair, improvement and contingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, Institution for Feeble-Minded Children, Sanatorium for the Treatment of Tuberculosis, Industrial Schools, State Hospitals, Penitentiary and Reformatory and for the purchase of land for one or more of said institutions, in sums as hereinafter specified. Provided, however, that one hundred thousand dollars (\$100,000.00) of said amount shall not be available before the first day of July, A. D. 1913, said sum to be disbursed according to the direction of the Board of Control of State Institutions.

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, 1912.

Sec. 3. Of the appropriations made by this act, the Iowa Soldiers' Home at Marshalltown shall receive sums as follows:

For painting .....	\$ 2,000.00
For switchboard .....	800.00
For contingent and repair fund .....	8,000.00

Sec. 4. Of the appropriations made by this act, the Iowa Soldiers' Orphans' Home at Davenport shall receive sums as follows:

For hospital, connections and equipment .....	\$10,000.00
For fencing .....	500.00
For books and periodicals .....	200.00
For dental work .....	400.00
For contingent and repair fund .....	4,000.00

Sec. 5. Of the appropriations made by this act, the College for the Blind at Vinton shall receive sums as follows:

For cottage for superintendent and connections ....	\$ 4,000.00
For extraordinary repairs .....	2,000.00
For domestic science apparatus .....	500.00
For well and equipment .....	1,000.00
For oculist fund .....	250.00
For contingent and repair fund .....	2,000.00

Sec. 6. Of the appropriations made by this act, the School for the Deaf at Council Bluffs shall receive sums as follows:

For painting interior .....	\$ 1,000.00
For improving water supplies .....	3,000.00
For grading, walks and improvement of grounds ..	500.00
For books, periodicals and binding .....	250.00
For equipment for industrial departments .....	500.00
For contingent and repair fund .....	3,500.00

Sec. 7. Of the appropriations made by this act, the Institution for Feeble-Minded Children at Glenwood shall receive sums as follows:

For beginning cottage for girls .....	\$20,000.00
For laundry buildings and equipments .....	25,000.00
For beds and bedding .....	2,000.00
For furniture and furnishings .....	2,000.00
For porches for administration building .....	2,000.00
For fire escapes .....	500.00
For paints and painting .....	2,000.00
For plumbing .....	1,500.00
For equipment for fire department .....	500.00
For water reservoir and connections .....	4,000.00
For contingent and repair funds .....	10,000.00

Sec. 8. Of the appropriations made by this act, the State Sanitorium for Treatment of Tuberculosis at Oakdale shall receive sums as follows:

For furniture and furnishings.....	\$ 300.00
For laundry and hose-cart building.....	4,500.00
For bathing and toilet facilities (additional for pavilions) .....	600.00
For cow barn and silos .....	3,500.00
For improvement of sewage disposal plant.....	2,000.00
For laboratory apparatus .....	200.00
For kitchen equipment .....	200.00
For tunnell and pipe connections.....	2,000.00
For reservoir (additional) .....	1,000.00
For piggery .....	250.00
For books and periodicals .....	200.00
For lectures and amusements .....	200.00
For painting .....	250.00
For concrete sidewalks .....	500.00
For fences .....	800.00
For tiling .....	250.00
For contingent and repair fund.....	3,000.00

Sec. 9. Of the appropriations made by this act, the Industrial School for Boys at Eldora shall receive sums as follows:

For heating, plumbing and equipping hospitals..	\$ 5,000.00
For kitchen equipment .....	600.00
For dental work .....	500.00
For furniture and furnishings .....	1,000.00
For cottage for superintendent .....	4,000.00
For beds and bedding .....	1,500.00
For books and periodicals .....	300.00
For lectures and amusements.....	400.00
For musical instruments and supplies.....	300.00
For root cellar .....	800.00
For extension of water system.....	700.00
For cow barn (additional) .....	1,500.00
For silo ensilage cutter and power .....	1,200.00
For live stock .....	1,000.00
For agricultural implements .....	500.00
For wagons and other vehicles .....	500.00
For painting .....	1,000.00
For fencing .....	300.00
For Chaplain .....	300.00
For traveling expense on account of placing paroled and returning boys who have violated their paroles .....	600.00
For railway switch .....	16,000.00
For contingent and repair fund.....	5,000.00



Sec. 10. Of the appropriations made by this act, the Industrial School for Girls at Mitchelville shall receive sums as follows:

For changing dormitories to small rooms.....	\$ 2,000.00
For rebuilding farm cottages.....	1,200.00
For enlarging and repairing cold storage.....	1,500.00
For cisterns .....	400.00
For books and periodicals .....	250.00
For pipe covering .....	500.00
For painting .....	1,500.00
For supplies for plumbing and heating.....	500.00
For concrete walks .....	250.00
For silo and cutter .....	700.00
For tiling land .....	500.00
For Chaplain .....	250.00
For contingent and repair fund.....	3,000.00
For fencing .....	500.00

Sec. 11. Of the appropriations made by this act, the Mt. Pleasant State Hospital shall receive sums as follows:

For ventilation of men's infirmary.....	\$ 1,500.00
For furniture for pathological laboratory.....	500.00
For kitchen equipment .....	500.00
For laundry machinery .....	1,000.00
For equipment for recreation hall.....	250.00
For root cellar .....	1,000.00
For reservoir .....	3,500.00
For cleaning and repairing reservoir.....	2,000.00
For painting .....	2,000.00
For fencing .....	500.00
For greenhouse .....	250.00
For library .....	500.00
For horses, mules, wagon and farm implements...	1,000.00
For remodeling cow barn.....	1,000.00
For silo .....	500.00
For drain tile .....	1,000.00
For street sprinkler .....	250.00
For contingent and repair fund.....	12,000.00

Sec. 12. Of the appropriations made by this act, the Independence State Hospital shall receive sums as follows:

For homes for attendants .....	\$40,000.00
For ventilation of Farmers' Lodge and Grove Hall	5,000.00
For tunnel to Farmers' Lodge and Grove Hall....	5,000.00
For painting and decorating .....	2,000.00
For greenhouse (additional) .....	1,500.00
For cold storage buliding .....	6,500.00
For wells (two) for drinking water and equipment	500.00
For wood shaping machine and drill press with ap- purtances .....	500.00
For draining land .....	2,000.00

For farm implements and machinery.....	1,000.00
For fencing .....	1,000.00
For live stock .....	5,000.00
For contingent and repair fund .....	12,000.00

Sec. 13. Of the appropriations made by this act, the Clarinda State Hospital shall receive sums as follows:

For farm cottage for men and furnishings.....	\$20,000.00
For electric re-wiring .....	3,000.00
For plumbing and fixtures .....	1,500.00
For painting .....	2,000.00
For horses and mules .....	1,000.00
For fire escape .....	500.00
For contingent and repair fund.....	10,000.00

Sec. 14. Of the appropriations made by this act, the Cherokee State Hospital shall receive sums as follows:

For pavilion for tubercular patients.....	\$50,000.00
For painting .....	2,000.00
For books, newspapers and periodicals.....	300.00
For addition to mangle room and dry closets for same .....	3,000.00
For floors .....	250.00
For boilers (two) and connections.....	6,000.00
For silos and cutter .....	1,200.00
For farm implements and machinery.....	500.00
For horses and mules.....	1,000.00
For hot water heater .....	1,500.00
For steam header and connections.....	1,000.00
For fencing .....	300.00
For contingent and repair fund .....	10,000.00

Sec. 15. Of the appropriations made by this act, the State Hospital for Inebriates of Knoxville shall receive sums as follows:

For water reservoir .....	\$ 1,000.00
For contingent and repair fund .....	3,000.00

Sec. 16. Of the appropriations made by this act, the State Penitentiary at Fort Madison shall receive sums as follows:

For cell house, cell bank and connections.....	\$60,000.00
For re-roofing shops .....	3,500.00
For fencing .....	1,000.00
For live stock .....	1,000.00
For contingent and repair fund.....	5,000.00
For sanitary toilets .....	3,000.00

Sec. 17. Of the appropriations made by this act, the Reformatory at Anamosa shall receive sums as follows:

For addition to school room .....	\$ 2,000.00
For machinery and supplies for printing office ....	1,500.00
For boiler and equipment .....	1,250.00
For derrick supplies .....	500.00

For freight on stone .....	800.00
For tools for shop and quarry .....	600.00
For musical instruments—from library fund.....	500.00
For piano—from library fund .....	500.00
For salaries of foremen and instructors.....	15,000.00
For transportation of discharged inmates.....	1,500.00
For increasing industries .....	5,000.00
For contingent and repair fund.....	5,000.00

Sec. 18. Of the appropriations made by this act, the sum of thirty thousand (\$30,000.00) 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 institutions 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 the purchase was made and by said Board of Control.

Sec. 19. 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.

JOSEPH MATTES,

*Chairman.*

Substitute read first and second time.

Adopted.

Also:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 602, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests for the Tenth (10) Representative District of Iowa, the Eightieth (80) Representative District of Iowa, and the Ninety-ninth (99) Representative District of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contest, beg leave to report they have had the same under consideration and recommend the same do pass.

JOSEPH MATTES,

*Chairman.*

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 309, a bill for an act making an appropriation to enable the state railroad commission to investigate and prepare cases affecting Iowa intrastate rates, was taken up and considered.

Senator Neal 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:

Allen of Pocahontas, Balkema, Bennett, Crow, DeWolf, Dunne-  
gan, Francis, Garrett, Gates, Hammill, Hoyt, Jewell, Larrabee,  
Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Ream, Smith of  
Mitchell, Spaulding, Sullivan, Van Law, Webber, White, Wilson  
—27.

The nays were:

Adams, McCulloch, Parshall—3.

Absent or not voting:

Allen of Jefferson, Ames, Balluff, Brown, Chapman, Chase,  
Clarkson, Cowles, Fitchpatrick, Gilliland, Hunter, McManus, Quig-  
ley, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuck-  
slager, Taylor—20.

So the bill having received a constitutional majority was de-  
clared 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 bill in which the concur-  
rence of the House was asked:

Senate File No. 101, a bill for an act to repeal Sections Twenty-six  
Hundred and Thirty-four-b (2634-b), and Twenty-six Hundred and Thirty-  
four-c (2634-c) and Twenty-six Hundred and Thirty-four-d (2634-d), Sup-  
plement to the Code, 1907, and to enact substitutes therefor, relating to  
the training of teachers for rural schools and making appropriation there-  
for.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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 appropriating the sum of Seventy-  
five dollars (\$75.00) 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 amended and passed the following bill in which the concurrence of the House was asked:

Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers and inheritances, and repealing the law as it appears in Chapter Four (4), of Title Seven (VII) of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third General Assembly 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. 68, a bill for an act to amend Subdivision Five, Section One Thousand Seven Hundred Nine (1709), Supplement to the Code, 1907, relating to indemnify insurance for owners of automobiles and other 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. 507, a bill for an act to repeal Chapter One Hundred Fifteen (115), Laws of the Thirty-third General Assembly, 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. 356, a bill for an act establishing the state colony for epileptics and making an appropriation for the purchase of land and the erection of buildings for said colony.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

The Senate resumed consideration of House File No. 129, a bill for an act to amend Chapter Thirteen (13), Title Twelve (12) of the Supplement to the Code, 1907, and providing for the appointment of dairy commissioner, deputy commissioner, and state

dairy inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

Senator Hammill 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, Mattes, Parshal, Sammis, Saunders, Schrup, Spaulding, Stuckslager, Wilson—26.

The nays were:

Adams, Garrett, Jewell, McCulloch, Proudfoot, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, White—14.

Absent or not voting:

Allen of Jefferson, Bennett, Chase, Cowles, Crow, Fitchpatrick, McManus, Malmberg, Neal, Savage—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Gilliland offered the motion.

I move that an evening session beginning at 7:30 be held on Monday, April 10th, 1911, for the submission and adoption of resolutions of respect to the memory of former members of the Senate who have recently died.

Motion prevailed.

#### HOUSE MESSAGE CONSIDERED.

Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and upon repealing the law as it appears in Chapter Four (4) of Title Seven (7) of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33d) General Assembly and to enact a substitute therefor.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers and inheritances, both collateral and direct, and repealing the law as it appears in Chapter Four (4) of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33) General Assembly and to enact a substitute therefor, was taken up and considered.

Senator Gilliland moved that the Senate concur in the following House amendments:

Amend by inserting after the comma (,) following the word "property" and before the word "and" in the 8th line of Section 3, the following:

"The amount paid by the executor or administrator for a bond, the attorney fee in a reasonable amount, to be approved by the court, for the ordinary probate proceedings in said estate."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, DeWolf, Dunnegan, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White—34.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Brown, Chase, Cowles, Crow, Fitchpatrick, Francis, Garrett, McManus, Malmberg, Neal, Saunders, Savage, Smith of Mitchell, Stuckslager, Wilson—16.

So the House amendments having received a constitutional majority were concurred in.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 292, a bill for an act to appropriate the sum of one hundred sixty-four and 22-100 dollars for the use and benefit of

Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis county, Iowa, deceased, for military service performed by him as captain of Company D, Forty-fifth Regiment, Iowa Volunteers Infantry, in the Month of May, A. D. Eighteen Hundred and Sixty-four, was taken up and considered.

Senator Sammis moved that the Senate concur in the following House amendment:

Amend title by striking out the words and figures "one hundred and sixty-four and 22-100" in the first line and inserting in lieu thereof the words and figures "forty-three and 16-100."

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Parshall, Proudfoot, Quitgley, Ream, Sammis, Schrup, Smith of Shelby, Spaulding, Sullivan, Taylor Van Law, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Brown, Chase, DeWolf, Fitchpatrick, Francis, McManus, Malmberg, Neal, Saunders, Savage, Smith of Mitchell, Stuckslager—13.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Sammis of the Sifting committee, Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Code Supplement, 1907, designating the statutes which are made up under Chapter Five (5), Title Ten (X) of said Code Supplement, relative to trolley or electric railroads, was taken up and considered.

Senator Sammis moved that the Senate concur in the following House amendments.

Amend the title by substituting the following therefor: A bill



for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Supplement to the Code, 1907, relative to trolley or electric railways.

Amend Section One by striking from the second line thereof the words and figures "Code Supplement, 1907" and inserting in lieu thereof the words and figures, "Supplement to the Code, 1907."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Crow, DeWolf, Fitchpatrick, Hoyt, Hunter, McManus, Malmberg, Saunders, Schrup, Smith of Mitchell, Spaulding, Stuckslager, White—16.

So the House amendments having received a constitutional majority were declared concurred in.

#### HOUSE MESSAGE CONSIDERED.

Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b), Twenty-six Hundred and Thirty-four-c (2634-c) and Twenty-six Hundred and Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b), Twenty-six Hundred and Thirty-four-c (2634-c), and Twenty-six Hundred and Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor was taken up and considered.

Senator Sammis moved that the Senate concur in the following House amendment:

Amend by omitting the word "of" in the fourth line of Section 1 preceding the figures "1907".

Amend by inserting the words "institute fund" in lieu of the words "county institute" as they occur in the thirteenth and fourteenth lines of Section 7.

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Chapman, Cowles, Crow, Dunnegan, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Sullivan, Taylor, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, Clarkson, DeWolf, Fitchpatrick, McColl, McCulloch, McManus, Malmberg, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Van Law—16.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Mattes, Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts and the Iowa State Teachers' College, was taken up and considered.

The substitute bill was read for information.

Senator Mattes moved that the substitute be substituted for the original bill.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Sullivan, Taylor, Van Law, Webber, White, Wilson—40.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Fitchpatrick, Gates, McManus, Saunders, Smith of Mitchell, Spaulding, Stuckslager—10.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Hunter from the Conference committee on the part of the Senate, submitted the following report:

MR. PRESIDENT—Your Conference Committee, to whom was referred Senate File No. 89, a bill for an act fixing the salary of county clerks in certain cities, beg leave to report that they have had the same under consideration and recommend that the same be amended by striking out all after the enacting clause and inserting the following in lieu thereof:

Section 1. That Section Two Hundred Ninety-seven (297) of the Code be amended by striking out all of said section after the period following the word "dollars" in the sixteenth line of said section and inserting in lieu thereof the following:

"In counties having a population of over forty thousand (40,000) and less than fifty thousand (50,000) the salary shall be twenty-five hundred (\$2,500.00) dollars; in counties having a population of fifty thousand (50,000) and not over sixty thousand (60,000) the salary shall be two thousand seven hundred fifty (\$2,750.00) dollars; in counties having a population of over sixty thousand (60,000) and less than sixty-five thousand (65,000) the salary shall be three thousand (\$3,000.00) dollars, and in counties having a population of over sixty-five thousand (65,000) the salary shall be thirty-three hundred (\$3,300.00) dollars.

"The board of supervisors may in addition to the salary fixed for clerks in counties having a population of forty thousand or under allow them out of the probate fees as additional compensation an amount not exceeding three hundred (\$300.00) dollars; provided, that in counties where terms of the district court are held in two cities or towns there

may be added to the salary of the clerk the further sum of four hundred (\$400.00) dollars."

ROBERT HUNTER,  
JOHN B. SULLIVAN,  
S. W. DEWOLF,  
W. C. STUCKSLAGER,  
*On part of the Senate.*  
W. L. HARDING,  
HENRY H. BOETTGER,  
H. W. GROUT,  
ERNEST R. MOORE,  
*On part of the House.*

The report was adopted.

Senator Hunter moved that the Senate concur in the amendments recommended by the Conference committee.

On the question, "Shall the Senate adopt the amendments recommended by the Conference committee?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Francis, Gilliland, Hammill, Hoyt, Legel, Malmberg, Mattes, Neal, Parshall, Quigley, Sammis, Savage, Schrup, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—29.

The nays were:

Jewell, Larrabee, Proudfoot, Smith of Shelby—4.

Absent or not voting:

Adams, Allen of Jefferson, Brown, Chase, Cowles, Fitchpatrick, Garrett, Gates, Hunter, McColl, McCulloch, McManus, Ream, Saunders, Smith of Mitchell, Spaulding, Taylor—17.

So the amendments having received a constitutional majority were declared concurred in and passed by the Senate.

On motion of Senator Sammis of the Sifting committee, Senate File No. 258, a bill for an act to amend the law as it appears in Section Three Thousand Four Hundred and Forty-seven-c (3447-c) of the Supplement to the Code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosures of mortgages may be brought, was taken up and considered.

Senator Saunders moved that the Senate concur in the following House amendments:

Section 1. That Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, is hereby repealed and the following enacted in lieu thereof:

"No action shall be maintained to foreclose or enforce any real estate mortgage, bond for deed, trust deed or contract for the sale or conveyance of real estate, after twenty (20) years from the date thereof, as shown by the record of such instrument, unless the record of such instrument shows that less than ten (10) years have elapsed since the date of maturity of the indebtedness or part thereof, secured thereby, or since the right of action has accrued thereon, or unless the record shows an extension of the maturity of the instrument or of the debt or a part thereof, and that the time of such extension has not yet expired. The date of maturity, when different than as appears by the record of the instrument, and the date of maturity of any extension of said indebtedness or part thereof, may be shown at any time prior to the expiration of the above periods of limitation by the holder of the debt or the owner or assignee of the instrument filing an extension agreement, duly acknowledged as the original instrument was required to be acknowledged, in the office of the recorder where the instrument is recorded, or by noting on the margin of the record of such instrument in the recorder's office an extension of the maturity of the instrument or of the debt secured, or any part thereof. Each notation to be witnessed by the recorder and entered upon the index of mortgages in the name of the mortgagor and mortgagee; provided that the holder or assignee of any such instrument, or the holder of any debt or part thereof, secured by any instrument, shall have until July 4, 1912 in which to file such extension agreement or to note the marginal extension as to any instrument executed prior to the taking effect of this act and coming within the provisions hereof. This act shall in no case revive the rights or claims barred by Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Brown, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hoyt, Jewell, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, Webber, White—34.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Chapman, Chase, Clarkson, Fitchpatrick, Gates, Hunter, Larrabee, McManus, Mattes, Proudfoot, Smith of Mitchell, Spaulding, Van Law, Wilson—16.

So the House amendments having received a constitutional majority were declared concurred in.

INTRODUCTION OF BILLS.

By Senator White, Senate File No. 485:

A BILL

For an Act to legalize deed of Iowa county, Iowa, to Ithamar Cheney for Lot One as shown by plat recorded at Book 21, page 335, Land Deed Records of the office of the Recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one, Township Seventy-eight, North, Range Eleven West of the Fifth P. M., in Iowa County, Iowa.

*Whereas*, R. B. Foster gave to Martin Ballard as School Fund Commissioner for Iowa County, Iowa, a certain mortgage dated February 7, 1854, to secure payment of the principal sum of Three Hundred Thirty and no-100 dollars, with accruing interest thereon, said mortgage conveying the west half of the southwest quarter of Section Twenty-one, Township Seventy-eight, North, Range Eleven west of the Fifth P. M., situated in Iowa County, Iowa, which said mortgage was foreclosed and bid in by Iowa County, Iowa, and said land was conveyed to Iowa County, Iowa, by sheriff's deed dated November 21, 1868, instead of the state of Iowa, as required by law, and

*Whereas*, said county sold a portion of said land to Ithamar Cheney, and conveyed to Ithamar Cheney the land so sold him by warranty deed dated January 4, 1862, the land so sold and conveyed to said Ithamar Cheney being described as Lot One as shown by the plat recorded at Book 21, page 335, of the Land Deed Records of the office of the Recorder of Iowa County, Iowa, and said real estate being also described as the north fifteen acres of Section Twenty-one, Township Seventy-eight, North, Range Eleven, West of the Fifth P. M., said deed being recorded at Book 34, page 451, Land Deed Records of said office, and

*Whereas*, Said Iowa County has accounted to the State of Iowa for the proceeds of said sale; Therefor

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Deed Legalized. That the said deed from Iowa County, Iowa, to Ithamar Cheney for Lot 1, as shown by the plat recorded at Book 21, page 335, Land Deed Records of the office of the recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one, Township Seventy-eight, North, Range, Eleven west of the Fifth P. M., be and the

same is hereby declared to be legal and valid and conveyed to said Ithamar Cheney and his grantees, all the right, title and interest of the state of Iowa in and to said real estate.

Read first and second time and referred to Sifting committee.

THIRD READING OF BILLS.

On motion of Senator Schrup, House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstructions and providing for their removal thereof, was taken up and considered.

Senator Schrup offered the following amendments and moved their adoption.

I move to amend by adding the following as Sections 4 and 5.

Sec. 4. In case of prosecution for any violation of the provisions of this act, any justice of the peace, within the county in which the violation is alleged to have been committed, shall have authority to decide whether or not the obstructions, of which complaint is made, are of a nature to unreasonably interfere with the passing of vehicles, or can be removed without too much expense, and with a reasonable consideration of the topography of the locality.

Sec. 5. The provisions of this act shall not apply to roads or streets in incorporated cities or towns.

Adopted.

Senator Schrup moved that the rules be suspended, 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, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunnegan, Francis, Garrett, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, Neal, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Sullivan, Taylor, Webber, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, DeWolf, Fitch-

patrick, Gates, Hoyt, Larrabee, McManus, Malmberg, Mattes, Parshall, Proudfoot, Ream, Smith of Shelby, Spaulding, 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 Francis, Senate File No. 486.

A BILL

For an Act to amend the law as it appears in Section Nine (9) of Chapter One Hundred Fifty-three (153) of the Acts of the Thirty-third General Assembly, relating to the compensation of deputy game wardens.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Nine (9) of Chapter One Hundred Fifty-three (153) of the Acts of the Thirty-third General Assembly be, and the same is hereby amended by striking out the fourth, fifth, sixth and seventh lines thereof, and by inserting in lieu thereof the following:

“The fish and game warden may appoint such number of assistant deputy game wardens as he may deem necessary, who shall receive not to exceed four dollars (\$4.00) per diem and actual expenses, for the time and money actually employed and expended by them in the enforcement of the provisions of this act. And he may further appoint such number of special deputies who shall receive a compensation of two dollars and fifty cents (\$2.50) per diem and actual expenses, for the time and money actually employed and expended by them in the enforcement of the provisions.

Read first and second time and referred to the Sifting Committee.

By Senator Hammill, by request, Senate File No. 487:

A BILL

For an Act to amend Section One Thousand Nine Hundred and Eighty-nine-a-8 (1989-a-8) of the Supplement to the Code, 1907, and Section Three (3) of Chapter One Hundred and Eighteen (118) Acts of the Thirty-third General Assembly relative to the publication of notice of establishment of levy or drainage districts and notice of letting of same.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the law as it appears in Section One Thousand Nine Hundred and Eighty-nine-a-8 (1989-a-8) Supplement to the Code, 1907,



be amended by striking out the word "some newspaper" in the second line after the word "in" and inserting in lieu thereof "the official county newspapers."

Sec. 2. The law as it appears in Section Three (3), Chapter 118 of the Acts of the Thirty-third General Assembly be amended by striking out after the words "weeks" in line twenty-nine thereof the words "some newspaper of general circulation" and inserting in lieu thereof the words "the official county newspapers".

Read first and second time and referred to Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 481, a bill for an act to amend Section Six Hundred Seventy-nine-h (679-h) of the Supplement of the Code in relation to removals and discharges of police officers and policemen, except the Chief of Police, and firemen, including the chief of the fire department, was taken up and considered.

Senator Webber moved that the substitute offered by him on yesterday be substituted for the original bill.

On the motion a roll call was demanded.

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Crow, Francis, Garrett, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Webber, Wilson—27.

The nays were:

Cowles, Dunnegan, Hoyt—3.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, DeWolf, Fitchpatrick, Gates, Gilliland, Hammill, McCulloch, McManus, Proudfoot, Saunders, Savage, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White—20.

So the substitute was substituted for the original bill.

Senator Sullivan offered the following amendment and moved its adoption:

I move to amend the substitute by striking out the word "including" in the 8th line and insert the word "except."

Adopted.

Senator Webber 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:

Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Dunegan, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Webber, White, Wilson—36.

The naves were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Chase, Clarkson, Crow, DeWolf, Fitchpatrick, Gates, McManus, Malmberg, Proudfoot, Spaulding, Stuckslager, 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 Mattes, House File No. 602, a bill for an act to appropriate money for the purpose of defraying the expenses incurred in the election contests for the Tenth (10) Representative District of Iowa, the Eightieth (80) Representative District of Iowa, and the Ninety-ninth (99) Representative District of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contest, was taken up and considered.

The bill was read for information.

Senator Mattes 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:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Dunegan, Francis, Garrett, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Sammis,

Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor, Webber, White, Wilson—39.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Chase, DeWolf, Fitchpatrick, Gates, McManus, Malmberg, Proudfoot, Spaulding, 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 Sammis of the Sifting committee, Senate File No. 416, a bill for an act to repeal the law as it appears in Section Twenty-five Hundred Sixty-four (2564) of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to the state board of health, was taken up and considered.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend by striking out lines 17, 18, 19, 20 and 21 of Section 1 of the printed bill, and inserting in lieu thereof the following: "At the meeting held in July, a president shall be elected from the board for one year. At the meeting in July, 1911, and every three years thereafter, a civil engineer shall be elected, also a secretary, who shall be a physician and a graduate of a reputable school of medicine, not a member of the board, and who shall have charge of the office of the board of health. The engineer and the secretary shall hold office for a term of three years."

Adopted.

The bill was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Quigley, Ream,

Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, McColl, McManus, Malmberg, Proudfoot, Spaulding, Sullivan, Van Law, Webber—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 Sammis of the Sifting committee, Senate File No. 417, a bill for an act to amend Section Nine (9) of Chapter One Hundred Sixty-eight (168) of the acts of the Thirty-third General Assembly, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Bennett moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Brown, Chase, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, McColl, McManus, Malmberg, Spaulding, Sullivan, Van Law, White—18.

Senator Saunders moved to amend the title as follows:

I move to amend the title by adding to the same the following: "and providing for the engineer of the board of health to act as hotel inspector."

Adopted.

So the bill having received a constitutional majority was declared to have passed the Senate and its title as amended agreed to.

Senator Bennett asked unanimous consent to withdraw the motion filed by him to reconsider the vote by which House File No. 25 passed the Senate and passed to its third reading.

Consent granted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 302, a bill for an act to amend the law as it appears in Chapter One Hundred Fifty-five of the laws of the Thirty-third General Assembly relative to care and propagation of fish, was taken up and considered.

The bill was read for information.

Senator Jewell offered the following amendment and moved its adoption:

I move to amend Senate File No. 302 as follows: Between the words "unlawful" and "for" in the first line insert the following: "and punishable as provided in Section Six (6) Chapter One Hundred Fifty-five (155) acts of the Thirty-third (33rd) General Assembly.

Adopted.

Senator Jewell 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:

Adams, Ames, Balkema, Bennett, Chapman, Clarkson, Cowles, Crow, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Smith of Shelby, Stuckslager, Taylor, Webber, White, Wilson—29.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balluff, Brown, Chase DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, McColl, McManus, Malmberg, Proudfoot, Sammis, Saunders, Savage, Smith of Mitchell, Spaulding, Sullivan, Van Law—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGE CONSIDERED.

Senate File No. 145, a bill for an act appropriating the sum of seventy-five dollars (\$75.00) 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.

Passed on file.

Senate File No. 68, a bill for an act to amend Sub-division Five, Supplement to the Code, 1907, relating to indemnity insurance for owners of automobiles and other motor vehicles.

Passed on file.

House File No. 507, a bill for an act to repeal Chapter One Hundred and Fifteen (115), Laws of the Thirty-third General Assembly, and enact a substitute therefor, relating to banks and banking.

Read first and second time and referred to the Sifting Committee.

House File No. 356, a bill for an act establishing the state colony for epileptics and making appropriation for the purchase of land and for the erection of buildings for said colony.

Read first and second time and referred to Sifting Committee.

Senate File No. 154, a bill for an act relating to the practice of pharmacy creating the office of commissioner of pharmacy, pharmacy inspector and a board of examiners and fixing the compensation thereof. Also abolishing the office of commissioner of pharmacy and of secretary and treasurer thereof.

Passed on file.

House File No. 389, a bill for an act to indemnify H. C. Jackson for personal injury sustained by him while employed as head farmer at the State Hospital at Mt. Pleasant, Iowa.

Passed on file.

Senate Joint Resolution No. 7, joint resolution approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University and at the State Teachers' College.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 7, approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College, was taken up and considered.

Senator Smith of Mitchell moved that the Senate concur in the following House amendments to the Joint Resolution:

Amend the title of the Senate Joint Resolution No. 7 by inserting in the sixth line thereof after the words "Margaret Hall" the words "and Poultry Laboratory."

Amend the preamble of Senate Joint Resolution No. 7 (as the same appears in the Senate Journal of April 5, 1911, on page 1371), by inserting the sixth line thereof after the words "Margaret Hall" the words "and Poultry Laboratory."

Amend Section 2 of said Joint Resolution by inserting after the figures "55,000" in the 7th line thereof the words, "and poultry laboratory at a cost not to exceed six thousand (6,000) dollars."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Ames, Balkema, Chapman, Clarkson, Cowles, Crow, Garrett, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, White, Wilson—32.

The naves were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Brown,

Chase, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Hammill, McManus, Proudfoot, Sammis, Spaulding, Sullivan, Van Law—18.

So the House amendments having received a constitutional majority were declared concurred in.

The President announces that as President of the Senate, in the presence of the Senate, he had signed Senate File Nos. 421, 409, 452, 469, 272, 444, 463, 229, 460, 343, 377, 459, 262, 454, 381, 477 and 382, and Senate Joint Resolution No. 5.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 409, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the Town Council of the Incorporated Town of Fayette, Fayette County, State of Iowa, and regulating the payment thereof.

Also:

Senate File No. 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements in towns.

Also:

Senate File No. 421, a bill for an act to amend Sections One Thousand and Seventy-two (1072), Four Hundred Twenty-two (422), One Thousand and Three Hundred Three (1303), Four Hundred Sixty-nine (469) of the Supplement to the Code, 1907, and Section Sixteen (16), Chapter One Hundred Eighteen (118), Section One (1), Chapter Ninety-seven (97) of the Acts of the Thirty-third General Assembly and to repeal Section Five (5) of Chapter Ninety-six (96) of the Acts of the Thirty-third General Assembly, and to repeal Section Fifteen Hundred Twenty-eight (1528) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

Also:

Senate File No. 229, a bill for an act to amend Sections Sixteen Hundred Forty-three (1643) and Sixteen Hundred Forty-five (1645) of the Code, and amendatory of Chapter Two (2) of Title Nine (IX) of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.



Also:

Senate File No. 463, a bill for an act to legalize an election held in the Independent School District of Emmetsburg, Iowa, March 13, 1911, relating to the voting of bonds for school purposes.

Also:

Senate File No. 381, a bill for an act to legalize decrees, obtained prior to January 1st, 1907, based on notice of publication where affidavit of non-residence was not filed, as by law provided.

Also:

Substitute for Senate File No. 262, a bill for an act repealing Section Four Thousand Nine Hundred Ninety-nine-a38 (4999-a38) of Chapter Ten-b (10-b) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the enforcement of the pure drug laws.

Also:

Senate File No. 454, a bill for an act to legalize the action of the Board of Directors of the Independent School District of Walker, Linn County, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.

Also:

Senate File No. 382, a bill for an act to legalize the acts of the Treasurer of Monroe County, Iowa, relating to the transferring of funds from the district school fund to the county fund.

Also:

Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper County, Iowa, relating to the special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

Also:

Senate File No. 452, a bill for an act legalizing the ordinances, resolutions and acts of the council of the incorporated town of Royal in Clay County, Iowa, so far as affected by the election of six members of said council instead of five.

Also:

Senate File No. 460, a bill for an act to legalize the action of the Independent School District of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

Also:

Senate Joint Resolution No. 5, a bill for an act approving estimate of cost, plans and specifications for an addition to the wing to the hospital at the State University.

Also:

Senate File No. 469, a bill for an act to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

Also:

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns by city and town councils.

Also:

Senate File No. 377, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa and making an appropriation therefor.

Also:

Substitute for Senate File No. 272, a bill for an act to amend Section One (1) and Section Three (3) Chapter One Hundred and Four (104), Acts of the Thirty-third General Assembly, relating to fees for filing articles of incorporation of domestic, and domestic local building and loan associations and for renewals of such articles of incorporation.

Also:

Senate File No. 459, a bill for an act to legalize certain warrants of the city of Ottumwa, Iowa.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled Senate File No. 214, a bill for an act to appropriate Two Thousand Dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

Also:

Senate File No. 125, a bill for an act to create an employer's liability commission and make an appropriation therefor.

Also:

Substitute for Senate File No. 90, a bill for an act to amend the law

as same appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

Senator Malmberg 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 Substitute for Senate File No. 214, a bill for an act to appropriate Two Thousand Dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

Also:

Substitute for Senate File No. 125, a bill for an act to create an employer's liability commission and make an appropriation therefor.

Also:

Substitute for Senate File No. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

Also:

House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement to the Code, 1907 and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

Also:

House File No. 317, a bill for an act to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles.

Also:

House file No. 41, a bill for an act to create the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office.

Also:

House File No. 591, a bill for an act legalizing the ordinances of the town of Menlo, Guthrie County, Iowa, and the acts and proceedings of the council of said town had thereunder.

Also:

House File No. 271, a bill for an act to amend Section Three (3) Chapter One Hundred Four (104) Acts of the Thirty-third General Assembly, relating to corporation for pecuniary profit.

Also:

House File No. 338, a bill for an act to amend Section Eight (8), Chapter Sixty-four (64), Acts of the Thirty-third General Assembly, and to repeal subdivision b, c and d of Section One Thousand Fifty-six-a-32 (1056-a-32) of the Supplement to the Code, 1907, and enact a substitute therefor, relating to the government of certain cities.

Also:

House File No. 128, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches and drains.

Also:

House File No. 474, a bill for an act to repeal Section One Thousand Eighty-seven-a-19 (1087-a-19) Chapter 2-a of the Supplement to the Code, 1907, as amended by Section Ten (10) of Chapter Sixty-nine (69) Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to canvass by board of supervisors and certificates in primary election.

Also:

House File No. 512, a bill for an act to amend Section 1056-a-Nineteen (1056-a-19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory thereof.

Also:

House File No. 44, a bill for an act to repeal Section Three Hundred Three-a (303-a) of the Supplement to the Code, 1907, relative to the compensation of assistant county attorneys, and to enact a substitute therefor.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

Senator Chapman moved that the Senate do now adjourn.

Carried.

Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, April 10, 1911.

The Senate met in regular session at 9 o'clock A. M., President Clarke presiding.

Prayer was offered by Rev. Charles Patterson Proudfit of Des Moines, Iowa.

The Journal of Friday was taken up, corrected and approved.

The Journal of Saturday was taken up, corrected and approved.

Senator Sullivan moved that the House be requested to return to the Senate House File No. 574.

• Motion prevailed.

Senator Balkema, from the Committee on Highways, returned to the Senate Senate File No. 116, which was thereupon referred to the Sifting Committee.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 513, a bill to amend Sections 2, 3 and 4 of Chapter 155 of the Acts of the Thirty-third General Assembly, providing for fishing in certain waters and the care and propagation of fish, with report of committee recommending amendments and passage, was taken up and considered.

Senator Quigley moved the adoption of the following committee amendment:

Amend by inserting after the word "waters" in the third line of section the following "of the Mississippi or Missouri rivers."

Adopted.

Senator Quigley offered the following amendment and moved its adoption:

Amend by adding to Section One the following:

"Also by striking out of said Section Two, Chapter 155, Acts of the Thirty-third General Assembly all after the comma following the word 'provided' in the twenty-eighth line of said section and inserting the following:

“That after March 1, 1913, no seine or net with less than two-inch mesh shall be licensed or used for fishing under this act.”

Adopted.

The bill was read for information.

Senator Quigley 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:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Hoyt, Hunter, Legel, McColl, McCulloch, Mattes Neal, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White—33.

The nays were:

Wilson—1.

Absent or not voting:

Allen of Jefferson, Chase, Clarkson, Francis, Gilliland, Ham-mill, Jewell, Larrabee, McManus, Malmberg, Parshall, Proud-foot, Ream, Schrup, Stuckslager, Webber—16.

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 Mattes, Senate File No. 488, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac County, Iowa, and appointing officers and councilmen for said town.

Read first and second time and referred to Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 488, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac County, Iowa, and appointing officers and councilmen for said town, was taken up and considered.

The bill was read for information.

Senator Mattes moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Motion prevailed.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Bennett, Brown, Chapman, Cowles, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, Lgel, McColl, McColloch, Mattes, Neal, Parshall, Quigley, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—35.

The naves were:

None.

Absent or not voting:

Adams, Allen of Jefferson, Balluff, Chase, Clarkson, Crow, Francis, Hammill, Hoyt, McManus, Malmberg, Proudfoot, Ream, Sammis, Webber—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 DeWolf, Senate File No. 489, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa.

Read first and second time and referred to Sifting committee.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 489, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa, was taken up and considered.

Senator DeWolf moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Motion prevailed.

Senator DeWolf 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:

Ames, Balkema, Bennett, Brown, Chapman, Cowles, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Neal, Parshall, Quigley, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, White Wilson—31.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balluff, Chase, Clarkson, Crow, Francis, Hammill, Hoyt, McManus, Malmberg, Mattes, Proudfoot, Ream, Saunders, Smith of Mitchell, Taylor, Webber—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Smith of Shelby offered the following resolution and moved its adoption:

*Resolved*, That hereafter all speeches shall be limited to five minutes, except the Senator having charge of a bill or resolution under consideration, shall have fifteen minutes divided between the opening and closing as he shall determine, provided it shall not operate to extend the time after the previous question is ordered.

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator McColl, Senate File No. 335, a bill for an act defining duties of the state food and dairy commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded?" and making appropriation therefor, and repealing acts and parts of acts in conflict therewith, was taken up and considered.

Senator McColl moved that the substitute be substituted for the original bill.

Adopted.

Senator McColl moved the adoption of the amendment offered by him on April 5th.

Adopted.



Senator McColl 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:

Ames, Balkema, Brown, Chapman, Cowles, Crow, DeWolf Fitch-Patrick, Francis, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Sammis, Saunders, Spaulding, Sullivan, Taylor, Van Law, White—28.

The nays were:

Bennett, Garrett, Quigley, Savage, Smith of Shelby—5.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balluff, Chase, Clarkson, Dunnegan, Hammill, McManus, Malmberg, Proudfoot, Ream, Schrup, Smith of Mitchell, Stuckslager, Webber, 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 Sammis of the Sifting Committee, Senate File No. 485, a bill to legalize deed of Iowa, County, Iowa, to Ithamar Cheney for Lot One as shown by plat recorded at Book 21, page 335, Land Deed Records of the office of the recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one, Township seventy-eight, North, Range Eleven, West of the Fifth P. M., in Iowa County, Iowa, was taken up and considered.

The bill was read for information.

Senator White moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, Larrabee, McCulloch, Mattes, Neal, Guigley,

Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Dunnegan, Francis, Hammill, Legel, McColl, McManus, Malmberg, Parshall, Proudfoot, Ream, Sammis, Savage, Schrup, Stuckslager, Webber, Wilson—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 Larrabee, House File No. 372, a bill for an act to amend Section One (1) of Chapter One Hundred Fifty-one (151) of the acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum, was taken up and considered.

The bill was read or information.

Senator Larrabee 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:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Mattes, Neal, Parshall, Quigley, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Van Law, White—33.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Dunnegan, Francis, McCulloch, McManus, Malmberg, Proudfoot, Ream, Sammis, Savage, Schrup, Stuckslager, Taylor, Webber, Wilson—17.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Balluff moved that the Governor be requested to return to the Senate, Senate File No. 343.

Motion 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 adopted the report of the Conference Committee, adopted the Conference Committee amendments to and concurred in Senate amendments and passed House File No. 177, a bill for an act to amend Section 2816 of the Code, relative to the title and disposition of real estate acquired by a school corporation.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House returns herewith as requested by the Senate, House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

House File No. 177, a bill for an act to adopt the Conference committee amendments to and concur in Senate amendments and passed House File No. 177, a bill for an act to amend Section 2816 of the Code, relative to the title and disposition of real estate acquired by a school corporation.

Passed on file.

House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 295, a bill for an act defining the terms "gold," "alloy of gold," "silver," "alloy of silver," "sterling silver," or "sterling," as applied to any article of merchandise made in whole or in part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate," "gold plate," "gold filled," and "gold electroplate," and the words "silver plate," and "silver electroplate," "sterling" and "coin," as applied to any article of merchandise made in whole or part of any inferior metal

manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof, was taken up and considered.

The bill was read for information.

Senator Smith of Shelby 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:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Brown, Chapman, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Proudfoot, Quigley, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Chase, Clarkson, Cowles, Dunnegan, Francis, Larrabee, Mattes, Ream, Sammis, Savage, Stuckslager, Sullivan, Webber—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 of the Sifting Committee, House File No. 42, a bill for an act to amend Section Seven Hundred Twenty (720) of the Code Supplement of 1907, providing for the amending of franchises granted to individuals or private corporations, was taken up and considered.

The bill was read for information.

Senator Hunter moved to amend the bill by striking out Section Two, and inserting in lieu thereof the following:

Sec. 2. This act, being deemed of immediate importance, shall take effect and be in force from and after its publication in the Register and Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

Adopted.

Senator Hunter 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:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Chapman, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Quigley, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—29.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Brown, Chase, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Larrabee, Mattes, Proudfoot, Reams, Saunders, Savage, Schrup, Stuckslager, Webber—21.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Hunter moved that Senate File No. 97 be indefinitely postponed, being identical with House File No. 42.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 335, a bill for an act to amend Section One Thousand and Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

Senator Hammill offered the following amendment:

I move to strike out of House File No. 335, all following the enacting clause and substitute therefor, the following:

Section 1. That Section Seventeen Hundred Forty-six (1746) of the Code be, and the same is, hereby amended by inserting after the period following the word "stipulation" and before the word "No" in line eleven of said section the following: Provided; that upon the written request of any person desiring insurance, a rider providing for co-insurance may be attached to and become a part of the policy, but in no case shall such rider apply to dwellings or farm property, nor to any risk where the total value of the property to be insured is less than twenty-five thousand dollars, except as to grain elevators and grain warehouses and their contents.

The request for the application of the co-insurance clause or rider to any policy of insurance shall be written or printed on a single sheet of

paper which shall contain nothing but the request hereinafter set out and said request must be signed by the insured and a copy thereof be left with him by the agent at the time the insurance is applied for.

No form of request for co-insurance except the following shall be used by any company doing business within this state:

*“Request for the application of the co-insurance clause:*

In consideration of a reduction from the established rate of....per cent to ....per cent, in premiums to be paid to the..... Insurance Company for insurance upon the following described property .....

I hereby request that a co-insurance rider be attached to the policy to be issued by said company and hereby agree, that during the life of the policy I will maintain insurance on said property to the extent of at least.....dollars or.....per cent (whichever may be agreed upon) of the actual cash value thereof at the time of fire, and that failing to do so, I shall become a co-insurer to the extent of such deficit.”

Before signing this request or the co-insurance rider to be attached to the policy to be issued I carefully read each of them and fully understand that in case I shall fail to maintain insurance on the previously described property to the extent above provided then in the event of loss or damage this company shall not be liable for a greater per cent of the loss or damage to said property than:

1. The total amount of insurance maintained bears to..... dollars, or;
2. The total amount of insurance maintained bears to.....per cent of the actual cash value of the property insured at the time of fire. Date.....Insured

The co-insurance rider to be used shall be signed by both the agent and the insured and a copy thereof shall be left with the insured at the time the application is made for insurance. The rider shall be in form and restrictions as follows:

*“Iowa co-insurance and reduced rate clause.”*

(This clause must be signed by both insured and the agent).

In consideration of the acceptance by the insured of a reduction in premiums from the established rate of.....per cent to..... per cent, it is hereby agreed that the insured shall maintain insurance during the life of this policy upon the property insured:

1. To the extent of.....dollars, or
2. To the extent of at least ..... per cent of the actual cash value thereof at the time of fire (whichever may be agreed upon) and, that failing to do so the insured shall be a co-insurer to the extent of such deficit.

This clause at the request of the insured, is attached to and forms part of policy number.....of the .....Insurance Company of.....and shall in no case apply to dwellings or farm property, nor to any risk wherein the total value of the

property shall be less than twenty-five thousand dollars, except grain elevators and grain warehouses, and the contents of the same.

Date.....

..... Insured.  
..... Agent.

Further consideration of the bill was postponed.

On motion of Senator Sammis of the Sifting Committee, House File No. 186, a bill for an act to amend the law as it appears in Section Twenty-one Hundred and Fifty-seven-g (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.

The bill was read for information.

Senator Balluff moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Sammis 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:

Adams, Ames, Balluff, Bennett, Brown, Chapman, Crow, De Wolf, Fitchpatrick, Gates, Hammill, Hoyt, Hunter, Legel, McCulloch, McManus, Malmberg, Proudfoot, Quigley, Sammis, Saunders, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, White, Wilson—29.

The nays were:

Balkema, Francis, Gilliland, Jewell, Larrabee, McColl, Mattes, Neal, Parshall, Smith of Mitchell, Van Law—11.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Cowles, Dunnegan, Garrett, Ream, Taylor, Webber—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 Sammis of the Sifting Committee, Senate File No. 137, a bill for an act providing for the appointment of a Tax Commission, defining its duties and appropriating money for its expenses, was taken up and considered.

Senator Savage moved the adoption of the following amendment:

By striking out the words and figures "fifteen thousand (\$15,000.00) dollars" in Section Six (6), and substituting in lieu thereof the words and figures "ten thousand (\$10,000.00) dollars."

Adopted.

Senator Savage moved the adoption of the following amendment:

Amend Section One (1) by inserting after the word state in line three (3) of the original bill the words "not more than three (3) of whom shall belong to the same political party."

Adopted.

The bill was read for information.

Senator Savage moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, DeWolf, Fitchpatrick, Gilliland, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Savage, Schrup, Spaulding, Stuckslager, Sullivan, Van Law—30.

The nays were:

Garrett, Hammill, McCulloch—3.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Cowles, Crow, Dunnegan, Francis, Gates, Proudfoot, Sammis, Smith of Mitchell, Smith of Shelby, Taylor, Webber, White, 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 Sammis of the Sifting Committee, House File No. 599, a bill for an act to authorize boards of supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and



heating purposes to lay mains and pipes in highways, to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such persons is located, was taken up and considered.

Senator Saunders offered the following substitute:

SENATE SUBSTITUTE FOR HOUSE FILE NO. 599.

A BILL

For an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways, to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Upon application to the Board of Supervisors of any county by any individual or corporation engaged, in any city or town, in the manufacture and distribution of gas, for heating and illuminating purposes, asking permission to lay its mains and pipes in the public highways outside of such municipality for the purpose of supplying consumers beyond the territorial limits of the municipality, in which the manufacturing plant of such individual or corporation is located, said Board may grant the same upon such conditions as it may prescribe but in all cases such mains and pipes shall be so laid as to not, in any manner, interfere with public travel or with the working of the public highway. The location of pipes and mains shall be changed upon reasonable notice whenever such change shall be made necessary by the working or improvement of the highway. The applicant shall be responsible for all damages that may arise from the construction or maintenance of such mains and pipes, and for any damages that may arise from the same not being kept in a proper state of repair.

Substitute was read first and second time.

Senator Sammis moved that the substitute be substituted for the original bill.

Adopted.

The bill was read for information.

Senator Saunders moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Motion prevailed.

Senator Saunders 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:

Adams, Ames, Balkema, Balluff, Bennett, Chapman, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Shelby, Stuckslager, Sullivan, White, Wilson—32.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, Clarkson, Cowles, Crow, Garrett, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Taylor, Van Law, Webber—18.

So the bill 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. 343, as requested by the Senate.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 269, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, Vinton, Iowa, was taken up and considered.

The bill was read for information.

Senator Smith of Shelby 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:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Saunders,

Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stucklagger, Sullivan, Taylor, White, Wilson—43.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Chase, Proudfoot, Sammis, Savage, Van Law, Webber—7.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator McManus offered the following Resolution and moved its adoption:

WHEREAS, The Hon. Henry H. Trimble, one of the Pioneers of Iowa, and a resident of this State for a period of sixty years, having resided in Davis County for thirty years and in Lee County for twenty-nine years, and was an honored member of the Iowa Senate, representing Davis and Appanoose counties in the Sixth and Seventh General Assemblies, was in the year 1861 commissioned as Lieutenant Colonel of the Third Iowa Cavalry, and was Judge of the Second Judicial District of Iowa for four years, departed this life at his home in Keokuk, Iowa, January 9, 1910.

*Resolved*, That a committee of three be appointed by the President of the Senate to prepare and submit resolutions commemorating his life, character and public services.

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Sullivan, House File No. 574 a bill for an act to legalize the official acts of certain notaries public, was taken up, considered, and the report of the committee adopted.

Senator Sullivan moved that the vote by which House File No. 574 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Sullivan offered the following amendment and moved its adoption: I move to amend the substitute amendment for House File No. 574 as the same appears in the House Journal of April 1st, 1911, by adding after the word "estate" and before the word "which" in the last line of Section 1 thereof, the words "or other property rights".

Adopted.

The bill was read for information.

Senator Sullivan 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:

Adams, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hoyt, Hunter, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Schrup, Sullivan, White, Wilson—31.

The nays were:

Hammill, Larrabee, Smith of Mitchell—3.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Chase, Clarkson, Gilliland, McColl, Proudfoot, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Stuckslager Taylor, Van Law, Webber—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 a committee to prepare resolutions commemorative of the life, character and public services of the late Trimble, Senators McManus, Saunders and Webber.

#### THIRD READING OF BILLS.

On motion of Senator Cowles, Senate File No. 123, a bill for an act appropriating the sum of twelve hundred dollars to be paid to Charles Haskel in settlement of damages sustained by him for quarantine of his cattle, established under the direction of the state veterinarian, was taken up and considered.

Senator Cowles moved that the rules be suspended, the bill be considered engrossed, 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, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hoyt, Hunter, Jewell, McColl, McCulloch, Malmberg, Neal, Proudfoot Quigley, Saunders, Stuckslager, Sullivan, Taylor, White, Wilson—30.

The nays were:

Cowles, Francis, Hammill, Larrabee, Legel, Mattes, Parshall, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law—14.

Absent or not voting:

Allen of Jefferson Balkema, Chase, McManus, Sammis, Webber—6.

So the bill having failed to receive a constitutional majority was declared lost.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the Senate Chamber under the direction of the Sergeant-at-Arms.

JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, De Wolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Oden-

dahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend Van Camp, Van Law, White of Benton, White of Iowa, Whitney, Wilson, Zeller—152.

Absent:

Allen of Jefferson, Chase, Fletcher, Hunt, Skinner, Webber—6.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp, Van Law—33.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of

Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunter, Huntley, Hutchins, Jacobs, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Smith of Mitchell, Spaulding, Stillman, Stoddard—60.

Those voting for George M. Curtis were:  
Bascom, Dixon—2.

Those voting for Wm. Larrabee, Sr., were:  
Jewell, Sullivan—2.

Those voting for John F. Lacey were:  
Beans, Zeller—2.

Those voting for Fred Larrabee were:  
Whitney—1.

Absent:

Allen of Jefferson, Chase, Fletcher, Hunt, Skinner, Webber—6.

President Clarke announced that no one had received a majority of the votes case in the Joint Convention for United States Senator in Congress and that no election had occurred.

Journal of the Joint Convention was then read and approved.

On motion of Senator Bennett of Taylor, the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

Senator Mattes moved that the Senate do now adjourn until 1:30 o'clock.

Carried.

The Senate adjourned.

#### AFTERNOON SESSION.

The Senate met pursuant to adjournment at 1:30 o'clock, President Clarke presiding.

The President announced that as President of the Senate, in the presence of the Senate, he had signed House File Nos. 512, 474, 128, 338, 271, 591, 317, 41, 27 and 44.

On request of Senator Hoyt leave of absence was granted Senator Savage until tomorrow.

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 164, a bill for an act to amend Section One Thousand Nine Hundred Eighty-nine-a8 (1989-a8) of the Supplement to the Code, 1907, relating to the letting of contracts for levees, drains and ditches, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Hammill 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Fitchpatrick, Francis, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Wilson—39.

The nays were:

None.

Absent or not voting:

Adams, Chase, Cowles, Crow, Dunnegan, Garrett, Gilliland, Parshall, Taylor, Webber, 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 Sammis of the Sifting Committee, Senate File No. 332, a bill for an act providing for the protection and safety of persons employed in or being about the construction, repairing, alteration or removal of buildings, bridges, viaducts, and other structures, providing means for the enforcement of said act, for recovery of damages by persons injured by a failure to comply with its provisions and providing penalties for violations of its provisions, was taken up and considered.



Senator Saunders offered the following amendment and moved its adoption:

I move to amend Senate File No. 332 by striking from Section One the words "and in such manner as to prevent the falling of any material that may be used or deposited thereon," from lines nine, ten and eleven.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I further move to amend the said section by inserting the words "where practicable" after the word "fastened" in the seventeenth line of Section One.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I further move to amend the bill by striking therefrom Section Three and by renumbering the remaining sections of the bill so that the same shall run consecutively.

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I further move to amend the bill by striking out the period after the word "building" in the sixth line of Section Eleven and inserting in lieu thereof a comma.

Adopted.

Senator Spaulding moved that the further consideration of the bill be made a Special Order for tomorrow morning at 10 o'clock.

Senator Saunders moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, DeWolf, Dunnegan,

Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law—35.

The nays were:

Spaulding—1.

Absent or not voting:

Brown, Chase, Cowles, Crow, Jewell, McCulloch, Quigley, Savage, Schrupp, Stuckslager, Taylor, Webber, White, Wilson—14.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Allen of Pocahontas called up the House Concurrent Resolution relative to authorizing the Secretary of State to publish 10,000 copies of road and drainage laws.

Senator Allen of Pocahontas moved that the Senate concur in the Resolution.

Motion prevailed.

#### INTRODUCTION OF BILLS.

By Committee on Representative and Senatorial Districts, Senate File No. 490:

#### A BILL

For an Act Fixing the Number of Senators in the General Assembly, Apportioning Them Among the Several Counties According to the Number of Inhabitants in each, and Dividing the State into Senatorial Districts.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Apportionment. That the number of senators in the general assembly is hereby fixed at fifty, and they are hereby apportioned among the several counties according to the number of inhabitants in each, and under said apportionment the state is hereby divided into fifty senatorial districts, each district to have one senator, as follows:

1. First District. Lee county shall constitute the first district.
2. Second District. Jefferson county and Van Buren county shall constitute the second district.
3. Third District. Appanoose county and Davis county shall constitute the third district.
4. Fourth District. Lucas county and Wayne county shall constitute the fourth district.
5. Fifth District. Decatur county, Ringgold county, and Union county shall constitute the fifth district.

6. Sixth District. Adams county and Taylor county shall constitute the sixth district.
7. Seventh District. Fremont county and Page county shall constitute the seventh district.
8. Eighth District. Mills county and Montgomery county shall constitute the eighth district.
9. Ninth District. Des Moines county shall constitute the ninth district.
10. Tenth District. Henry county and Washington county shall constitute the tenth district.
11. Eleventh District. Clark county and Warren county shall constitute the eleventh district.
12. Twelfth District. Keokuk county and Poweshiek county shall constitute the twelfth district.
13. Thirteenth District. Wapello county shall constitute the thirteenth district.
14. Fourteenth District. Mahaska county shall constitute the fourteenth district.
15. Fifteenth District. Marion county and Monroe county shall constitute the fifteenth district.
16. Sixteenth District. Adair county and Madison county shall constitute the sixteenth district.
17. Seventeenth District. Aubudon county, Dallas county, and Guthrie county shall constitute the seventeenth district.
18. Eighteenth District. Cass county and Shelby county shall constitute the eighteenth district.
19. Nineteenth District. Pottawattamie county shall constitute the nineteenth district.
20. Twentieth District. Louisa county and Muscatine county shall constitute the twentieth district.
21. Twenty-first District. Scott county shall constitute the twenty-first district.
22. Twenty-second District. Clinton county shall constitute the Twenty-second district.
23. Twenty-third District. Jackson county shall constitute the twenty-third district.
24. Twenty-fourth District. Cedar county and Jones county shall constitute the twenty-fourth district.
25. Twenty-fifth District. Iowa county and Johnson county shall constitute the twenty-fifth district.
26. Twenty-sixth District. Linn county shall constitute the twenty-sixth district.
27. Twenty-seventh District. Calhoun county and Webster county shall constitute the twenty-seventh district.
28. Twenty-eighth District. Marshall county shall constitute the twenty-eighth district.

29. Twenty-ninth District. Jasper county shall constitute the twenty-ninth district.

30. Thirtieth District. Polk county shall constitute the thirtieth district.

31. Thirty-first District. Boone county and Story county shall constitute the thirty-first district.

32. Thirty-second District. Woodbury county shall constitute the thirty-second district.

33. Thirty-third District. Buchanan county and Delaware county shall constitute the thirty-third district.

34. Thirty-fourth District. Crawford county, Harrison county, and Monona county shall constitute the thirty-fourth district.

35. Thirty-fifth District. Dubuque county shall constitute the thirty-fifth district.

36. Thirty-sixth District. Clayton county shall constitute the thirty-sixth district.

37. Thirty-seventh District. Hamilton county, Hardin county, and Wright county shall constitute the thirty-seventh district.

38. Thirty-eighth District. Black Hawk county and Grundy county shall constitute the thirty-eighth district.

39. Thirty-ninth District. Bremer county and Butler county shall constitute the thirty-ninth district.

40. Fortieth District. Allamakee county and Fayette county shall constitute the fortieth district.

41. Forty-first District. Mitchell county, Winnebago county, and Worth county shall constitute the forty-first district.

42. Forty-second District. Howard county and Winneshiek county shall constitute the forty-second district.

43. Forty-third District. Cerro Gordo county, Franklin county, and Hancock county shall constitute the forty-third district.

44. Forty-fourth District. Chickasaw county and Floyd county shall constitute the forty-fourth district.

45. Forty-fifth District. Benton county and Tama county shall constitute the forty-fifth district.

46. Forty-sixth District. Cherokee county, Ida county, and Plymouth county shall constitute the forty-sixth district.

47. Forty-seventh District. Clay county, Dickinson county, Emmet county, Kossuth county, and Palo Alto county shall constitute the forty-seventh district.

48. Forty-eighth District. Carroll county, Greene county, and Sac county shall constitute the forty-eighth district.

49. Forty-ninth District. Lyon county, O'Brien county, Osceola county, and Sioux County shall constitute the forty-ninth district.

50. Fiftieth District. Buena Vista county, Humboldt county, and Pocahontas county shall constitute the fiftieth district.

Read first and second time and referred to Sifting Committee.

Senator Balkema offered the following Concurrent Resolution and moved its adoption:

CONCURRENT RESOLUTION.

*Resolved by the Senate, the House concurring* that the Secretary of State be instructed to order printed 10,000 copies of House File No. 46 as it was passed by the Thirtyfourth General Assembly, and to be sent out by him at once to the several county auditors and to be distributed by them to the members of the Boards of Supervisors and township trustees.

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. 560, a bill for an act to license real estate brokers, to provide for the expenditure of the license fees and fixing penalties for 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:

Senate File No. 183, a bill for an act to create a State Dairy and Beef Cattle Board, defining its powers and duties, providing for instruction in practical and scientific breeding and raising of dairy and beef cattle, making an appropriation therefor, and repealing Chapter Two Hundred and Fifty of the Acts 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 House was asked:

Senate File No. 306, a bill for an act making an appropriation for the Railroad Commissions on account of deficit in the traveling and expense fund.

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:

House Concurrent Resolution relative to giving Codes, Code Supplements and session laws to certain officers of the General Assembly.

C. R. BENEDICT,  
*Chief Clerk.*

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 30, a bill for an act to repeal Section Two Thousand Three Hundred Eighty-three (2383) of the Code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors, was taken up and considered.

The bill was read for information.

Senator Proudfoot 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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Brown, Chase, Clarkson, Crow, Garrett, Gilliland, McManus, Savage, Taylor, Webber, 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 Sammis of the Sifting Committee, House File No. 335, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies, was taken up and considered.

The amendment offered by Senator Hammill was read for information.

Senator Stuckslager moved the adoption of the amendment offered by Senator Hammill this morning.

Adopted.

Senator Stuckslager 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:

Balluff, Bennett, Chapman, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Sullivan, Van Law, Wilson—30.

The nays were:

Adams—1.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Brown, Chase, Clarkson, Crow, Garrett, Hoyt, Larrabee, Malmberg, Proudfoot, Quigley, Savage, Spaulding, Taylor, Webber, White—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### HOUSE MESSAGE CONSIDERED.

Senate File No. 183, a bill for an act to create a state dairy and beef cattle board, defining its powers and duties, providing for instruction in practical and scientific breeding and raising of dairy and beef cattle, making an appropriation therefor, and repealing Chapter Two Hundred and Fifty (250) of the acts of the Thirty-third General Assembly.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator DeWolf, Senate File No. 183, 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, was taken up and considered.

Senator DeWolf moved that the Senate concur in the following House Substitute amendment for Senate File No. 183.

## A BILL

For an act to create a state dairy and beef cattle board, defining its powers and duties, providing for instruction in practical and scientific breeding and raising of dairy and beef cattle, making an appropriation therefor, and repealing Chapter Two Hundred and Fifty (250) of Acts of the Thirty-third General Assembly.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. There is hereby created a state dairy and beef cattle Board, consisting of the Dean of Agriculture of the Iowa State College of Agriculture and Mechanic Arts, the Professor of Animal Husbandry of the Iowa State College of Agriculture and Mechanic Arts, the Secretary of the State Board of Agriculture, the Professor of Dairying of the Iowa State College of Agriculture and Mechanic Arts, the State Food and Dairy Commissioner, and two persons to be appointed by the governor, one of the persons so appointed shall be actively engaged in the business of dairying and the other to be a person who is actively engaged in the breeding and raising of beef cattle. The term of office of the appointive members to be for a period of two years and until their successors are appointed. Said Board shall hold its meetings in the office of the secretary of the State Board of Agriculture in the capitol at such times as may be determined by the members of the board.

Sec. 2. It shall be the duty of the State Dairy and Beef Cattle Board to aid in the promotion of the dairying and beef cattle industries of the state; to provide for practical and scientific instruction in the breeding and raising of dairy and beef cattle by institutes and otherwise, to provide for the inspection of herds, premises and the appliances, methods and food stuffs used in the business of feeding and dairying for the purpose of making suggestions and demonstrations beneficial to the business.

Sec. 3. The Board may employ three or more competent persons who shall devote their entire time to making inspection and giving instruction as provided in Section Two hereof under the direction of the Board. Such instructors and inspectors shall hold office at the pleasure of the Board, and shall each receive a salary of Fifteen Hundred Dollars per annum, and actual expenses while engaged in such work. The members of the board who are not in the employment of the State otherwise than as provided in this act, shall receive five dollars each, for each day actually spent in the performance of their duties as members of the board, and all members of such board shall receive their actual expenses while engaged in such work.

Sec. 4. The salaries of all persons employed under the provisions of this act shall be paid monthly out of the appropriation herein provided, and all traveling expenses and general expenses incurred by the board in carrying out the purposes of this act shall be paid out of said appropriation and in the manner provided by Sections 170-d, 170-e, and 170-f, of the Supplement to the Code, 1907, upon statements filed with the Executive Council as herein provided; but no such bill shall be paid until after it shall have been audited and approved by the board.



Sec. 5. The board may require such report from persons in their employ as they shall deem proper, and shall make the governor an annual report of their proceedings under this act, which report shall be published as by law provided for the publication of other official reports.

Sec. 6. For the purpose of carrying into effect the provisions of this act, and the payment of all expenses connected therewith, there is hereby appropriated out of any funds in the treasury of the state, not otherwise appropriated, the sum of Fifteen Thousand Dollars or so much thereof as may be necessary to pay the salary and expenses of the employees under the provisions of this act, and the salaries of members of the Board, and their expenses, as herein provided, and expenses incurred by the Board in developing and promoting the dairy and beef cattle industry of the state as by this act provided.

“Providing, however, that out of the appropriation named in this Section, Seventy-five Hundred Dollars (\$7,500.00) thereof shall be available for the purpose of promoting dairying interests, and Seventy-five Hundred dollars (\$7,500.00) shall be available for the purpose of promoting Beef Cattle interests.

Sec. 7. Chapter Two Hundred and Fifty and the Acts of the Thirty-third General Assembly, and all acts or parts of acts inconsistent therewith are hereby repealed.

Sec. 8. This act, being deemed of immediate importance, 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 the city of Des Moines, Iowa.

On the question, “Shall the Senate concur in the House amendment?”

The ayes were:

Adams, Ames, Crow, Dunnegan, iFtchpatrick, Francis, Garrett, McCulloch, Quigley, Ream, Smith of Shelby, Stuckslager, White, Wilson—14.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Cowles, DeWolf, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Mattes, Neal, Parshall, Proudfoot, Sammis, Saunders, Smith of Mitchell, Spaulding, Sullivan—26.

Absent or not voting:

Brown, Chase, Clarkson, McManus, Malmberg, Savage, Schrup Taylor, Van Law, Webber—10.

So the Senate refused to concur in the House amendments.

Senator Cowles filed the following motion:

I move to reconsider the vote by which Senate File No. 123 was lost.

Senator Sammis called up for consideration the resolution relative to the appointment of a commission to investigate the subject of a Public Utilities Commission, to report at the Thirty-fifth General Assembly.

Senator Adams offered the following substitute for the concurrent resolution and moved its adoption:

*Be it Resolved by the Senate, the House concurring:*

That the Secretary of State is hereby directed to request Prof. Benj. F. Shambaugh and his department at Iowa City, to direct a part of their research for the coming two years, along the line of public utilities and submit their findings to the 35th General Assembly.

Adopted.

Senator Fitchpatrick moved that the substitute be laid on the table.

Motion prevailed.

Senator Smith of Mitchell was called to the Chair at 3:15 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 bill in which the concurrence of the Senate is asked: House File No. 367, a bill for an act to amend the law as it appears in Chapter Seventeen-a (17-a) Title XIII of the Supplement to the Code, 1907, relative to salaries and appropriations for the State Library and the Historical Department.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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 to encourage the business of manufacturing in Iowa, and providing for an official trade mark for Iowa manufactured products, and prohibiting the unlawful use of the same 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. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a10 (4999-a10), of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 293, a bill for an act making appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 481, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, relating to the removal and discharge of firemen, police officers and policemen, chief of fire department and the chief of police.

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. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78) Acts of the Thirty-third General Assembly relating to the removal of officers for misfeasance, malfeasance and nonfeasance in office.

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 the conference committee amendments to House File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of clerks of the district courts in certain counties.

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: Senate File No. 42, a bill for an act to amend Section Seven Hundred Twenty (720) of the Supple-

ment to the Code, 1907, providing for the amending of franchises granted to individuals or private corporations.

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. 129, a bill for an act to amend Chapter Thirteen (13) Title Twelve (12) of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner, and State Dairy Inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Brown of the Conference committee submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Conference Committee to whom was referred Senate File No. 52 to consider the disagreement arising over the refusal of the Senate to concur in the House amendments to said bill and the insistence of the House upon said amendments, which amendments were in words and figures as follows, to-wit:

A BILL

For an Act to Amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, Relating to the Crime of Malicious Threats to Extort.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code is hereby repealed and the following enacted in lieu thereof:

“If any person, either verbally or by any written or printed communication, maliciously threatens to accuse another of a crime or offense, or to do any injury to the person or property of another, with intent to extort any money or pecuniary advantage whatever, or to compel the person so threatened to do any act against his will, he shall be imprisoned in the penitentiary not to exceed five (5) years, or be fined not exceeding one thousand dollars (\$1,000) or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment.”

And you Conference Committee 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 title of the original bill be stricken out and the following substituted in lieu thereof:

## A BILL

For an Act to Amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, Relating to the Crime of Malicious Threats to Extort and to Provide the Penalty Therefor.

2. That Section One (1) of the original bill be stricken out and the following substituted therefor:

Section 1. That Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, is hereby amended by striking out the word "two" in the sixth line of said section and inserting the word "five" in lieu thereof; and by striking out the words "five hundred" in the seventh line and inserting the words "one thousand" in lieu thereof; and by striking out the period at the end of said section and inserting a comma in lieu thereof; by further amending said section by adding at the end thereof the following words: "or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment."

Respectfully submitted,

J. D. BROWN,  
JOHN T. CLARKSON,  
JOHN HAMMILL,  
LAMOnte COWLES,  
*Conferees on part of the Senate.*

WM F. STIPE,  
A. C. RIPLEY,  
W. L. HARDING,  
F. A. O'CONNOR,  
*Conferees on part of the House.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator Brown, Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort, was taken up and considered.

Senator Brown moved that the Senate adopt the following amendments as recommended by the Conference committee:

1. That the title of the original bill be stricken out and the following substituted in lieu thereof:

## A BILL

For an Act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort and to provide the penalty therefor.

2. That Section One (1) of the original bill be stricken out and the following substituted therefor:

Section 1. That Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, is hereby amended by striking out the word "two" in the sixth line of said section and inserting the word "five" in lieu thereof; and by striking out the words "five hundred" in the seventh line and inserting the words "one thousand" in lieu thereof and by striking out the period at the end of said section and inserting a comma in lieu thereof; by further amending said section by adding at the end thereof

the following words: "or be imprisoned in the county jail not exceeding one year, or both such fine and imprisonment."

On the question, "Shall the Senate adopt the amendments as recommended by the Conference committee?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Neal, Parshall, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Chase, Garrett, Malmberg, Mattes, Quigley, Ream, Savage, Stuckslager, Sullivan, Webber, White—13.

So the amendments having received a constitutional majority were declared concurred in.

Senator Hammill called up for consideration the following report of the Conference committee on House File No. 177:

MR. PRESIDENT—Your Conference Committee appointed to adjust the difference of the House and Senate on House File No. 177, after fully and freely conferring, beg leave to report and recommend the following:

First: That the House reconsider the vote by which it refused to concur in Senate substitute.

Second: That the House amend Senate Substitute for House File No. 177 by striking from line two (2) of Section One (1) the words "amended to read as follows" and inserting in lieu thereof the following: "repealed and the following enacted in lieu thereof."

And we further recommend that when the House so reconsiders the vote by which it refused to concur and when the substitute is amended as herein recommended, the House concur in the substitute as amended, and the Senate concur in House amendment to its substitute for House File No. 177.

Respectfully submitted,

A. C. RIPLEY,  
ELI C. PERKINS,  
W. L. HARDING,  
F. A. O'CONNOR,

*Conferees on part of the House.*

JOHN HAMMILL,  
JOHN B. SULLIVAN,  
T. H. SMITH,  
S. W. DEWOLF,

*Conferees on part of the Senate.*

Adopted.

## THIRD READING OF BILLS.

On motion of Senator Hammill, House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation, was taken up and considered.

Senator Hammill moved that the Senate adopt the following amendments as recommended by the Conference committee:

First: That the House reconsider the vote by which it refused to concur in Senate substitute.

Second: That the House amend Senate Substitute for House File No. 177, by striking from line two (2) of Section One (1) the words "amended to read as follows" and inserting in lieu thereof the following: "repealed and the following enacted in lieu thereof."

And we further recommend that when the House so reconsiders the vote by which it refused to concur and when the substitute is amended as herein recommended, the House concur in the substitute as amended, and the Senate concur in House amendment to its substitute for House File No. 177.

Senator Hammill moved that the Senate concur in the amendment as recommended by the conference committee to its substitute.

On the question, "Shall the Senate adopt the amendment as recommended by the Conference committee?"

The ayes were:

Adams, Allen of Pocahontas, Balkema, Balluff, Bennett, Brown, Chapman, Crow, DeWolf, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Mattes, Neal, Parshall, Proudfoot, Ream, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Van Law, Wilson—31.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Chase, Clarkson, Cowles, Dunnegan, Francis, Garrett, Gates, McCulloch, McManus, Malmberg, Quigley, Sammis, Savage, Stuckslager, Sullivan, Webber, White—19.

So the amendment having received a constitutional majority was declared concurred in.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 141, a bill for an act to repeal Section Three Hundred Thirty-five (335) of the Code, as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33rd) General Assembly, and to enact a substitute therefor, relating to the selection of jury lists, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The bill was read for information.

Senator Sammis 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Chapman, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammil, Hoyt, Jewell, Legel, McColl, McCulloch, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Stuckliger, Taylor, Van Law, White, Wilson—31.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Brown, Chase, Clarkson, Cowtes, Crow, DeWolf, Hunter, Larrabee, McManus, Malmberg, Mattes, Proudfoot, Savage, Smith of Mitchell, Spaulding, Sullivan, Webber—19.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

House Concurrent Resolution relative to giving Codes, Code Supplements and Session Laws to certain officers of the General Assembly.

Passed on file.



## HOUSE MESSAGES CONSIDERED.

Senate File No. 306, a bill for an act making an appropriation for the Railroad Commission on account of deficit in the traveling and expense fund.

Passed on file.

House File No. 560, a bill for an act to license real estate brokers, to provide for the expenditure of the license fees and fixing penalties for violation thereof.

Read first and second time and referred to Sifting Committee.

Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78), Acts of the Thirty-third General Assembly, relating to the removal of officers for misfeasance, malfeasance and nonfeasance in office.

Passed on file.

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of clerks of the district courts in certain counties.

Passed on file.

House File No. 42, a bill for an act to amend Section Seven Hundred Twenty (720) of the Supplement to the Code, 1907, providing for the amending of franchises granted to individuals or private corporations.

Passed on file.

Senate File No. 232, a bill for an act to amend Forty-nine Hundred Ninety-nine-a10 (4999-a10) of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

Passed on file.

Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

Passed on file.

Substitute for Senate File No. 481, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h), Supplement to the Code, 1907, relating to the removal

and discharge of firemen, police officers and policemen, chief of fire department and the chief of police.

Passed on file.

House File No. 129, a bill for an act to amend Chapter Thirteen (13), Title Twelve (XII) of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner, and State Dairy Inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

Passed on file.

House File No. 367, a bill for an act to amend the law as it appears in Chapter Seventeen-a (17-a), Title XIII of the Supplement to the Code, 1907, relative to salaries and appropriations for the State Library and the Historical Department.

Read first and second time and referred to Committee on Appropriations.

Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trademark for Iowa manufactured products, and prohibiting the unlawful use of the same and providing a penalty therefor.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78), Acts of the Thirty-third General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office, was taken up and considered.

Senator Wilson moved that the Senate concur in the following House amendments:

By striking out all after the word "by" in the third (3rd) line of said bill and substituting the following therefor: "adding after the words 'county attorney' in line one (1) of Section One (1) the following: "any member of the Board of Supervisors."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Crow, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Ream Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Brown, Chase, Clarkson, Cowles, DeWolf, Dunnegan, Fitchpatrick, McManus, Malmberg, Quigley, Saunders, Savage, Stuckslager, Van Law, Webber—15.

So the House amendments having received a constitutional majority were declared concurred in.

Senator DeWolf moved that the House be requested to return to the Senate, House File No. 180.

Motion prevailed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 145 a bill for an act appropriating the sum of Seventy-five Dollars (\$75.00) 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 extradiate one James F. Milligan.

Also:

Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Supplement to the Code, 1907, relative to trolley or electric railways.

Also:

Senate File No. 134, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provisions of said section.

Also :

Senate Joint Resolution No. 7, a bill for an act approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College.

Also :

Substitute for Senate File No. 258, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

Also :

Senate File No. 154, a bill for an act describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof.

Also :

Senate File No. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor.

Also :

Senate File No. 292, a bill for an act to appropriate the sum of Forty-three and 16-100 Dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military services performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May A. D. Eighteen Hundred and Sixty-four.

Also :

Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b) Twenty-six Hundred and Thirty-four-c (2634-c) and Twenty-six Hundred Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.

ED. P. MALMBERG,

*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS. . . .

Senator Malmberg 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. 601, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.

Also:

House File No. 243, a bill for an act to amend Title Twelve (12); Chapter Twelve (12), Supplement to the Code, 1907, requiring certain boats to be provided with life preservers, and providing a penalty where life preservers are not furnished.

Also:

House File No. 579, a bill for an act authorizing the issue of a patent to the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ), Section Sixteen (16), Township Seventy-six (76), Range Twenty-one (21), West Fifth (5th) P. M.

Also:

House File No. 594, a bill for an act to legalize the notices of a certain special election held at Corydon, Iowa.

Also:

House File No. 477, a bill for an act authorizing the Governor of the State of Iowa to issue patent, attested by the Secretary of State, to Lot Six (6), in Block Ninety-six (96), of Iowa, City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.

Also:

House File No. 471, a bill for an act to legalize certain conveyances of real estate heretofore recorded.

Also:

Senate File No. 145, a bill for an act appropriating the sum of Seventy-five Dollars (\$75.00) 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.

Also:

Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Supplement to the Code, 1907, relative to trolley or electric railways.

Also:

Senate File No. 134, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provisions of said section.

Also:

Senate Joint Resolution No. 7, a bill for an act approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College.

Also:

Substitute for Senate File No. 258, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

Also:

Senate File No. 154, a bill for an act describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof.

Also:

Senate File No. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor.

Also:

Senate File No. 292, a bill for an act to appropriate the sum of Forty-three and 16-100 Dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military services performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May A. D. Eighteen Hundred and Sixty-four.

Also:

Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b) Twenty-six Hundred and Thirty-four-c (2634-c) and Twenty-six Hundred Thirty-four-d (2634-d), Supplement to

the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee,*

Adopted.

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 597, a bill for an act to amend Section Two Hundred Thirty-three (233 )of the Code relating to the calling of special terms of court, was taken up and considered.

The bill was read for information.

Senator Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Brown, Chapman, Crow, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—36.

The nays were:

None.

Absent or not voting:

Ames, Chase, Clarkson, Cowles, Dunnegan, Hammill, Hoyt, Larabee, Legel, McManus, Savage, Schrup, Stuckslager, Webber—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 Sammis of the Sifting committee, House File No. 561, a bill for an act to amend Section Twenty-three Hundred Ten-a21 (2310-a21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of diposmaniacs, inebriates, and those addicted to the excessive use of narcotics, was taken up and considered.

The bill was read for information.

Senator Hammill 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Wilson—36.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, Clarkson, Cowles, Garrett, McManus, Malmberg, Mattes, Proudfoot, Savage, Stuckslager, Webber, 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 Sammis of the Sifting committee, House File No. 485, a bill for an act providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the Acts of the Thirty-third (33) General Assembly, was taken up and considered.

The bill was read for information.

Senator Hammill 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Brown, Chapman, Clarkson, DeWolf, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, Legel, McColl,



McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Wilson—35.

The nays were:

None.

Absent or not voting:

Adams, Ames, Bennett, Chase, Cowles, Crow, Dunnegan, Gates, Larrabee, McManus, Savage, Smith of Shelby, Stuckslager, Weber, White—15.

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 requests the return of Senate File No. 343, a bill for an act to repeal Section 916 of Chapter 13, Title V, of the Code, relating to the approval of plats of additions to cities and towns by city and town councils.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested by the Senate House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the state industrial school may be committed to accredited institutions.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Francis was called to the Chair.

#### INTRODUCTION OF BILLS.

By the Committee on Retrenchment and Reform:

#### SENATE JOINT RESOLUTION NO. 8.

Senate 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, 1913, the number of employes for 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 at a salary not to exceed	\$1,800.00	
One stenographer at a salary of not to exceed	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 not to exceed	1,800.00	
One securities clerk in the insurance department, who shall give bond, at a salary of not to exceed	1,600.00	
One fee clerk in the insurance department who shall give bond at a salary of not to exceed	1,400.00	
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 expense as shall be approved by the executive council, not to exceed	1,000.00	
One chief clerk on the revenue department at a salary of not to exceed	1,600.00	
One chief clerk in the banking department at a salary not to exceed	1,600.00	
One assistant clerk in the banking department at a salary of not to exceed	1,000.00	
Five stenographers at salaries, each, of not to exceed	900.00	
One janitor at a salary of not to exceed	780.00	
One chief clerk in the department of municipal accounting, also to serve as general clerk at a salary of not to exceed	1,500.00	
One additional clerk at a salary of not to exceed	1,200.00	

For the office of the clerk of the Supreme Court—		
One clerk at a salary of not to exceed	1,200.00	
One clerk at a salary of not to exceed	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 not to exceed	840.00	
For additional clerical assistance not to exceed	100.00	

For the office of Governor—		
One pardon clerk at a salary of not to exceed	1,300.00	
One requisition clerk at a salary of not to exceed	1,300.00	
One notarial clerk and stenographer at a salary of not to exceed	900.00	
One messenger and usher, who shall act as janitor, at a salary of not to exceed	900.00	

For the State Librarian's office—		
One cataloger at a salary of not to exceed	1,000.00	
One stenographer and bookkeeper at a salary of not to exceed	900.00	
One janitor at a salary of not to exceed	780.00	
One legislative and general reference assistant, (who shall be under the direction of assistant to librarian at a salary not to exceed	1,000.00	

One stenographer for the law and document department at a salary of not to exceed .....	900.00
Extra allowance for special janitor work not to exceed .....	150.00

For the office of Railroad Commissioners—

One general clerk at a salary of not to exceed .....	1,300.00
One statistical and rate clerk at a salary of not to exceed .....	1,200.00
One assistant statistical and rate clerk at a salary not to exceed .....	900.00
One reporter at a salary of not to exceed .....	1,200.00
Two stenographers at a salary of not to exceed .....	900.00

For the office of Secretary of State—

One chief clerk (who shall give bond) at a salary not to exceed ..	1,600.00
One corporation clerk at a salary of not to exceed .....	1,200.00
One assistant corporation clerk at a salary of not to exceed .....	1,200.00
One general clerk at a salary of not to exceed .....	1,200.00
Two stenographers at salaries not to exceed .....	900.00
One librarian of document department at a salary not to exceed .....	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 not to exceed .....	8,000.00
One janitor and messenger at a salary of not to exceed .....	900.00

For the office of Superintendent of Public Instruction—

Two stenographers at salaries each of not to exceed .....	900.00
One janitor at a salary of not to exceed .....	780.00
For extra clerical assistance, not to exceed .....	750.00

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 not to exceed .....	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 not to exceed ..	1,500.00
One bookkeeper at a salary of not to exceed .....	1,200.00
One general clerk at a salary of not to exceed .....	1,200.00
One stenographer at a salary of not to exceed .....	900.00
One watchman who shall be janitor at a salary not to exceed .....	780.00
For additional clerical assistance and contingent, not to exceed ..	600.00

For the office of the Curator of the State Historical Department—

Two assistants to the curator at salaries each of not to exceed ..	1,200.00
One clerk and stenographer at a salary of not to exceed .....	1,000.00
One museum director at a salary of not to exceed .....	1,200.00
Two janitors for curators apartments at salaries each not to exceed .....	780.00

**For the Executive Council—**

One secretary at a salary of not to exceed .....	2,200.00
One clerk at a salary of not to exceed .....	1,600.00
One clerk at a salary of not to exceed .....	1,100.00
One general clerk at a salary of not to exceed .....	900.00
One stenographer at a salary of not to exceed .....	900.00
One postmaster at a salary of not to exceed .....	1,000.00
Additional compensation to the postmaster while he shall perform the duties of mail-carrier furnishing horse and wagon not to exceed .....	400.00
For janitor service for office of secretary of Executive Council and supply department, and to act as messenger for delivery of supplies from storage buildings 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 .....	1,200.00
One estimate clerk at a salary of not to exceed .....	1,200.00
One stenographer and proofreader, 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 the Geological Survey—**

One stenographer at a salary of not to exceed .....	900.00
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**For weather and Crop Service—**

Director's salary .....	1,500.00
Clerical assistance not to exceed .....	720.00

**For the office of State Mine Inspector—**

One clerk at a salary of not to exceed .....	1,000.00
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**For the office of the State Board of Health—**

Two clerks and stenographers at salaries each of not to exceed..	900.00
Extra clerical assistance not to exceed the sum of .....	900.00

**For the office of 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 not to exceed .....	1,600.00
One librarian (traveling library) at a salary of not to exceed ....	900.00
One field and reference assistant at a salary of not to exceed....	900.00
One library organizer at a salary of not to exceed .....	720.00
One clerk and general stenographer, at a salary of not to exceed.	720.00
For extra help as needed, including service of shipping clerk, not to exceed the sum of .....	780.00

**For the office of the State Pharmacy Commission—**

One secretary at a salary of not to exceed .....	1,500.00
For extra clerical assistance not to exceed the sum of .....	150.00

**For the office of the Food and Dairy Commissioner—**

One clerk at a salary of not to exceed .....	900.00
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One clerk at a salary of not to exceed .....	900.00
One janitor for rooms occupied by food and dairy commissioner and State veterinarian, at a salary of not to exceed .....	780.00

For janitors 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 not to exceed .....	780.00
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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 not to exceed .....	780.00
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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 not to exceed .....	780.00
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For the offices of the railroad commissioners, horticultural department, and attorney General, there shall be one janitor, selected by them, at a salary of not to exceed .....	780.00
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The last four janitors shall be upon the custodian's pay roll.

For the Historical Building, except those portions occupied by the curator's department, there shall be three janitors, at salaries each of not to exceed .....	780.00
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One night watchman for the Historical Building at a salary not to exceed .....	840.00
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One chief engineer at a salary of not to exceed .....	\$1,500.00
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One janitress for the Historical Building at a salary not to exceed .....	780.00
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The last five named employes shall be appointed by and be under the control of the custodian.

To be employed by the Custodian of Public Buildings and Property—

One chief engineer at a salary of not to exceed .....	5,400.00
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One first assistant engineer at a salary of not to exceed .....	1,200.00
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One second assistant engineer at a salary of not to exceed .....	1,000.00
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One electrician and machinist at a salary of not to exceed .....	1,200.00
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One carpenter at a salary of not to exceed .....	1,000.00
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One chief of police at a salary of not to exceed .....	900.00
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Two night watchmen at salaries, each of not to exceed .....	900.00
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One boiler tender at a salary of not to exceed .....	900.00
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Six firemen and yardmen at salaries, each of not to exceed .....	840.00
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Eight floor janitors at salaries, each, of not to exceed .....	780.00
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One storage building janitor, at a salary of not to exceed .....	780.00
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One janitress to have charge of the ladies' toilet rooms at a salary of .....	780.00
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One elevator tender at a salary of not to exceed .....	780.00
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Allowance for washing towels not to exceed .....	500.00
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One florist and yard man at a salary of not to exceed .....	840.00
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Extra help as may be needed, not to exceed the sum of .....	720.00
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For the Bureau of Labor Statistics—

One clerk and statistician at a salary of not to exceed .....	1,000.00
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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.

Passed on file.

Senator Smith of Mitchell resumed the Chair at 3:45.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 480, a bill for an act to amend Section Thirteen Hundred and Seventy-four (1374) of the Code, relating to the taxation of property withheld or omitted from assessment, was taken up and considered.

The bill was read for information.

Senator Francis moved that the further consideration of the bill be postponed until 9:30 tomorrow morning.

Motion prevailed.

The President announced that as President of the Senate in the presence of the Senate he had signed Senate File Nos. 134, 145, 136, 257, 258, 292, 101, 154, 125, 90 and 214, and Senate Joint Resolution No. 7.

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 343, a bill for an act to repeal Section Nine Hundred Sixteen (916) of Chapter Thirteen (13) Title Five (V), of the Code, relating to the approval of plats of additions to cities and towns by city and town councils.

Passed on file.

House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being addition thereto and providing that females liable to be committed to the State Industrial school may be committed to accredited institutions.

Passed on file.

Senator Saunders moved that the request of the House for the return of Senate File No. 343 be granted.

Motion prevailed.

Senator Sammis called up for consideration the following Concurrent Resolution:

*Be it Resolved by the House of Representatives, the Senate concurring:*

That copies of the Code of Iowa, together with the Supplement and Session Laws, be given to the First Assistant Secretary of the Senate and to the Journal Clerks of the Senate, also to the Assistant Clerk and to the Reading Clerk of the House.

Senator Sammis moved that the Senate concur in the Resolution.

Motion prevailed.

Senator Stuckslager moved that the Senate do now adjourn until 7:30 P. M.

Carried.

The Senate adjourned.

# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 11, 1911.

The Senate met in regular session at 9 o'clock A. M., President Clarke presiding.

Prayer was offered by Rev. E. L. Reese 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 passed the following bill in which the concurrence of the Senate is asked: House File No. 432, a bill for an act to protect the public health of domestic animals by providing for the inspection of live stock imported into the state of Iowa for dairy, work or feeding purposes.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 562, a bill for an act to create a commission to investigate the causes of insanity, epilepsy, mental deficiency, delinquency and criminality, and to recommend to the Thirty-fifth General Assembly measures calculated to prevent the spread of these diseases, defects and moral failures.

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. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.

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. 436, a bill for an act to



amend Section Sixteen Hundred and Thirty-seven (1637) of the Code, with reference to the incorporation fee to be paid by foreign corporations.

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 requiring the Board of Control to submit to the General Assembly plans of any contemplated buildings or improvements.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked: House File No. 613, a bill for an act to legalize a certain contract entered into between the counties of Pocahontas and Calhoun, State of Iowa, in behalf of drainage improvement No. 9 in Calhoun County, Iowa, and to authorize the issuance of a warrant by Pocahontas County, Iowa, to the treasurer of Calhoun County, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun County.

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 providing for the purchase by the members of the General Assembly of the chairs occupied by them.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended by substitute and passed the following bill in which the concurrence of the House was asked: Senate File No. 482, a bill for an act to legalize the appointment of three members of the City Council of Toledo, 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: Substitute for House File No. 604, a bill for an act to amend Section Eight Hundred and Thirteen (813) of the Code, relating to publication of notice of bids for street improvements and to amend Section Eight Hundred Twenty-three (823) of the Supplement to the Code, 1907, relating to publication of notice of assessment of street improvements.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked: House File No. 608, a bill for an act to legalize certain ordinances of the town of Williamsburg, Iowa.

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. 150, a bill for an act appropriating eighty-seven dollars and fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 489, a bill for an act to legalize certain warrants of the City of Waterloo, 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. 488, a bill for an act to legalize the official acts of the officers and the ordinances and resolutions of the town council, of the incorporated town of Wall Lake, Sac County, Iowa, and appropriating officers and councilmen for 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. 160, a bill for an act to repeal Section Three Thousand Five Hundred Forty-one (3541) of the Code, and to enact a substitute therefor, relating to appearance in 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. 555, a bill for an act to amend the law as it appears in Section Seventeen Hundred Fifty-nine-1 (1759-1)

of the Supplement to the Code, 1907, and to provide additional requirements, supplemental and amendatory to Title Nine (9) Chapter Five (5), all relating to mutual hail insurance companies doing business in 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. 484, a bill for an act to legalize certain warrants of the city of Marshalltown, 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. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112) of the Thirty-third General Assembly relating to issuance of policy of insurance by insurance 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 House was asked: Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred Eighty-nine-a (2589-a) of the Supplement to the Code, 1907, and to enact a substitute therefor and to amend Section Twenty-five Hundred Eighty-seven (2587) of the Code, all relating to the practice of pharmacy.

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. 574, a bill for an act to legalize the official acts of certain notaries public.

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: Substitute for Senate File No. 200, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637) of the Code, with reference to the incorporation fee to be paid by foreign corporations.

Passed on file.

Senate File No. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.

Passed on file.

Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred Eighty-nine-a (2589-a) of the Supplement to the Code, 1907, and to enact a substitute therefor and to amend Section Twenty-five Hundred Eighty-seven (2587) of the Code, all relating to the practice of pharmacy.

Passed on file.

House File No. 562, a bill for an act to create a commission to investigate the causes of insanity, epilepsy, mental deficiency, delinquency and criminality, and to recommend to the Thirty-fifth General Assembly measures calculated to prevent the spread of these diseases, defects and moral failures.

Read first and second time and referred to Sifting Committee.

House File No. 432, a bill for an act to protect the public health of domestic animals by providing for the inspection of live stock imported into the State of Iowa for dairy, work or feeding purposes.

Read first and second time and referred to Sifting Committee.

Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred Twelve (112) of the Thirty-third General Assembly relating to issuance of insurance by insurance companies.

Passed on file.

Substitute for Senate File No. 200, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had.

Passed on file.

House Concurrent Resolution, Concurrent Resolution requiring by the Board of Control to submit to the General Assembly plans of any contemplated building or improvements.

Passed on file.

House File No. 613, a bill for an act to legalize certain contracts entered into between the counties of Pocahontas and Calhoun, State of Iowa, in behalf of drainage improvement No. Nine (9) in Calhoun County, Iowa, and to authorize the issuance of a warrant by Pocahontas County, Iowa, to the treasurer of Calhoun County, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun county.

Read first and second time and referred to Sifting Committee.

House Concurrent Resolution: Concurrent resolution providing for the purchase by the members of the General Assembly of the chairs occupied by them.

Passed on file.

House File No. 574, a bill for an act to legalize the official acts of certain notaries public.

Passed on file.

Senate File No. 482, a bill for an act to legalize the appointment of three members of the city council of Toledo, Iowa.

Passed on file.

Substitute for House File No. 604, a bill for an act to amend Section Eight Hundred and Thirteen (813) of the Code, relating to publication of notice of bids for street improvements and to amend Section Eight Hundred Twenty-three (823) of the Supplement to the Code, 1907, relating to publication of assessment of street improvements.

Read first and second time and referred to Sifting committee.

House File No. 608, a bill for an act to legalize certain ordinances of the town of Williamsburg, Iowa.

Read first and second time and referred to Sifting committee.

Substitute for Senate File No. 150, a bill for an act appropriating eighty-seven dollars and fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice.

Passed on file.

Senate File No. 489, a bill for an act to legalize certain warrants of the City of Waterloo, Iowa.

Passed on file.

Senate File No. 488, a bill for an act to legalize the official acts of the officers and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac county, Iowa, and appointing officers and councilmen for said town.

Passed on file.

Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred Forty-one (3541) of the Code, and to enact a substitute therefor, relating to appearance in court.

Passed on file.

House File No. 555, a bill for an act to amend the law as it appears in Section Seventeen Hundred Fifty-nine-1 (1759-1) of the Supplement to the Code, 1907, and to provide additional requirements, supplemental and amendatory to Title Nine (9) Chapter Five (5), all relating to Mutual Hail Insurance companies doing business in Iowa.

Passed on file.

Senate File No. 484, a bill for an act to legalize certain warrants of the City of Marshalltown, Iowa.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 329, a bill for an act to abolish the state board of veterinary medical examiners, to transfer the powers and duties of said board to the state veterinary surgeon and establish a commission of animal health, 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 Jefferson 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:

Allen of Jefferson, Balkema, Balluff, Bennett, Clarkson, Cowles, Crow, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Ham-mill, Hunter, Larrabee, McColl, McCulloch, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—27.

The nays were:

Legel—1.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Brown, Chapman, Chase, DeWolf, Gates, Hoyt, Jewell, McManus, Malmberg, Mattes, Neal, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager, Van Law—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 Sammis of the Sifting committee, Substi-tute for Senate File No. 200, a bill for an act to provide for parol-ing certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had, was taken up and considered.

Senator Sullivan moved that the Senate concur in the following House amendments:

Amend the title of the Substitute for Senate File Number 200 by striking out the word "paroling" and inserting in lieu thereof the following, "suspending of the execution of sentence of".

Also by striking out the words, "the presiding judge of the trial court" and inserting in lieu thereof the following, "the district court".

Also by changing the period (.) at the end of the title to a comma (,) and adding the following, "or any judge thereof".

Amend the substitute for Senate File Number 200 by striking out the word "parole" in the eighth line of Section 1 and insert-ing in lieu thereof the words "suspend the execution of the sentence of".

Also by striking out the word "parole" in the eleventh and twelfth lines of Section 1 and inserting in lieu thereof the words, "suspension of the execution of sentence".

Also by inserting after the word "convicted" in the eighth line of Section 1 the words, "and place such person".

Also by striking out the period (.) at the end of Section 1 and inserting a comma (,) in lieu thereof and adding the following: "and the person having such custody, care and guardianship of the person, the execution of whose sentence has been suspended, shall make a full and complete report every thirty days, in writing, to the district court wherein such conviction was had, showing the whereabouts and conduct of the person thus placed in his care, custody and guardianship".

Also by striking out the word "parole" in the first line of Section 2 and inserting in lieu thereof the following, "suspension of the execution of sentence."

Also by striking out the words, "trial judge aforesaid" in the second line of Section 2 and inserting in lieu thereof the following: "the district court wherein such conviction was had or any judge thereof without notice".

On the question, "Shall the Senate concur?"

The ayes were:

Allen of Jefferson, Balkema, Balluff, Brown, Cowles, Dunne-gan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McManus, Neal, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Wbeber, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Ppcahontas, Ames, Bennett, Chapman, Chase, Clarkson, Crow, DeWolf, Gates, Hoyt, Jewell, McCulloch, Malm-berg, Mattes, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager—22.

So the House amendments having received a constitutional ma-jority were declared concurred in.

On motion of Senator Sammis of the Sifting Committee, House File No. 604, a bill for an act to amend Section Eight Hundred



and Twenty-three (823), of the Supplement to the Code, 1907, in relation to publication of notice of assessment of street improvements, was taken up and considered.

The bill was read for information.

Senator Balluff moved that the rule by which no bill shall be read a second and third time the same day be suspended.

Motion prevailed.

Senator Balluff 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Cowles, Crow, Dunnegan, Fitchpatrick, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, Parshall, Quigley, Ream, Savage, Smith of Shelby, Spaulding, Taylor, Van Law, Webber, White, Wilson—27.

The nays were:

• None.

Absent or not voting:

Adams, Ames, Chapman, Chase, Clarkson, DeWolf, Francis, Garrett, Gates, Hoyt, Hunter, McCulloch, McManus, Malmberg, Mattes, Neal, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager, Sullivan—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 Sammis of the Sifting Committee, Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637) of the Code, with reference to the incorporation fee to be paid by foreign corporations, was taken up and considered.

Senator Sullivan moved that the Senate concur in the following House amendment:

Amend by adding the following as Section 2:

Sec. 2. This act being deemed of immediate importance shall take effect on and after its publication in the Register and

Leader and the Des Moines Capital, newspapers published in Des Moines, Iowa.

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Crow, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hunter, Larrabee, Legel, McColl, McCulloch, McManus, Neal, Parshall, Quigley, Ream, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—28.

The nays were:

Jewell—1.

Absent or not voting:

Allen of Pocahontas, Ames, Brown, Chapman, Chase, Clarkson, Cowles, DeWolf, Francis, Garrett, Gates, Hoyt, Malmberg, Mattes, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Stuckslager—21.

So the amendment having received a constitutional majority was declared concurred in.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided, was taken up and considered.

Senator Saunders moved that the Senate concur in the following House amendments:

By inserting after the word "days" in line fifteen of Section 2 of the original bill the words "and not more than ten days."

By striking out the period at the end of Section 5 and inserting a comma (,) in lieu thereof, and by adding thereto the words "and provided that any rights granted under the provisions of this section to use this bridge shall not in any way impair or abridge the use thereof by the public."

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Jefferson, Balluff, Brown, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hunter, Jewell

Legel, McColl, McCulloch, Mattes, Neal, Parshall, Ream, Saunders, Savage, Smith of Mitchell, Spaulding, Sullivan, Taylor, Webber, White, Wilson—29.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Balkema, Bennett, Chapman, Chase, Clarkson, Cowles, Hammill, Hoyt, Larrabee, McManus, Malmberg, Proudfoot, Quigley, Sammis, Schrup, Smith of Shelby, Stuckslager, Van Law—21.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Sammis of the Sifting Committee, House File No. 604, a bill for an act to amend Section Eight Hundred and Twenty-three (823) of the Supplement to the Code, 1907, in relation to publication of notice of assessment of street improvement.

The bill was read for information.

By unanimous consent the further consideration of the bill was postponed.

On motion of Senator Allen of Jefferson, House File No. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said board to the State Veterinary Surgeon and establish a commission of animal health, was taken up and considered.

Senator Allen of Jefferson moved that the vote by which House File No. 329 passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator Allen of Jefferson offered the following amendment and moved its adoption:

I move to amend House File No. 329 by striking out the word "or" at the end of line three of Section Four and also by inserting the words "and dentistry" between the words "surgery" and "in" in line four of said Section Four.

Adopted.

The bill was read for information.

Senator Allen of Jefferson 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balluff, Bennett, Brown, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, McCulloch, McManus, Malmberg, Neal, Parshall, Ream, Sammis, Saunders, Schrup, Smith of Shelby, Sullivan, Van Law, Webber, White, Wilson—30.

The nays were:

Jewell—1.

Absent or not voting:

Ames, Balkema, Chapman, Chase, Clarkson, Francis, Garrett, Hoyt, Larrabee, Legel, McColl, Mattes, Proudfoot, Quigley, Savage, Smith of Mitchell, Spaulding, Stuckslager, Taylor—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 Sammis of the Sifting Committee, Senate File No. 303, a bill for an act repealing Section One Hundred Twenty-five (125) of the Supplement to the Code, 1907, relating to the printing and binding of the reports of state departments and enacting a substitute therefor, was taken up and considered.

Senator Saunders offered the following amendment, and moved its adoption:

I move to amend the bill by striking from lines 42 and 43 of Section 1, the words "Secretary of State's reports of criminal convictions," and insert in lieu thereof the words "Board of Parole."

Adopted.

The bill was read for information.

Senator Saunders moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the bill pass?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Brown, Crow, DeWolf, Dunnegan, Francis, Garrett, Gates, Gilliland, Hunter, Jewell, McColl, McCulloch, McManus, Mattes, Parshall, Ream, Sammis, Saunders, Schrup, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Adams, Ames, Balluff, Chapman, Chase, Clarkson, Cowles, Fitchpatrick, Hammill, Hoyt, Larrabee, Legel, Malmberg, Neal, Proudfoot, Quigley, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager—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 Sammis of the Sifting Committee, House File No. 436, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mullet law, and making such certified copies competent evidence, and to provide for the publication thereof and the payment therefor, was taken up and considered.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend by striking all of Section 2 after the word "inspection" in the seventh line thereof.

Adopted.

Senator Saunders 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, McColl, Malmberg, Parshall, Proudfoot, Ream, Sammis, Saunders, Smith of Mitchell, Spaulding, Van Law, Webber—27.

The nays were:

Crow, Legel, Wilson—3.

Absent or not voting:

Balkema, Brown, Chapman, Chase, Clarkson, Cowles, Garrett, Hoyt, McCulloch, McManus, Mattes, Neal, Quigley, Savage, Schrup, Smith of Shelby, Stuckslager, Sullivan, Taylor, White—20.

Senator Saunders offered the following amendment to the title of the bill and moved its adoption.

I move to amend the title by striking from the last two lines of the title the words "and to provide for the publication 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 Sammis of the Sifting committee, House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the State Industrial School, may be committed to accredited institutions, was taken up and considered.

Senator DeWolf moved that the vote by which the bill passed the Senate and the vote by which the same passed to its third reading be reconsidered.

Motion prevailed.

Senator DeWolf offered the following substitute and moved its adoption.

#### A BILL

For an Act Amendatory of and Additional to Chapter Eight (8) Title Thirteen (XIII) of the Code and Supplement to the Code, 1907, Providing that Whenever Females may be Committed to the Industrial school, the Court or Judge may Commit said Females to

any reputable Institution Within this State Conducted for the Detention and Reformation of Wayward and Fallen Girls, Fixing the Compensation to be Paid such Institutions therefor, and Providing that Sections Thirty-two Hundred and Sixty-g (3260-g), Thirty-two Hundred Sixty-j (3260-j) and Thirty-two Hundred and Sixty-k (3260-k) Supplement to the Code, 1907, Relating to the Authority and Supervision of the Court and Board of Control, Shall Govern so far as Applicable.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Whenever under the provisions of Chapter Eight (8), Title Thirteen (XIII) of the Code, the Supplement to the Code, 1907, and amendments thereto, any court or judge is authorized to commit any female within the ages therein prescribed to the state industrial school, said court or judge may, instead of committing said female to said industrial school as therein provided, commit the said female to the care of any reputable institution within this state devoted to the detention and reformation of wayward and fallen girls, in which event the provisions of Chapter 8, Title 13 of the Code, the Supplement to the Code, and amendments thereto, and Sections 3260-g, 3260-j and 3260-k, Supplement to the Code, 1907, shall govern so far as applicable.

Sec. 2. The institution receiving and caring for any female under the provisions of this act shall be entitled as compensation not to exceed a monthly allowance of sixteen dollars (\$16) from the county of the legal settlement of such female, the same to be allowed by the Board of Supervisors and paid in the manner as other claims against said county are paid.

Sec. 3. Each institution above referred to shall, on or before the first day of January in each year, make a report to the governor of the state showing the number of inmates in such institution admitted under the provisions of this act, and the total amount paid for each inmate.

Substitute read first and second time.

Senator DeWolf moved that the substitute be substituted for the original bill.

Adopted.

Senator DeWolf moved that the rule by which no bill shall be read the second and third time the same day be suspended.

Carried.

The bill was read for information.

Senator DeWolf 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Crow, De Wolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland,

Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Saunders, Savage, Schrup, Sullivan, Taylor, Van Law, Webber, White, Wilson—31.

The nays were:

Jewell—1.

Absent or not voting:

Allen of Pocahontas, Bennett, Brown, Chapman, Chase, Clarkson, Cowles, Hammill, Hoyt, Hunter, Proudfoot, Quigley, Ream, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Stuck-slager—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 refused to concur in Senate amendment to the following bill in which the concurrence of the House was asked: House File No. 513, a bill for an act to amend Sections Two (2), three (3), and four (4) of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly, providing for fishing in certain waters, and 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 concurred in Senate amendment to House File No. 335, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.

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. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13) Title Five (5) of the Code, relating to the approval of plats of additions or towns, by city and town councils.

C. R. BENEDICT,  
*Chief Clerk.*



## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee Senate File No. 482, a bill for an act legalizing certain acts and proceedings of the city council of the City of Toledo, Tama county, Iowa, was taken up and considered.

Senator Ames moved that the Senate concur in the following House substitute amendment.

## A BILL.

For an Act to Legalize the Appointment of Three Members of the City Council of Toledo, Iowa.

*Whereas*, In the year 1910, three vacancies occurred simultaneously in the City Council of the city of Toledo, Iowa, and

*Whereas*, The remaining two members of said City Council at an adjourned meeting of the same regular meeting of said council when such vacancies occurred proceeded to fill said vacancies as by law provided, in Section 1272 of the Supplement of the Code of 1907, and

*Whereas*, Doubts have arisen as to the authority of the remaining councilman to make such appointments, therefore,

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. That the action of the said city council of the city of Toledo, Iowa, in appointing the three councilmen to fill the vacancies occurring by the resignation of three councilmen for said city of Toledo in the year 1910, be and the same is hereby legalized and declared to be legal and valid, provided this act shall in no wise affect any pending litigation.

On the question, "Shall the Senate concur in House amendments?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland Hammill, Hunter, Jewell, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Sammis, Spaulding, Sullivan, Webber, Wilson—29.

The nays were:

None.

Absent or not voting:

Brown, Chapman, Chase, Clarkson, Cowles, Gates, Hoyt, Larrabee, Legel, McColl, McCulloch, Proudfoot, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Van Law, White—21.

So the House substitute amendment having received a constitutional majority was declared concurred in and passed by the Senate.

#### HOUSE MESSAGES CONSIDERED.

House File No. 513, a bill for an act to amend Section Two (2), Three (3) and Four (4) of Chapter One Hundred Fifty-five (155) of the acts of the Thirty-third General Assembly, providing for fishing in certain waters, and the care and propagation of fish.

Passed on file.

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (5) of the Code, relating to the approval of plats of additions or towns, by city and town councils.

Passed on file.

House File No. 335, a bill for an act to amend Section On Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of life insurance companies.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils, was taken up and considered.

Senator Balluff moved that the Senate concur in the following House amendments:

Amend the title to Senate File No. 343 by striking out the period (.) at the end thereof and by adding the following: "And to enact a substitute therefor".

Amend Senate File No. 343 by striking out the comma (,) after the word "subdivision" in the sixth (6) line of the original bill and by inserting a comma (,) after the word "town" in the fifth (5) line of the original bill, and by striking out the word "or" after the word "subdivision" in the sixth line (6) of the original bill and by inserting in lieu thereof the word "of", and by striking out the words "and alleys" after the word "streets" in the ninth line (9) of the original bill, and by striking out the word

“thereof” after the word “provisions” in the sixteenth line (16) of the original bill and inserting in lieu thereof the word “hereof”.

On the question, “Shall the Senate concur in the House amendments?”

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Saunders, Sullivan, Van Law, Wilson—31.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Brown, Chapman, Chase, Clarkson, Francis, Hoyt, McManus, Mattes, Proudfoot, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Webber, White—19.

So the House amendments having received a constitutional majority were declared concurred in.

On motion of Senator Sammis of the Sifting Committee, House File No. 390, a bill for an act to declare certain diseases contagious and infectious, and to provide rules and regulations for the control of the same and to fix the punishment for violation thereof, was taken up and considered.

The bill was read for information.

Senator Bennett 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Bennett, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Gilliland, Hammill, Hoyt, Hunter, McColl, McCulloch, Neal, Parshall, Ream, Saunders, Schrup, Smith of Mitchell, Spaulding, Sullivan, Van Law—24.

The nays were:

Adams, Ames, Balluff, Brown, Crow, Garrett, Jewell, Larrabee,

Legel, Proudfoot, Quigley, Sammis, Savage, Taylor, Webber, White, Wilson—17.

Absent or not voting:

Chapman, Chase, Clarkson, Gates, McManus, Malmberg, Mattes, Smith of Shelby, Stuckslager—9.

So the bill having failed to received 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 adopted the Conference Committee report, House File No. 103, 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.*

Senator Saunders moved that the House be requested to return to the Senate House File No. 436.

Motion prevailed.

Senator Gilliland moved that the Secretary be authorized and instructed to print at the close of the Journal for the session the remarks and proceedings of the memorial exercises held in the Chamber last evening.

Motion prevailed.

HOUSE MESSAGE CONSIDERED.

House File No. 103, a bill for an act to establish the office of commerce counsel and defining the powers and duties of the same.

*To the Senate and House of Representatives of the State of Iowa:*

We, the undersigned, your conference committee appointed on House File No. 103, beg leave to report that we have had under consideration the amendment offered to this bill by the Senate, in which the House refused to concur, and we recommend that the Senate recede from its amendment, and that the bill be recommended for passage as concurred in and passed by the House.

J. H. ALLEN,  
S. W. DEWOLF,  
JOHN HAMMILL,

*Committee on the part of the Senate.*

E. H. CUNNINGHAM,  
GERRITT KLAY,  
HERMAN KULL,  
THOS. HICKENLOOPER,

*Committee on the part of the House.*

Passed on file.

Senator Hammill filed the following statement:

Explanation as to reason for signing conference report on House File No. 103.

The Conference Committee being six for receding from the Senate amendment, I have signed the report in order that the bill can be further considered by the Senate and House, as I am in favor of the bill and have no desire to delay the further consideration thereof. I am, however, still of the opinion that the best interests of the people of the State of Iowa would be served by having this appointment made by the Executive Council in preference to having the appointment made by the Railroad Commission.

Senator Chase, who is a member of this conference committee opposed to receding from the Senate amendment but is ill at his home in Webster City, Iowa.

SENATOR HAMMILL.

#### THIRD READING OF BILLS.

On motion of Senator Allen of Pocahontas, House File No. 103, 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 Allen of Pocahontas moved that the Senate adopt the report of the conference committee and that the Senate recede from the following amendments:

Amend by striking out in the third line of Section 1 the words "Board of Railroad Commissioners" and insert in lieu thereof the words "the Executive Council."

Amend Section 1 of the bill by striking out the words "Board of Railroad Commissioners," wherever the same appear therein, and inserting in lieu thereof the words "Executive Council."

On the question, "Shall the Senate recede from its amendments?"

The ayes were:

Allen of Pocahontas, Ames, Balkema, Chapman, DeWolf, Dunningan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Jewell, Larrabee, McColl, McManus, Mattes, Neal, Parshall, Proudfoot, Ream, Savage, Smith of Mitchell, Spaulding, Van Law, White, Wilson—27.

The nays were:

Adams, Allen of Jefferson, Bennett, Brown, Gilliland, Hoyt, Legel, McCulloch, Malmberg, Quigley, Sammis, Saunders, Stuckslager, Sullivan, Taylor, Webber—16.

Absent or not voting:

Balluff, Chase, Clarkson, Cowles, Crow, Schrup, Smith of Shelby—7.

So the Senate receded from the amendments.

Senator Allen of Pocahontas moved that the vote by which the Senate receded from its amendments be reconsidered and that the motion be laid on the table.

Motion 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. 506, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798) of the Code and to amend the law as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709) (Division 1,) Seventeen Hundred Fifty-eight-b (1758-b), Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fiftynine-f, (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j), of the Supplement to the Code, 1907, and to amend the law as it appears in Section Seven (7), Chapter One Hundred Five (105), and Section One (1), of Chapter One Hundred Eleven (111) of the Acts of the Thirty-third General Assembly; and to enact a section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (9), of the Code. all relating to insurance.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has refused to recede and insist on House amendments to Senate File No. 183, a bill for an act to create a state Dairy and Beef Cattle Board, defining its powers and duties, providing for instruction in practical and scientific breeding and raising of dairy and beef cattle, making an appropriation therefor and repealing Chapter Two Hundred and Fifty (250) of the Acts of the Thirty-third General Assembly, and asks for Conference Committee. Speaker on part of the House, appoints as such committee: Representatives Escher of Shelby, Klay of Sioux, Huntley of Lucas and Smith of Decatur.

C. R. BENEDICT,  
*Chief Clerk.*

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention, at 12 o'clock noon.

Upon the roll being called the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Chase, Crow, Fletcher, Hutchins—4.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress, and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Huntley, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Sullivan, Van Camp, Van Law—37.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Linnan, Lund, McColl, Moore, Newell, Patterson, Perkins, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—62.



Those voting for George W. Curtis were:

Bascom, Dawson, Dixon, Pickford—4.

Absent:

Chase, Crow, Fletcher, Hutchins—4.

EXPLANATION OF VOTE.

*Mr. President and Gentlemen of Joint Convention:*

During my campaign for the office of Representative from Pocahontas County, I made statements to the effect that in the event the election of a United States senator by the democrats became, apparently, impossible, I would give my support to W. S. Kenyon whom I believe is the choice of a majority of the people of my county.

While the election of a democrat is still, almost, as probable as the selection of a republican, yet in deference to what is probably a fair and reasonable inference drawn from statements made, as above set out, and desiring to honorably discharge any possible obligation because of statements and inferences, I vote on this ballot for W. S. Kenyon for United States Senator.

C. F. LINNAN.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Senator Van Law of Marshall moved that the Joint Convention take a recess until 1:30 o'clock P. M., at which time to reconvene for the purpose of continuing to ballot on United States Senator.

O'Connor of Chickasaw moved as a substitute that the Joint Convention be dissolved.

On the question, "Shall the Joint Convention substitute the motion to dissolve for the motion to take a recess?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Mattes, Moore, Neal, Newell, Patterson, Perkins,

Pickford, Ripley, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Spaulding, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Van Camp, Van Law, Whitney, Zeller—74.

The nays were:

Adams, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brown of Decatur, Byerly, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunningan, Edmunds, Ellis, Escher, Fulton, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, Lounsberry, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Proudfoot, Quigley, Ream, Ritter, Robbins, Rowles, Sater Savage, Schrup, Smith of Shelby, Speer, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—81.

Absent or not voting:

Chase, Fletcher, Hutchins—3.

So the motion to substitute lost.

Senator Chapman of Cedar moved as a substitute that the Joint Convention continue to ballot on United States Senator without recess.

Motion lost.

Original motion to take recess prevailed, and the Joint Convention was declared at ease until at 1:30 o'clock, P. M.

#### AFTERNOON SESSION.

Recess. Joint Convention reconvened after recess, Lieutenant Governor Clarke, President of the Joint Convention, presiding.

O'Connor of Chickasaw demanded a roll call to ascertain the presence of a quorum.

The roll was then called and the following members responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balke-  
ma, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of

Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krebill, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsberry, Lund, McCleery, McColl, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—154.

Absent:

Chase, Fletcher, Fraley, McCulloch of Wayne—4.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were :

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Dixon, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Huntley, Jacobson, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuck-slager, Sullivan, Van Camp, Van Law—38.

Those voting for W. S. Kenyon were :

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Linnan, Lund. McColl Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Whitney, Zeller—64.

Those voting for George M. Curtis were :

Bascom, Fry—2.

Absent :

Chase, Fletcher—2.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

President Clarke then announced that the roll would again be called for the purpose of electing a United States Senator in Congress.

Upon the roll being called, those voting for Claude R. Porter were :

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream,

Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Union, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—52.

Those voting for Horace E. Deemer were:

Adams, Allen of Jefferson, Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Hogan, Huntley, Jacobson, Jewell, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Mattes, Neal, Proudfoot, Robbins, Saunders, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuck-slager, Sullivan, Van Camp, Van Law—38.

Those voting for W. S. Kenyon were:

Allen of Pocahontas, Ames, Balkema, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Johnson, Klay, Kulp Larrabee of Fayette, Larrabee of Webster, Linnan, Lund, McColl, Moore, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman Stoddard, Whitney, Zeller—65.

Those voting for George M. Curtis were:

Bascom—1.

Absent:

Chase, Fletcher—2.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Senator Webber of Wapello moved that the Joint Convention be dissolved.

Senator Van Law of Marshall moved as a substitute that the Joint Convention continue to ballot on United States Senator.

On the question, "Shall the Joint Convention substitute the motion to continue to ballot for the motion to dissolve?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, McColl, Malmberg, Mattes, Moore, Neal, Newell, Patterson, Perkins, Pickford, Proudfoot, Ripley, Russell, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Smith of Shelby, Spaulding, Stillman, Stoddard, Sullivan, Van Law, Whitney, Zeller—78.

The nays were:

Adams, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Byerly, Chapman, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fulton, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, Lounsberry, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Robbins, Rowles, Sater, Savage, Schrup, Smith of Adams, Smith of Decatur, Speer, Stephenson, Stipe, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Law, Webber, White of Benton, White of Iowa, Wilson—78.

Absent or not voting:

Chase, Fletcher—2.

So the Joint Convention refused to substitute.

Harding of Woodbury moved as a substitute for the motion to dissolve, that the Joint Convention take a recess until 7:30 o'clock, P. M.

On the question, "Shall the motion to take a recess be substituted for the motion to dissolve?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brockway, Brown of Wright, Bruce, Bybee, Campbell

of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lund, Mattes, Moore, Newell, Patterson, Pickford, Ripley, Russell, Sammis, Saunders, Shane, Sherman, Skinner, Smith of Mitchell, Stillman, Stoddard, Van Law, Whitney, Zeller—64.

The nays were:

Adams, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brady, Brown of Decatur, Byerly, Chapman, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fulton, Garrett, Gilbert, Gilliland, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Huntley, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, Lounsberry, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, Neal, O'Connor, Odendahl, Olson, Parshall, Penn, Perkins, Proudfoot, Quigley, Ream, Ritter, Robbins, Rowles, Sater, Savage, Schee, Schrup, Shankland, Smith of Adams, Smith of Decatur, Smith of Shelby, Spaulding, Speer, Stephenson, Stipe, Stuckslager, Sullivan, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Webber, White of Benton, White of Iowa, Wilson—89.

Absent or not voting:

Chase, Fitchpatrick, Fletcher, Johnson, McCleery—5.

So the motion to substitute was lost.

On the original motion to dissolve:

The ayes were:

Adams, Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brown of Decatur, Byerly, Chapman, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Escher, Fulton, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Hickenlooper, Koontz, Krebill, Kull, Leach, Legel, Lenocker, Linnan, Lounsberry, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor,

Odendahl, Olson, Parshall, Penn, Proudfoot, Quigley, Ream, Ritter, Robbins, Rowles, Sater, Savage, Schrup, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stephenson, Stipe, Stuckslager, Taylor of Union, Taylor of Appanoose, Townsend, Van Camp, Webber, White of Benton, White of Iowa, Wilson—79.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webser, Larrabee of Fayette, Lund, McColl, Malmberg, Mattes, Moore, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van, Law, Whitney, Zeller—77.

Absent:

Chase, Fletcher—2.

Journal of Joint Convention read and approved

Motion prevailed and the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

#### 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. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478), of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-four (2484), of the Code 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485), of the Code 1897, and enact a substitute therefor, to amend Section Twenty-four Hundred Eighty-six (2486), of the Code, 1897, to repeal Section Twenty-four Hundred Eighty-seven (2487), of the Code, 1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-eight (2488), Supplement to the Code 1907, and enact a substitute therefor, to repeal Section Twenty-four Hundred Eighty-nine (2489), of the Code 1897, and enact a substitute therefor, to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a, (2489-a), of the Supplement to the Code 1907, to repeal Section Twenty-four Hundred Ninety-three (2493), of the Code



1897, and enact a substitute therefor, to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code 1907, and enact a substitute therefor, relating to mines and mining, safety-appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties, requiring surveys of mines and records to be kept thereof, requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways and equipments thereof, the amount of ventilation, stopping and breaks-through, means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipments for shafts, slopes or drifts and fixing the age within which boys may work in the mine, and providing for the safety of employees where explosives are used, the location of stables, Gasoline engines and pumps, and the revocation of certificates of mine foremen in certain cases, defining the duties of mine foremen and definition of mine foremen, the duties of workmen in mines and mining and defining the power and duties of mine owners, lessees, operator and person in charge, the character and kind of illuminating oils and other substances and providing penalties.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked: House File No. 612, a bill for an act to legalize a certain election held October 14, 1910, in the town of La Motte, Jackson County, Iowa.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 183, a bill for an act to create a State Dairy and Beef Cattle Board, defining its powers and duties, providing for instruction in practical and scientific breeding and raising of dairy and beef cattle, making an appropriation therefor, and repealing Chapter Two Hundred and Fifty (250) of the acts of Thirty-third General Assembly.

Passed on file.

The President announced as a Conference committee on the part of the Senate on Senate File No. 183, Senators DeWolf, Ames, Wilson and Hammill.

House File No. 506, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798) of the Code, and to amend the law

as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709) (Division 1), Seventeen Hundred Fifty-eight-b (1758-b), Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fifty-nine-f (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j), of the Supplement to the Code, 1907, and to amend the law as it appears in Section Seven (7), Chapter One Hundred Five (105), and Section One (1) of Chapter One Hundred Eleven (111) of the acts of the Thirty-third General Assembly; and to enact a section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (9) of the Code, all relating to insurance.

Passed on file.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 257, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention home for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor.

Also:

Senate File No. 292, a bill for an act to appropriate the sum of Forty-three and 16-100 dollars for the use and benefit of Mrs. Ellen C'arke More, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, deceased, for military service performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers, Infantry, in the month of May A. D. Eighteen Hundred and Sixty-four.

Also:

Senate File No. 101, a bill for an act to repeal Sections Twenty-six Hundred and Thirty-four-b (2634-b), Twenty-six Hundred and Thirty-four-c (2634c) and Twenty-six Hundred and Thirty-four-d (2634-d), Supplement to the Code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriations therefor.

Also:

Senate File No. 145, a bill for an act appropriating the sum of Seventy-five dollars (\$75.00) 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.

Also:

Senate File No. 136, a bill for an act to amend Section Two Thousand Ninety-one-a (2091-a) of the Supplement to the Code, 1907, relative to trolley or electric railways.

Also:

Senate File No. 134, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provisions of said section.

Also:

Senate Joint Resolution No. 7, a bill for an act approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College.

Also:

Substitute for Senate File No. 258, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-c (3447-c) of the Supplement to the Code, 1907, and enacting a substitute therefor relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

Also:

Senate File No. 154, a bill for an act describing and defining negotiable and non-negotiable bills of lading, and providing for the issuing, transfer and endorsement thereof, defining the rights and duties of common carriers and all persons issuing and receiving the same, providing for the shipment and delivery of goods and property thereunder and for conviction and punishment for the violation of the provisions thereof.

Also:

Substitute for Senate File No. 214, a bill for an act to appropriate Two Thousand Dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

Also:

Substitute for Senate File No. 125, a bill for an act to create an employer's liability commission and make an appropriation therefor.

Also:

Substitute for Senate File No. 90, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304), of the Supplement to the Code, 1907, relating to the exemption of property from taxation.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 574, a bill for an act to legalize the official acts of certain notaries public.

Also:

House File No. 25, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) of the Supplement to the Code, 1907, relating to the issuance of capital stock of railway and manufacturing corporations.

Also:

House File No. 602, 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 Eightieth (80) representative district of Iowa, and the Ninety-ninth (99) 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. 295, a bill for an act defining the terms "gold", "alloy of gold", "silver", "alloy of silver", "sterling silver", or "sterling", as applied to any article of merchandise made in whole or part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition, and also providing a means of making tests thereof, and also defining the terms "rolled gold plate", "gold plate", "gold filled", and "gold electroplate", and the words "silver plate", and "silver electroplate", "sterling", and "coin", as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof.

Also:

House File No. 186, a bill for an act to amend the law as it appears in Section Twenty-one Hundred Fifty-seven-g (2157-g), Supplement to the Code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of persons.

Also:

House File No. 372, a bill for an act to amend Section One (1) of Chapter One Hundred Fifty-one (151) of the Acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum.

Also:

House File No. 30, a bill for an act to repeal Section Two Thousand Three Hundred Eighty-three (2383) of the Code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.

Also:

House File No. 269, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, Vinton, Iowa.

Also:

House File No. 164, a bill for an act to amend Section One Thousand Nine Hundred Eighty-nine-a-8 (1989-a-8) of the Supplement to the Code, 1907, relating to the letting of contracts for levees, drains and ditches.

Also:

House File No. 42, a bill for an act to amend Section Seven Hundred Twenty (720) of the Supplement to the Code, 1907, providing for the amending of franchises granted to individuals or private corporations.

Also:

House File No. 129, a bill for an act to amend Chapter Thirteen (13) Title Twelve (12) of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner, and State Dairy Inspector, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

HOUSE MESSAGES CONSIDERED.

Substitute for Senate File No. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478) of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-four (2484)

of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485) of the Code 1897, and enact a substitute therefor; to amend Section Twenty-four Hundred Eighty-six (2486) of the Code 1897; to repeal Section Twenty-four Hundred Eighty-seven (2487) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-eight (2488) Supplement to the Code 1907, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-nine (2489) of the Code 1897, and enact a substitute therefor; to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a, of the Supplement to the Code, 1907; to repeal Section Twenty-four Hundred Ninety-three (2493) of the Code 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties; requiring surveys of mines and records to be kept thereof; requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways, the amount of ventilation and equipments thereof, stoppings and breaks-through; means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts, and providing safety equipments for shafts, slopes or drifts, and fixing the age within which boys may work in the mine; and providing for the safety of employees where explosives are used; the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foreman in certain cases; defining the duties of mine foremen and definition of mine foreman; the duties of workmen in mines and mining and defining the power and duties of mine owner, operator, lessee and persons in charge; the character and kind of illuminating oils and other substances and providing penalties.

Passed on file.

House File No. 612, a bill for an act to legalize a certain election held October 14, 1910, in the town of La Motte, Jackson County, Iowa.

Read first and second time and referred to Sifting committee.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 612, a bill for an act to legalize a certain election held October 14, 1910, in the town of LaMotte, Jackson County, Iowa, was taken up and considered.

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 Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Chapman, Clarkson, Cowles, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Jewell, McColl, McCulloch, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Savage, Schrup, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Balluff, Brown, Chase, Crow, Francis, Hammill, Hoyt, Hunter, Larrabee, Legel, Mattes, Proudfoot, Saunders, Smith of Mitchell, 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 of the Sifting committee Substitute for Senate File No. 282, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478) of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-four (2484) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485) of the Code 1897, and enact a substitute therefor; to amend Section Twenty-four Hundred Eighty-six (2486) of the Code 1897; to repeal Section Twenty-four Hundred Eighty-seven (2487) of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-eight (2488) Supplement to the Code 1907, and enact a substitute therefor; to repeal Section Twenty-four Hun-

dred Eighty-nine (2489) of the Code 1897, and enact a substitute therefor; to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a of the Supplement to the Code 1907; to repeal Section Twenty-four Hundred Ninety-three (2493) of the Code 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties; requiring surveys of mines and records to be kept thereof; requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms, safe and convenient traveling ways, the amount of ventilation and equipments thereof, stoppings and breaks-through; means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts, and providing safety equipments for shafts, slopes or drifts, and fixing the age within which boys may work in the mine; and providing for the safety of employees where explosives are used; the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foreman in certain cases; defining the duties of mine foremen and definition of mine foreman; the duties of workmen in mines and mining and defining the power and duties of mine owner, operator, lessee and persons in charge; the character and kind of illuminating oils and other substances and providing penalties was taken up and considered.

Senator Clarkson moved that the Senate concur in the following House amendments:

On the question, "Shall the Senate concur in the House amendments?"

By striking out the words "first Monday of April" as they occur in the eighth and ninth lines of Section One of the original bill and inserting in lieu thereof the words "fourth day of July."

By striking out the word "habitual" as it occurs in line four of Section Two of the original bill and inserting in lieu thereof the word "gross."

By striking out the words and figures "one hundred (100)" as they occur in the fifth line of Section Four of the original bill and inserting in lieu thereof the words and figures "two hundred (200)."

By striking out the words "buildings, landmarks and principal objects on the surface" as they occur in lines 16 and 17 of Section Four of the original bill and inserting in lieu thereof the words "reservations made of coal and mineral."



By inserting the word "permanent" between the words "of" and "pumps" as they occur in line 22 of Section Four of the original bill.

By striking out all of Section Four beginning with the word "each" in line 33 of the original bill and ending with the word "workings" in line 36 and by inserting in lieu thereof the following:

"Each map shall also show by profile drawing and measurement, the last one hundred fifty (150) feet approaching the boundary lines, showing the rise and dip of the seam."

By striking out the word "extension" as found in line 54 of Section Four of the original bill and inserting in lieu thereof the words "extended map."

By striking out the words "a similar survey to complete and extend the map" as found in lines 65 and 66 of Section Four of the original bill and inserting in lieu thereof the words "a completed and extended map."

By inserting after the word "shafts" in line one of Section Eight of the original bill, the words "hereafter constructed."

By striking out Section Nine of the original bill and inserting in lieu thereof the following: "All escape shafts not provided with stairs shall be provided with suitable appliances for hoisting underground workmen at all times ready for use both day and night while the workmen are at labor, which hoisting apparatus shall be separate and apart from the hoisting shaft, and the equipment shall include a depth indicator, break on the drum, steel or iron cage, safety catches on cages, and covers on cages, to securely protect any person while on the cage.

By inserting after the word "ventilation" as it occurs in line one of Section 11 of the original bill the words "not including hoisting shafts."

By adding after the word "necessary" in the ninth line of Section 11 of the original bill, the following: "for the purpose of furnishing ventilation or reasonably necessary means of escape, and such additional air and escapeways shall only be used in cases of emergency."

By striking out all of Section Thirteen of the original bill.

By striking out all of Section 17 of the original bill and substituting in lieu thereof the following: "In all cases, after twilight, or when by reason of steam or other causes obscuring the plain view of the top and openings of any shaft, there shall be maintained a good and substantial light, but in no case shall an open light or torch be used.

By striking out of the ninth line of Section 19 of the original bill the word "three" and inserting in lieu thereof the words "two and one-half."

And by inserting the word "haulage" between the words "such" and "road" in line 13 of Section 19 of the printed bill.

By striking out all of Section 20 of the original bill and substituting therefor the following:

"All entries hereafter constructed in which the hauling is done by draft animal and wherein the employees perform their work or use as a means of ingress and egress to and from their working places, shall be maintained substantially eight (8) feet in width from one rib or

side of the entry or haulage way to the opposite side, which shall be kept free from timbers or other refuse, and as reasonably even on the surface of each side of the track as may be reasonably practicable, provided, however, that this section of this act shall not apply to such haulage ways in long-wall work when the inspector of the district where the mine is located shall determine that it is impracticable to maintain the width of the entry or haulage way as herein provided."

By striking out Section 25 of the original bill and substituting therefor the following:

"On all haulage ways where doors are maintained to direct the air current, it shall be the duty of the driver or other employees, passing through the same, to see that the same are properly closed.

By inserting after the word "conditions" in the third line of Section 28 of the original bill, the following: "he shall at once give notice to the mine owner or his agent or person in charge, and upon failure to make the necessary changes within such reasonable time as said mine inspector may fix.

By striking out of lines 7 and 8 of Section 31 of the original bill, the words "or materials other than coal or mineral."

By striking out all of Section 32 of the original bill.

By striking out all of Section 35 of the original bill.

By striking out all of Section 38 of the original bill.

By inserting after the word "engine" in the first line of Section 41 of the original bill, the words "except gasoline haulage motors where the exhaust is properly cared for."

By striking out the words "when ordered by the miner" as they occur in the Senate printed amendment to Section 45.

And by inserting the words "representatives of" between the words "two" and "the" as they occur in line 40 of Section 45 of the original bill.

We also recommend that the sections of this bill be numbered consecutively after the Sections 13, 32, 35 and 38 of the original bill have been stricken out.

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Allen of Pocahontas, Balkema, Bennett, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Francis, Garrett, Gilliland, Hunter, Jewell, Larrabee, Legel, McColl, McManus, Malmberg, Neal, Parshall, Quigley, Ream, Smith of Mitchell, Sullivan, Van Law, White Wilson—27.

The nays were:

Adams, Brown, Cowles, McCulloch, Savage, Smith of Shelby, Taylor, Webber—8.

**Absent or not voting :**

Allen of Jefferson, Ames, Balluff, Chase, Fitchpatrick, Gates, Hammill, Hoyt, Mattes, Proudfoot, Sammis, Saunders, Schrup, Spaulding Stuckslager—15.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Clarkson moved that the Senate concur in the following House amendment :

By striking out the words and figures "three (3)" as they occur in line six and line nine of Section One of the original bill and inserting in lieu thereof the words and figures "six (6)."

On the question, "Shall the Senate concur in the House amendment?"

**The ayes were :**

Allen of Pocahontas, Chapman, Clarkson, Crow, DeWolf, Francis, Garrett, Gates, Hunter, Jewell, Larrabee, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Smith of Mitchell, Sullivan, Van Law, Wilson—23.

**The nays were :**

Adams, Ames, Balkema, Bennett, Brown, Cowles, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hoyt, Legel, McCulloch, Proudfoot, Sammis, Saunders, Savage, Smith of Shelby, Spaulding, Taylor, Webber, White—22.

**Absent or not voting :**

Allen of Jefferson, Balluff, Chase, Schrup, Stuckslager—5.

So the Senate refused to concur in the House amendment.

Senator Clarkson moved that the Senate insist upon its amendment to Section One of the bill.

Motion prevailed.

Senator Larrabee filed the following motion :

I move to reconsider the vote by which House File No. 390 failed to pass the Senate.

Senator Francis moved that the House be requested to return to the Senate House File No. 27.

Motion prevailed.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee Senate File No. 478, a bill for an act repealing the law as it appears in Section One Hundred Fifty-six (156) of the Supplement to the Code, 1907, providing for the appointment of a secretary of the Executive Council and fixing his salary, and authorizing the payment of the necessary expenses of the members of the Executive Council and its employes, was taken up and considered.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking out all of line five, Section One, of the bill after the word "pleasure" and all of lines six, seven and eight.

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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bennett, Brown, Chapman, DeWolf, Dunnegan, Fitchpatrick, Gilliland, Hammill, Hoyt, Jewell, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Saunders, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Balluff, Chase, Clarkson, Cowles, Crow, Francis, Garrett, Gates, Hunter, Larrabee, McManus, Sammis, Savage, Schrup, Smith of Mitchell, Stuckslager—16.

Senator Saunders moved to amend the title as follows:

I move to amend the title by striking therefrom the words "an fixing his salary."

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 Sammis of the Sifting committee Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly, apportioning them among the several counties according to the number of inhabitants in each, and dividing the state into senatorial districts, was taken up and considered.

The bill was read for information.

Senator Smith of Shelby moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Fitchpatrick, Gates, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Mattes, Neal, Parshall, Quigley, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—34.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Cowles, Crow, Dunnegan, Francis, Garrett, Gilliland, Hunter, Malmberg, Proudfoot, Sammis, Savage, Schrup, Stuckslager, Van Law—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### REPORT OF COMMITTEE.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 115, 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 do pass.

Adopted.

JOSEPH MATTES,  
Chairman.

## THIRD READING OF BILLS.

On motion of Senator Mattes, House File No. 488, a bill for an act to amend Section Seven Hundred Twenty-eight (728) of the Code and Supplement, relating to vacancies in office of library trustees, was taken up and considered.

The bill was read for information.

Senator Mattes 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Crow, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Qugiley, Ream, Schrup, Spaulding, Sullivan, Van Law, Webber, White—32.

The nays were:

None.

Absent or not voting:

Bennett, Brown, Chase, Clarkson, Cowles, Dunnegan, Francis, Larrabee, Legel, McColl, Sammis, Saunders, Savage, Smith of Mitchell Smith of Shelby, Stuckslager, Taylor, 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 DeWolf, House File No. 577, a bill for an act to amend the law as it appears in Sections Forty-nine Hundred Ninety-nine-a6 (4999-a6), Forty-nine Hundred Ninety-nine-a7 (4999-a7) and Forty-nine Hundred Ninety-nine-a8 (4999-a8) of the Supplement to the Code, 1907, relating to protection against, and means of escape from fire, was taken up and considered.

Senator Sullivan offered the following amendment and moved its adoption:

MR. PRESIDENT—I move to strike out Section Two (2) and insert the following as Section Two (2):

Section 2. Subdivision Three (3) of Section Four Thousand, Nine Hundred and Ninety-nine-a7 (4999-a7) of the Supplement to the Code, 1907, is amended to read as follows:

"Buildings used as opera houses, theatres, or public halls or buildings or enclosures used for the exhibition or display of pictures or photographs, by means of films, commonly known as moving picture shows, having a seating capacity of exceeding three hundred (300)."

I move to strike out all of Section Three (3) and by renumbering Section Four (4) as Section Three (3).

Adopted.

Senator DeWolf moved that the rules be suspended, 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:

Adams, Allen of Jefferson, Ames, Balkema, Clarkson, Cowles, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, McManus, Malmberg, Mattes, Neal, Parshall, Ream, Stuckslager, Sullivan, Van Law, White, Wilson—28.

The nays were:

McCulloch, Savage—2.

Absent or not voting:

Allen of Pocahontas, Balluff, Bennett, Brown, Chapman, Chase, Crow, Gates, Larabee, Legel, Proudfoot, Quigley, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Taylor, Webber—20.

Senator DeWolf moved to amend the title as follows:

I move to amend the title by striking out the words and figures "Fory-nine Hundred and Ninety-nine-a8 (4999-a8)" in line three.

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 Sammis of the Sifting committee House File No. 569, a bill for an act to amend the law as it appears in Section Five Thousand Eighty-one (5081) of the Code,

relating to the penalty for nuisances, was taken up and considered.

The bill was read for information.

Senator Jewell 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:

Adams, Allen of Jefferson, Ames, Balluff, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Hammill, Hoyt, Hunter, Jewell, Legel, McCulloch, Malmberg, Neal, Parshall Proudfoot, Quigley, Ream, Schrup, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, White, Wilson—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balkema, Bennett, Brown, Chase, Cowles, Francis, Garrett, Gates, Gilliland, Larrabee, McColl, McManus, Mattes, Sammis, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Webber—20.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senar Clarkson moved that his motion to reconsider the vote relative to final adjournment be laid on the table.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee House File No. 486, a bill for an act to repeal the law as it appears in Sections Sixty-five (65) and Twenty-six Hundred Twenty-seven (2627) of the Supplement to the Code, 1907, and to repeal Sections Eighty-six (86), Ninety-eight (98), and One Hundred Fifteen (115) of the Code, in reference to the salaries of the Governor and his secretary, Secretary of State, Auditor of State, Treasurer of State and Superintendent of Public Instruction and his deputy, and allowance for his traveling expenses, and enact substitutes therefor, was taken up and considered.



Senator Van Law offered the following amendment and moved its adoption :

I move to amend House File No. 486 by adding thereto the following :

Sec. 6. That the first sentence of Section Two Hundred and Five (205) of the Supplement to the Code, 1907, be and the same is hereby repealed and the following enacted in lieu thereof :

The salary of the Clerk of the Supreme Court shall be three thousand, five hundred dollars (\$3,500) per annum, and that of his deputy, eighteen hundred dollars (\$1,800) per annum.

A roll call was demanded on the adoption of the amendment.

The ayes were :

Allen of Pocahontas, Balkema, Balluff, Gilliland, Hunter, Legel, Malmberg, Savage, Stuckslager, Sullivan, Taylor, Van Law—12.

The nays were :

Adams, Ames, Cowles, Crow, Francis, Garrett, Hammill, Jewell, Larabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Schrup, Smith of Mitchell, White, Wilson—21.

Absent or not voting :

Allen of Jefferson, Bennett, Brown, Chapman, Chase, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Gates, Hoyt, McManus, Sammis, Saunders, Smith of Shelby, Spaulding, Webber—17.

So the amendment was lost.

Senator Francis offered the following amendment and moved its adoption :

I move to amend House File No. 486 as follows :

First by adding to the bill the following as Section 6 :

Section 6. Section 211 of the Code is hereby amended by striking out the word "four" in the second line and inserting in lieu thereof the word "five"; and by changing the period at the end of said section to a semicolon and adding the following: "and he may appoint an assistant and a special counsel at a salary of twenty-five hundred dollars (\$2500) each."

Second, by adding the following to the bill as Section 7 :

Section 7. Section 212 of the Supplement to the Code, 1907, is hereby repealed.

A roll call was demanded on the adoption of the amendment.

The ayes were:

Allen of Jefferson, Balkema, Clarkson, Francis, Gates, Hunter, McManus, Neal, Parshall, Proudfoot, Sammis, Savage, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Wilson—19.

The nays were:

Adams, Ames, Balluff, Bennett, Brown, Chapman, Cowles, DeWolf, Fitchpatrick, Garrett, Gilliland, Hammill, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Quigley, Ream, Smith of Shelby, White—23.

Absent or not voting:

Allen of Pocahontas, Chase, Crow, Dunnegan, Hoyt, Saunders, Schrup, Webber—8.

So the amendment was lost.

Senator Gilliland offered the following amendment and moved its adoption:

Sec. 6. That Section Two Thousand One Hundred and Twenty-one (2121) of the Supplement to the Code, 1907, be, and the same is hereby amended by striking out the words "twenty-two hundred" (2200) in the third line of said section and inserting in lieu thereof the words "three thousand (3000), and by striking out the words "eighteen hundred" (1800) in the fourth line of said section and inserting the words "two thousand" (2000) in lieu thereof.

Senator Adams moved that the amendment be laid on the table.

On the motion a roll call was demanded.

The ayes were:

Adams, Ames, Balkema, Bennett, Clarkson, DeWolf, Fitchpatrick, Garrett, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Quigley, Ream, Savage, Smith of Mitchell, Smith of Shelby, Van Law, White, Wilson—23.

The nays were:

Balluff, Chapman, Cowles, Dunnegan, Francis, Gates, Gilliland, Hammill, Hunter, Larrabee, McCulloch, McManus, Proudfoot, Sammis, Schrup, Spaulding, Stuckslager, Sullivan, Taylor—19.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Brown, Chase, Crow, Hoyt, Saunders, Webber—8.

So the amendment was laid on the table.

On motion of Senator Sammis of the Sifting Committee, House File No. 513, a bill for an act to amend Sections Two (2), Three (3) and Four (4) of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly, providing for fishing in certain waters, and the care and propagation of fish, was taken up and considered.

Senator Quigley moved that the Senate recede from the following Senate amendments:

Amend by inserting after the word "waters" in the third line of Section Three the following: "of the Mississippi or Missouri rivers."

Amend by adding to Section One the following:

"Also by striking out of said Section Two, Chapter 155, Acts of the Thirty-third General Assembly all after the comma following the word 'provided' in the twenty-eighth line of said section and inserting the following:

"That after March 1, 1913, no seine or net with less than two-inch mesh shall be licensed or used for fishing under this act."

On the question, "Shall the Senate recede?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balluff, Bennett, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Parshall, Proudfoot, Quigley, Ream, Schrup, Smith of Shelby, Spaulding, Sullivan, Van Law, White, Wilson—32.

The nays were:

Sammis, Taylor—2.

Absent or not voting:

Balkema, Chase, Cowles, Crow, Francis, Garrett, Hoyt, McManus, Malmberg, Mattes, Neal, Saunders, Savage, Smith of Mitchell, Stuckslager, Webber—16.

So the Senate receded from the Senate amendments.

On motion of Senator Sammis of the Sifting committee House File No. 608, a bill for an act to legalize certain ordinances of the town of Williamsburg, Iowa, was taken up and considered.

The bill was read for information.

Senator White moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Motion prevailed.

Senator White 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:

Allen of Jefferson, Balkema Balluff, Bennett, Brown, Chapman, Clarkson, Fitchpatrick, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McColl McCulloch, McManus, Malmberg, Parshall, Proudfoot, Ream, Sammis, Savage, Schrup, Smith of Shelby, Taylor, Van Law, Wilson—29.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Chase, Cowles, Crow, De Wolf, Dunnegan, Francis, Garrett, Hoyt, Mattes, Neal, Quigley, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Webber, White—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 Sammis of the Sifting committee House File No. 210, a bill for an act to regulate the size and construction of caboose cars, and providing penalties for the violation thereof, was taken up and considered.

The bill was read for information.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by inserting after the word "trains" in the next to the last line of Section Two, the words "transfer service."

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend the bill by striking the word "coach" from the sixth line of Section Two.

I move to amend the bill by inserting after the word "trains in the next to the last line of Section Two, the words "transfer service."

Adopted.

Senator Saunders offered the following amendment and moved its adoption:

I move to amend Section Four by adding thereto the following: "The time of emergency use may be continued upon application to and order made by the Board of Railway Commissioners,"

The amendment was lost.

Senator Larrabee 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:

Allen of Poahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Chapman, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Hammill, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Neal, Parshall, Quigley, Ream, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, Webber, White, Wilson—33.

The nays were:

None.

Absent or not voting:

Adams, Brown, Chase, Cowles, Francis, Gates, Gilliland, Hoyt, McCulloch, McManus, Mattes, Proudfoot, Sammis, Saunders, Savage, Schrup, Stuckslager—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 concurred in Senate amendments to the following bill in which the concurrence of the House was asked: House File No. 599, a bill for an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes, to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to the following bill in which the concurrence of the House was asked: House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (13) of the Supplement to the Code 1907, and being additional thereto and providing that females liable to be committed to the State Industrial School, may be committed to accredited institutions.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate amendment to the following bill in which the concurrence of the House was asked: House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstruction and providing for the removal 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. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said Board to the State Veterinary Surgeon, and to establish a Commission of Animal 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 House was asked: Senate File No. 307, a bill for an act making an appropriation to enable the State Railroad Commission to prosecute interstate cases before the Interstate Commerce Commission.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House herewith returns as requested by the Senate, House File No. 27, a bill for an act to repeal Chapter Two-a (2-a) Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l) both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating the use upon streets and highways, fixing penalties for violations thereof, and providing for expenditure of license fees and fines.

C. R. BENEDICT,  
*Chief Clerk.*

Senator Balkema asked unanimous consent to withdraw his motion to reconsider the vote by which House File No. 470 passed the Senate and the vote by which same went to its third reading.

Consent granted.

Senator Garrett offered the following motion:

MR. PRESIDENT—I move that a committee be appointed to draft suitable resolutions relating to the life, character and public services of the late Samuel McNutt of Muscatine.

Motion prevailed.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78) Acts of the Thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

Also:

Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

Also:

Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a10 (4999-a10), of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

Also:

Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and repealing the law as it appears in Chapter Four (4), of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33d) General Assembly and to enact a substitute therefor.

Also:

Senate File No. 306, a bill for an act making an appropriation for the Railroad Commission on account of deficit in the traveling and expense fund.

Also:

Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products and prohibiting the unlawful use of the same and providing a penalty therefor.

Also:

Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred and Eighty-nine-a (2589-a) of the Supplement to the Code 1907, and enact a substitute therefor and to amend Section Twenty-five Hundred and Eighty-seven (2587) of the Code, all relating to the practice of pharmacy.

Also:

Senate File No. 484, a bill for an act to legalize certain warrants of the City of Marshalltown, Iowa.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 103, a bill for an act to establish the office of commerce counsel and defining the powers and duties of the same.

Also:

Senate File No. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and repealing the law as it appears



in Chapter Four (4), of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33d) General Assembly and to enact a substitute therefor.

Also :

Senate File No. 306, a bill for an act making an appropriation for the Railroad Commission on account of deficit in the traveling and expense fund.

Also :

Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products and prohibiting the unlawful use of the same and providing a penalty therefor.

Also :

Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred and Eighty-nine-a (2589-a) of the Supplement to the Code 1907, and enact a substitute therefor and to amend Section Twenty-five Hundred and Eighty-seven (2587) of the Code, all relating to the practice of pharmacy.

Also :

Senate File No. 484, a bill for an act to legalize certain warrants of the City of Marshalltown, Iowa.

Also :

Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78) Acts of the Thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

Also :

Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

Also :

Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a10 (4999-a10), of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

Senator Gilliland moved that when the Senate adjourn it be until 7:30 o'clock this evening.

Motion prevailed.

The President announced that as President of the Senate in the presence of the Senate he had signed House File Nos. 579, 477, 607, 243, 471, 594 and 103.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a14 (1989-a14) as amended, and Nineteen Hundred Eighty-nine-a21 (1989-a21) of the Supplement to the Code, 1907, and Section Ten (10), Chapter One Hundred Eighteen (118), Laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.

Senator Hammill offered the following amendment and moved its adoption :

I move to amend House File No. 369 by striking out all that part of Section Five of the substitute bill after the word "estate" in line twenty-nine, also by striking out all of Section Six and Section Seven.

Senator Hammill moved the further consideration of the bill be postponed until the following session.

Motion prevailed.

The President announced as a committee to prepare suitable Resolutions on the life, character and public services of the late Senator McNutt, Senators A. M. Garrett, H. R. Chapman and Robert Hunter.

The Journal of yesterday was taken up, corrected and approved.

Senator Neal moved that the Senate do now adjourn.

Carried.

Senate adjourned.

## EVENING SESSION.

The Senate met pursuant to adjournment at 7:30 o'clock, President Pro Tem James A. Smith presiding.

## HOUSE MESSAGES CONSIDERED.

House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstruction and providing for the removal thereof.

Passed on file.

House File No. 180, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females liable to be committed to the State Industrial School, may be committed to accredited institutions.

Passed on file.

House File No. 599, a bill for an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes, to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.

Passed on file.

Senate File No. 307, a bill for an act making appropriation to enable the State Railroad Commission to prosecute interstate cases before the Interstate Commerce Commission.

Passed on file.

House File No. 329, a bill for an act to abolish the State Board of Veterinary Medical Examiners, to transfer the powers and duties of said board to the State Veterinary Surgeon, and to establish a Commission of Animal Health.

Passed on file.

House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (VIII), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, reg-

ulating the use upon streets and highways, fixing penalties for violations thereof, and providing for expenditure of license fees and fines.

Passed on file.

House Concurrent Resolution:

Concurrent Resolution relative to the purchase of a chair and gavel for the president of the Senate and the Speaker of the House.

*Be it Resolved by the House of Representatives, the Senate concurring:*

That the Speaker Pro Tempore of the House and the President Pro Tempore of the Senate appoint a committee of five members, three from the House and two from the Senate, for the purpose of providing the Speaker of the House and President of the Senate each with one chair and one gavel.

Senator Clarkson moved the adoption of the Concurrent Resolutions.

Adopted.

The President Pro Tem appointed as such committee: Senators Clarkson and Spaulding on the part of the Senate.

#### THIRD READING OF BILLS.

The Senate resumed consideration of House File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a14 (1989-a14) as amended, and Nineteen Hundred Eighty-nine-a21 (1989-a21) of the Supplement to the Code, 1907, and Section Ten (10), Chapter One Hundred Eighteen (118), Laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.

Senator Adams moved the previous question on the amendment.

The motion was lost.

Senator Hammill offered the following amendment and moved its adoption:

I move to amend House File No. 369 by striking out all that part of Section Five of the substitute bill after the word "estate" in line twenty-nine, also by striking out all of Section Six.

On the amendment a roll call was demanded.

The ayes were:

Ames, Balkema, Balluff, Dunnegan, Francis, Gates, Hammill, Jewell, Legel, McCulloch, Neal, Parshall, Saunders, Smith of Mitchell, Webber, White—16.

The nays were:

Allen of Pocahontas, Allen of Jefferson, Bennett, Clarkson, Cowles, Crow Fitchpatrick, Garrett, Gilliland, Hoyt, Hunter, Larrabee, McManus, Malmberg, Proudfoot, Quigley, Smith of Shelby, Spaulding, Taylor, Van Law—20.

Absent or not voting:

Adams, Brown, Chapman, Chase, DeWolf, McColl, Mattes, Ream, Sammis, Savage, Schrup, Stuckslager, Sullivan, Wilson—14.

So the amendment was lost.

Senator Hammill offered the following amendment and moved its adoption: Amend the bill by striking out all of Section Seven.

On the amendment a roll call was demanded.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, DeWolf, Dunnegan, Francis, Gates, Hammill, Hoyt, Jewell, Legel, Parshall, Saunders, Savage, Smith of Mitchell, Spaulding, Webber, White—25.

The nays were:

Fitchpatrick, Hunter, Larrabee, McCulloch, Proudfoot, Quigley, Smith of Shelby—7.

Absent or not voting:

Chapman, Chase, Cowles, Garrett, Gilliland, McColl, McManus, Malmberg, Mattes, Neal, Ream, Sammis, Schrup, Stuckslager, Sullivan, Taylor, Van Law, Wilson—18.

So the amendment was adopted.

Senator Garrett offered the following amendment and moved its adoption:

Amend House File No. 369 by striking out Section Nine (9) thereof and adding the following:

Sec. 9. That Section Twenty-two (22) of Chapter 118 of the Acts of the Thirty-third General Assembly be amended by adding thereto the following:

Provided that in no case shall land be taken into a drainage district after the improvements therein have been substantially completed unless forty per cent of the owners of the land proposed to be taken in shall have petitioned therefor or consented thereto.

Sec. 10. The provisions of this act shall not apply to any case or proceeding now pending in which the amendment has been made as provided for in Section 1989-a12 of the Supplement to the Code, 1907, but shall apply to all other cases.

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 Daily Capital, newspapers published at Des Moines, Iowa. Such publication shall be without expense to the state.

Adopted.

Senator Parshall moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

On the amendment a roll call was demanded.

The ayes were:

Adams, Allen of Jefferson, Ames, Balluff, Brown, Clarkson, Cowles, Crow, Dunnegan; Garrett, Gates, Gilliland, Legel, McCulloch, McManus, Malmberg, Neal, Proudfoot, Quigley, Sammis, Smith of Shelby, White—22.

The nays were:

Allen of Pocahontas, Balkema, Bennett, DeWolf, Fitchpatrick, Francis, Hammill, Hoyt, Hunter, Jewell, Larrabee, Mattes, Parshall, Saunders, Smith of Mitchell, Spaulding, Van Law, Webber—18.

Absent or not voting:

Chapman, Chase, McColl, Ream, Savage, Schrup, Stuckslager, Sullivan, Taylor, Wilson—10.

So the amendments were adopted.

Senator Smith of Shelby moved the previous question: On the question, "Shall the main question be now put?" the previous question was ordered.

The bill was read for information.

Senator Hammill 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:

Crow, Dunnegan, Garrett, Legel, McManus, Quigley, Smith of Shelby—7.

The nays were:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Brown, Cowles, DeWolf, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Sammis, Saunders, Smith of Mitchell, Spaulding, Stuckslager, Van Law, Webber—31.

Absent or not voting:

Ames, Chapman, Chase, Clarkson, McColl, Ream, Savage, Schrup, Sullivan, Taylor, White, Wilson—12.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Allen of Pocahontas filed the following motion: I move to reconsider the vote by which House File No. 369 failed to pass the Senate and also the vote by which it passed to its third reading.

#### 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 recedes from its first amendment, to wit:

By striking out the words and figures "three (3)" as they occur in line six and line nine of Section One of the original bill and inserting in lieu thereof the words and figures "six (6)", substitute for Senate File No. 282, a bill for an act relating to mines and mining.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 for the encouragement of manufacturing by authorizing and empowering Boards of Supervisors, Councils of cities and towns, and cities acting under a special charter and under a commission, to exempt property of manufacturing plants from taxation and limiting the time.

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. 470, a bill for an act to amend Section One Thousand Eight Hundred and Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner.

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. 210, a bill for an act to regulate the size and construction of caboose cars and providing penalties 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. 265, a bill for an act to provide for the support of the college for the blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-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 House was asked:

Senate File No. 254, a bill for an act to provide for the support of the Industrial School and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) 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. 286, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-6, Chapter 2, Title XII, 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 concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 436, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence and to provide for the publication thereof and the payment therefor.

C. R. BENEDICT,  
*Chief Clerk.*

**Also:**

MR. PRESIDENT—I am directed to inform your honorable body that the House has adopted the Senate Concurrent Resolution relative to the printing of 10,000 copies of House File No. 46, in which the concurrence of the House was asked.

C. R. BENEDICT,  
*Chief Clerk.*

**THIRD READING OF BILLS.**

On motion of Senator Sammis of the Sifting Committee, House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive of the Supplement to the Code, 1907, and to enact a substitute therefor, relative to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees, was taken up and considered.

Senator Francis moved that the vote by which the bill passed the Senate and the vote by which it passed to its third reading be reconsidered.

Motion prevailed.

Senator Francis offered the following amendment and moved its adoption:

“Amend House File No. 27 by striking out of line 3 of Section 24 of the substitute bill the words “or property.”

**Adopted.**

The bill was read for information.

Senator Francis 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bal-luff, Bennett, Clarkson, Cowles, Crow, Fitchpatrick, Francis, Gates, Hammill, Hoyt, Hunter, Legel, McCulloch, Neal, Parshall, Proudfoot, Sammis, Smith of Mitchell, Smith of Shelby, Spaulding, Van Law, Webber—26.

The nays were:

Adams, Garrett, Jewell, Malmberg, Mattes—5.

Absent or not voting:

Brown, Chapman, Chase, DeWolf, Dunnegan, Gilliland, Larra-bee, McColl, McManus, Quigley, Ream, Saunders, Savage, Schrup, Stuckslager, Sullivan, White, Wilson, Taylor—19.

So the bill having received a constitutional majority was de-clared 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 bill in which the concurrence of the House was asked:

Substitute for Senate File No. 209, a bill for an act making appropria-tions for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 585, a bill for an act to apportion the state into repre-sentative districts and declare the ratio of representation.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to 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 relating to the weight of flour and providing a penalty for the violation thereof, and to repeal Section Five Thousand Seventy (5070) of the Code of 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. 296, a bill for an act to legalize an election of Scott county, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor.

C. R. BENEDICT,  
*Chief Clerk.*

#### THIRD READING OF BILLS.

On motion of Senator Mattes, Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans Home, College for the Blind, School for the Deaf, Institution for Feeble Minded Children, Sanitarium for the Treatment of Tuberculosis, Industrial Schools, State Hospitals, Penitentiary and Reformatory and for the purchase of land, was taken up and considered.

The substitute bill was read for information.

Senator Mattes moved that the substitute bill be substituted for the original bill.

Adopted.

Senator Mattes 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkema, Bal-luff, Bennett, Brown, Clarkson, Cowles, Crow, Dunnegan, Fitch-patrik, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Jew-

ell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law, Webber—37.

The nays were:

None.

Absent or not voting:

Ames, Chapman, Chase, DeWolf, Gates, McColl, McManus, Ream, Saunders, Schrup, Sullivan, 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 COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 336, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, and repealing the law as it appears in Chapter Four (4), of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92) of the Acts of the Thirty-third (33d) General Assembly and to enact a substitute therefor.

Also:

Senate File No. 306, a bill for an act making an appropriation for the Railroad Commission on account of deficit in the traveling and expense fund.

Also:

Senate File No. 201, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78), Acts of the Thirty-third (33d) General Assembly relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

Also:

Senate File No. 293, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2) of Chapter One Hundred Seventy-two (172) of the Acts of the Thirty-third General Assembly and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c) of the Supplement to the Code, 1907, as amended.

Also:

Senate File No. 232, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a10 (4999-a10), of the Supplement to the Code, 1907, relating to protection against fire and providing a penalty.

Also:

Senate File No. 380, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trade-mark for Iowa manufactured products and prohibiting the unlawful use of the same and providing a penalty therefor.

Also:

Senate File No. 456, a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585) of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred and Eighty-nine-a (2589-a) of the Supplement to the Code 1907, and enact a substitute therefor and to amend Section Twenty-five Hundred and Eighty-seven (2587) of the Code, all relating to the practice of pharmacy.

Also:

Senate File No. 484, a bill for an act to legalize certain warrants of the City of Marshalltown, Iowa.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

The President announced that as President of the Senate, in the presence of the Senate he had signed Senate File Nos. 306, 232, 293, 201, 380, 456, 404 and 336, and House File Nos. 129, 42, 164, 269, 372, 30, 186, 602, 295, 25 and 574.

Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, he acts and resolutions of the Board of Supervisors and authorizing the issuance of bonds therefor.

Passed on file.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 296, a bill for an act to legalize an election of Scott county, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor, was taken up and considered.

Senator Balluff moved that the Senate concur in the following House amendment:

Amend Senate File No. 296 by adding as Section Two (2) the following:

Section 2. Noting in this act shall effect pending litigation.

And that the present Section Number Two (2) be renumbered Section Three (3).

On the question, "Shall the Senate concur in the House amendments?"

The ayes were:

Balkema, Balluff, Bennett, Brown, Cowles, DeWolf, Dunnegan, Francis, Gates, Gilliland, Hammill, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Smith of Shelby, Stuckslager, Van Law, White—27.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Chapman, Chase, Clarkson, Crow, Fitchpatrick, Garrett, Hoyt, McColl, McManus, Reams, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Sullivan, Taylor, Webber, Wilson—23.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Adams offered the following Concurrent Resolution and moved its adoption:

SENATE CONCURRENT RESOLUTION.

*Resolved by the Senate, the House 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 and forward same to the home address of the respective members.

*Resolved, further,* that two men appointed by the Thirty-fourth General Assembly as assistants in the office of the Secretary of State, be authorized to assist the Custodian in doing such work.

Adopted.

## HOUSE MESSAGES CONSIDERED.

Substitute for Senate File No. 282, a bill for an act relating to mines and mining.

Passed on file.

Substitute for Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

Passed on file.

House File No. 585, a bill for an act to apportion the State into representative districts and declare the ratio of representation.

Read first and second time and referred to Sifting Committee.

House File No. 452, a bill for an act relating to the weight of flour and providing a penalty for the violation thereof, and to repeal Section Five Thousand Seventy (5070) of the Code of Iowa.

Read first and second time and referred to Sifting Committee.

House File No. 491, a bill for an act for the encouragement of manufacturing by authorizing and empowering Boards of Supervisors, Councils of cities and towns, and cities acting under a special charter and under a commission, to exempt property of manufacturing plants from taxation and limiting the time.

Read first and second time and referred to Sifting Committee.

House File No. 470, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner.

Passed on file.

House File No. 210, a bill for an act to regulate the size and construction of caboose cars, and providing penalties for the violation thereof.

Passed on file.

Senate File No. 265, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly al-

lowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a) of the Supplement to the Code, 1907.

Passed on file.

Senate File No. 254, a bill for an act to provide for the support of the Industrial School and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) of the Supplement to the Code, 1907.

Passed on file.

Senate File No. 286, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-6, Chapter 2, Title XII, Supplement to the Code, 1907.

Passed on file.

House File No. 436, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence and to provide for the publication thereof and the payment therefor.

Passed on file.

Senate Concurrent Resolution relative to the printing of 10,000 copies of House File No. 46, in which the concurrence of the House was asked.

Passed on file.

Senator White moved that the Senate do now adjourn.

Carried.

The Senate adjourned.



# JOURNAL OF THE SENATE

SENATE CHAMBER.  
DES MOINES, IOWA, APRIL 12, 1911.

The Senate met in regular session at 9 o'clock, A. M., President Clarke presiding.

Prayer was offered by Rabbi Eugene Mannheimer of Des Moines, Iowa.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 585, a bill for an act to apportion the state into representative districts and declare the ratio of representation, was taken up and considered.

The bill was read for information.

Senator Smith of Shelby 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:

Allen of Jefferson, Balkema, Balluff, Clarkson, Crow, Dunnegan, Fitchpatrick, Garrett, Gates, Hammill, Hunter, Jewell, Legel, McColl, Malmberg, Mattes, Neal, Proudfoot, Quigley, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Ames, Bennett, Brown, Chapman, Chase, Cowles, DeWolf, Francis, Gilliland, Hoyt, Larrabee, McCulloch, McManus, Parshall, Ream, Sammis, Saunders, Savage, Schrup, Taylor—22.

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: Substitute for Senate File No. 218, a bill for an act to amend Chapter 170 of the Acts of the 33d General Assembly, in relation to the powers and duties of the State Board of Education.

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 Committee and has adopted the amendment proposed by the Conference Committee to Senate File No. 52, "a bill for an act to amend Section Four Thousand Seven Hundred and Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort."

C. R. BENEDICT,  
*Chief Clerk.*

Senator White called up House Concurrent Resolution relative to the printing of additional copies of the laws of Iowa.

Senator White moved that the Senate concur in the House Concurrent Resolution.

The Senate concurred.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 115, a bill for an act making appropriation to the State Historical Society of Iowa, was taken up and considered.

The bill was read for information.

Senator White 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Crow, Dunnegan, Fitchpatrick, Gates, Gilliland, Hunter, Jewell, Larrabee, Legel, McManus, Malmberg, Mattes, Parshall, Quigley, Ream, Sullivan, Taylor, Van Law, Webber, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chapman, Chase, Clarkson, Cowles, DeWolf, Francis, Garrett, Hammill, Hoyt, McColl, McCulloch, Neal, Proudfoot, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager—22.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

#### HOUSE MESSAGES CONSIDERED.

Substitute for Senate File No. 218, a bill for an act to amend Chapter 170 of the Acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

Passed on file.

Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort.

Passed on file.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in Senate Concurrent amendment regarding final adjournment.

C. R. BENEDICT,  
*Chief Clerk.*

The Journal of yesterday was taken up, corrected and approved.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 542, a bill for an act to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures, was taken up and considered.

The bill was read for information.

Senator DeWolf 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:

Adams, Allen of Jefferson, Balluff, Bennett, Brown, Crow, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Jewell, Legel.

McColl, McCulloch, Malmberg, Parshall, Quigley, Ream, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White, Wilson—28.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Balkema, Chapman, Chase, Clarkson, Cowles, Francis, Garrett, Hammill, Hunter, Larrabee, McManus, Mattes, Neal, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Stuckslager, Webber—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 Sammis of the Sifting Committee, House File No. 506, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798) of the Code, and to amend the law as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709) (Division 1), Seventeen Hundred Fifty-eight-b (1758-b), Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fifty-nine-f (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j), of the Supplement to the Code, 1907, and to amend the law as it appears in Section Seven (7), Chapter One Hundred Five (105), and Section One (1) of Chapter One Hundred Eleven (111) of the Acts of the Thirty-third General Assembly; and to enact a section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (IX) of the Code, all relating to insurance, was taken up and considered.

The bill was read for information.

Senator Van Law 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Chapman, Clarkson, DeWolf, Dunnegan, Fitchpatrick, Francis, Gates, Gilliland, Hammill, Hoyt, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Sullivan, Taylor, Van Law, Webber, White, Wilson—38.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Chase, Cowles, Crow, Garrett, Hunter, McManus, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager—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 House was asked:

Senate File No. 449, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505), Supplement to the Code, 1907, as amended by Chapter One Hundred and Forty-seven (147), Acts of the Thirty-third General Assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within 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 Concurrent Resolution in which the concurrence of the Senate is asked:

That the Secretary of State be directed to furnish Representative George Van Camp with one copy of the Supplement to the Code of 1907, to replace the copy taken from his desk.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House concurred in Senate amendments to the following bill in which the concurrence of the House was asked:

House File No. 27, a bill for an act relating to the registration of motor vehicles, etc.

C. R. BENEDICT,  
*Chief Clerk.*

THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate Joint Resolution No. 8, fixing the number and compensation of employes in the Department of State at the seat of government, was taken up and considered.

The Joint Resolution was read for information.

Senator Bennett offered the following amendment and moved its adoption:

I move to amend by adding to appropriation for State Board of Health: "For one clerk and stenographer for vital statistics at a salary of not to exceed \$900.00."

Adopted.

Senator Smith of Mitchell moved that the rules be suspended, the Joint Resolution be considered engrossed, the reading just had be considered the third reading, which motion prevailed.

On the question, "Shall the Joint Resolution pass?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Brown, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hoyt, Larrabee, Legel, McColl, McCulloch, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Stuckslager, Sullivan, Taylor, Webber, White, Wilson

—34

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Chapman, Chase, Cowles, Gates, Hammill, Hunter, Jewell, McManus, Malmberg, Sammis, Saunders, Smith of Mitchell, Spaulding, Van Law—16.

So the Joint Resolution having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Mattes offered the following 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-fourth General Assembly; the First Assistant Secretary of the Senate and the Assistant clerk of the House each three days; the Journal clerks of the Senate and the Journal Clerks of the House each two days; the Postmistress 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.

MESSAGES FROM THE HOUSE.

The following messages were received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has concurred in the following Concurrent Resolution in which the concurrence of the House was asked:

Concurrent Resolution relative to the shipping of books and supplies of members of the Thirty-fourth General Assembly.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 577, a bill for an act to amend the law as it appears in Sections Forty-nine Hundred Ninety-nine-a-6 (4999-a-6), Forty-nine Hundred Ninety-nine-a-7 (4999-a-7), and Forty-nine Hundred Ninety-nine-a-8 (4999-a-8), of the Supplement to the Code, 1907, relating to protection against and means of escape from fire.

C. R. BENEDICT,  
*Chief Clerk.*

HOUSE MESSAGES CONSIDERED.

Substitute for Senate File No. 449, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505,

Supplement to the Code, 1907, as amended by Chapter One Hundred and Forty-seven (147), acts of the Thirty-third General Assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state.

Passed on file.

House Concurrent Resolution that the Secretary of State be directed to furnish Representative George W. Van Camp with one copy of the Supplement to the Code of 1907 to replace the copy taken from his desk.

Passed on file.

House File No. 27, a bill for an act relating to the registration of motor vehicles, etc.

Passed on file.

House File No. 577, a bill for an act to amend the law as it appears in Section Forty-nine Hundred Ninety-nine-a-6 (4999-a6), Forty-nine Hundred Ninety-nine-a-7 (4999-a7) and Forty-nine Hundred Ninety-nine-a-8 (4999-a8) of the Supplement to the Code, 1907, relating to protection against, and means of escape from fire.

Read first and second time and referred to Sifting committee.

House Concurrent Resolution: Concurrent Resolution relative to the shipping of books and supplies of members of the Thirty-fourth General Assembly.

Passed on file.

House has concurred in Senate Concurrent Resolution regarding final adjournment.

Senator Savage called up the following House Concurrent Resolution and moved that the Senate concur in the resolution:

CONCURRENT RESOLUTION.

*Resolved by the House, the Senate concurring,*

That the Secretary of State be directed to furnish Representative George W. Van Camp with one copy of the Supplement of the Code of 1907, to replace the copy taken from his desk.

The Senate concurred.



## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, House File No. 556, a bill for an act declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance and conferring upon such cities additional powers for the abatement of such nuisances, was taken up and considered.

The bill was read for information.

Senator Sullivan 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:

Adams, Allen of Jefferson, Ames, Balkema, Bennett, Cowles, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hoyt, Jewell, Larrabee, Eegel, McCulloch, Malmberg, Neal, Parshall, Quigley, Ream, Savage, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Wilson—28.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Balluff, Brown, Chapman, Chase, Clarkson, Crow, Francis, Hammill, Hunter, McColl, McManus, Mattes, Proudfoot, Sammis, Saunders, Schrup, Spaulding, Stuckslager, Taylor, Webber, 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 Sammis of the Sifting Committee, House File No. 588, a bill for an act to establish in the State of Iowa the title and ownership of all wild game, animals, birds and fish, was taken up and considered.

Senator Clarkson offered the following amendment and moved its adoption:

I move to amend House File No. 588 by inserting the word "prior" after the word "agriculture" in the second line of Section 1.

Adopted.

Senator Clarkson moved that the rules be suspended, 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, DeWolf, Dunnegan, Garrett, Gates, Hoyt, Hunter, Larabee, Legel, McColl, McManus, Malmberg, Mattes, Parshall, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Webber, Wilson—31.

The nays were:

None.

Absent or not voting:

Adams, Chapman, Chase, Cowles, Fitchpatrick, Francis, Gilliland, Hammill, Jewell, McCulloch, Neal, Proudfoot, Quigley, Savage, Spaulding, Stuckslager, Taylor, Van Law, 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 Sammis of the Sifting committee, House File No. 403, a bill for an act to amend the law as it appears in Section Two Hundred and Fifty-four-a2 (254-a2) of the Supplement to the Code, 1907, and Section One (1) of Chapter 12 of the Acts of the Thirty-third General Assembly, relating to the compensation of shorthand reporters, was taken up and considered.

The bill was read for information.

Senator Proudfoot 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:

Allen of Pocahontas, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Clarkson, Crow, DeWolf Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larabee, Legel, McColl, McCulloch, Neal, Proudfoot, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Sullivan, Van Law, Webber—32.

The nays were:

Parshall, White—2.

Absent or not voting:

Adams, Ames, Chapman, Chase, Cowles, Francis, McManus, Malmberg, Mattes, Quigley, Savage, Smith of Shelby, Spaulding, Stuckslager, Taylor, 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 Allen of Pocahontas, House File No. 369, a bill for an act to amend the law as it appears in Sections ~~n~~ne-teen Hundred Eighty-nine-a14 (1989-a14) as amended, and Nine-teen Hundred Eighty-nine-a21 (1989-a21) of the Supplement to the Code, 1907, and Section Ten (10), Chapter One Hundred Eighteen (118), Laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith, was taken up and considered.

Senator Allen of Pocahontas called up his motion to reconsider the vote by which the bill failed to pass the Senate and the vote by which the same passed to its third reading.

The motion prevailed.

Senator Garrett moved that the vote by which the Senate passed the amendment offered by him be reconsidered.

Motion prevailed.

By unanimous consent the amendment was withdrawn.

Senator Garrett offered the following amendment and moved its adoption:

Amend Section 8 of House File No. 369 by adding thereto the following, after substituting a comma (,) for the period (.) at the end of the section: "nor shall additional land be taken into any such drainage district after the improvements therein have been substantially completed, unless thirty-three and one-third per cent (33 1/3%) of the owners of the land proposed to be taken in shall have petitioned therefor or consented in writing thereto."

Amend by adding the following as Section 9:

“Section 9. 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 Hammill moved that the rules be suspended, 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:

Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Clarkson, Crow, DeWolf, Dunnegan, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Spaulding, Sullivan, Van Law, Webber, Wilson—32.

The nays were:

None.

Absent or not voting:

Adams, Allen of Pocahontas, Brown, Chapman, Chase, Cowles, Francis, Larabee, Legel, McCulloch, McManus, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, White—18.

Senator Hammill offered the following amendment to the title of the bill and moved its adoption:

I move to amend the title by striking out the words and figures “Nineteen Hundred Eighty-nine-a21 (1989-a21).”

**Adopted.**

So the bill having received a constitutional majority was declared to have passed the Senate and the title, as amended, agreed to.

On motion of Senator Sammis of the Sifting committee, House File No. 543, a bill for an act to amend House File Number Six (6) of the Thirty-fourth General Assembly, relating to the recovery of interest in real estate when spouse failed to join in conveyance, was taken up and considered.

The bill was read for information.

Senator Sammis 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:

Adams, Ames, Balkema, Balluff, Brown, Chapman, Crow, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hoyt, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Webber, Wilson—30.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Allen of Jefferson, Bennett, Chase, Clarkson, Cowles, DeWolf, Dunnegan, Hammill, Hunter, McManus, Mattes, Quigley, Ream, Saunders, Savage, Spaulding, Stuckslager, Taylor, 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 Sammis of the Sifting committee, House File No. 392, a bill for an act amending the law as it appears in Section Two Thousand, Five Hundred Thirty-nine (2539) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), acts of the Thirty-third General Assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses, was taken up and considered.

The bill was read for information.

Senator Clarkson 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:

Adams, Allen of Jefferson, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Sammis, Savage, Schrup, Sullivan, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Ames, Chase, DeWolf, Dunnegan, Legel, McCulloch, McManus, Ream, Saunders, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, 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 Neal, House File No. 367, a bill for an act to amend the law as it appears in Chapter Seventeen-a (17-a) Title XIII, of the Supplement to the Code, 1907, relative to salaries and appropriations for the state library and historical department, was taken up and considered.

The bill was read for information.

Senator Neal 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Schrup, Sullivan, Taylor, Webber, White, Wilson—37.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Bennett, Brown, Chase, McCulloch, McManus, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Spaulding, 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 Sammis of the Sifting committee, House File No. 214, a bill for an act to amend Section One of Chapter One Hundred Thirty-nine (139) of the laws of the Thirty-third General Assembly, 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 Mattes moved the previous question.

On the question, "Shall the main question be now put?" the previous question was ordered.

Senator Sullivan 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:

Adams, Ames, Balluff, Bennett, Chapman, Cowles, Crow, De-Wolf, Garrett, Gates, Hoyt, Hunter, Legel, McCulloch, McManus, Malmberg, Mattes, Quigley, Ream, Sammis, Savage, Schrup, Sullivan, Webber, White, Wilson—26.

The nays were:

Allen of Pocahontas, Balkema, Clarkson, Dunnegan, Fitchpatrick, Francis, Gilliland, Hammill, Jewell, Larrabee, McColl, Neal, Parshall, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Taylor, Van Law—19.

Absent or not voting:

Allen of Jefferson, Brown, Chase, Proudfoot, Saunders—5.

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 bill in which the concurrence of the House was asked:

Substitute for Senate File No. 335, a bill for an act defining duties of State Food and Dairy Commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

C. R. BENEDICT,  
Chief Clerk.

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 298, a bill for an act to provide for an annual exhibition of the cereal crops of the state of Iowa, 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. 126, a bill for an act making appropriations for the Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, Institution for Feeble-Minded Children, Sanatorium for the treatment of tuberculosis, industrial schools, state hospitals, penitentiary and reformatory and for the purchase of land.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the Iowa, Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, Institution for Feeble Minded Children, Sanatorium for the treatment of Tuberculosis, Industrial schools, state hospitals, penitentiary and reformatory and for the purchase of land.

Passed on file.

House File No. 298, a bill for an act to provide for an annual exhibition of the cereal crops of the state of Iowa, and making an appropriation therefor.

Read first and second time and referred to Sifting committee.

Senate File No. 335, a bill for an act defining duties of State Food and Dairy Commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

Passed on file.



## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 335, a bill for an act defining the duties of the State Food and Dairy Commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded" and making appropriation therefor, and repealing acts and parts of acts in conflict therewith, was taken up and considered.

Senator McColl moved that the Senate concur in the following House amendment:

Amend Section Five (5) by striking out the words and figures "twenty-four thousand (24,000)" and inserting in lieu thereof the words and figures "twenty-one thousand (21,000)."

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Balkema, Balluff, Bennett, Chapman, DeWolf, Dunnegan, Fitchpatrick, Gates, Gilliland, Hammill, Hoyt, Jewell, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal Parshall, Quigley, Ream, Sammis, Schrup, Spaulding, Sullivan, Van Law, White—29.

The nays were:

Garrett—1.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Brown, Chase, Cowles, Crow, Francis, Hunter, Larrabee, Proudfoot, Saunders, Savage, Smith of Mitchell, Smith of Shelby, Stuckslager, Taylor, Webber, Wilson—20.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Mattes, Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College, was taken up and considered.

Senator Mattes moved that the Senate do not concur in the House amendments.

On the question, "Shall the Senate refuse to concur in the House amendments?"

The ayes were:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Clarkson, Cowles, Dunnegan, Garrett, Gates, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, Malmberg, Neal, Parshall, Quigley, Ream, Sammis, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—32.

The nays were:

DeWolf, Hoyt, McCulloch, McManus—4.

Absent or not voting:

Allen of Pocahontas, Bennett, Brown, Chase, Crow, Fitchpatrick, Francis, Larrabee, Mattes, Proudfoot, Saunders, Savage, Stuckslager, Van Law—14.

So the Senate refused to concur in House amendments.

On motion of Senator Sammis of the Sifting Committee, House File No. 613, a bill for an act to legalize certain contract entered into between the counties of Pocahontas and Calhoun, State of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9, in Calhoun county, Iowa, and to authorize the issuance of a warrant by Pocahontas county, Iowa, on the funds of said drainage improvement district No. 13 in Pocahontas county, Iowa, to the Treasurer of Calhoun county, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun county, and to authorize the levy and collection of taxes for the payment of the same, was taken up and considered.

The bill was read for information.

Senator Sammis 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:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Hammill, Hunter, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Van Law, Webber, White, Wilson—35.

The nays were:

None.

Absent or not voting:

Chase, Clarkson, Cowles, Crow, DeWolf, Gilliland, Hoyt, Jewell, Larrabee, McManus, Savage, Smith of Shelby, Stuckslager, Sullivan, Taylor—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Hammill offered the following motion:

I move that the Sifting Committee be directed to report House File No. 289, to the Senate, being an act to protect the public and trade and commerce against unlawful restraint, trusts, conspiracies, combinations and monopolies, or unfair discrimination between sections, communities or localities, to cause any person within the state of Iowa to be made party to an action pending in any court in this state, and to require any person, firm, association or corporation to respond to a subpoena in any court in this state, and to give testimony and produce any books, papers or documents in any hearing, investigation, proceeding or prosecution for the violation of any laws relating to pools, trusts, conspiracies, combinations or monopolies, or prohibiting unfair discrimination between different sections, communities or localities, and to provide immunity to the persons so testifying; and to make appropriation for the purpose of enforcing the provisions of this act and all laws passed to protect trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, and all laws relating to the fixing of prices and charges, or designed to prohibit unfair discrimination between different sections, communities or localities.

On the motion a roll call was ordered.

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gilliland, Hammill, Hunter, Jewell, Legel, McColl, McManus, Neal, Parshall, Quigley, Ream, Stuckslager, Sullivan, Van Law, Webber, Wilson—29.

The nays were:

Bennett, Clarkson, Gates, McCulloch, Malmberg, Mattes, Proudfoot, Sammis, Saunders, Schrup, Smith of Mitchell, Spaulding, Taylor, White—14.

Absent or not voting:

Balluff, Brown, Chase, Hoyt, Larrabee, Savage, Smith, Shelby—7.

So the motion prevailed.

The President announced as teller on the part of the Senate, Senator Savage, and as assistant teller, Senator Hoyt.

A committee from the House appeared and announced that the House was ready to receive the Senate in Joint Convention.

The Senate proceeded to the House Chamber under the direction of the Sergeant-at-Arms.

#### JOINT CONVENTION.

The Joint Convention was called to order by Lieutenant Governor Clarke, President of the Joint Convention at 12 o'clock noon.

The roll being called the following responded as present:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bascom, Bauman, Beans, Beebe, Bennett, Black, Boettger, Bowman, Brady, Brockway, Brown of Decatur, Brown of Wright, Bruce, Bybee, Byerly, Campbell of Ida, Campbell of Webster, Chapman, Clarkson, Collin, Cousins, Cowles, Crist, Crow, Cunningham, Dabney, Daniels, Dawson, Dewey, DeWolf, Dixon, Downey, Dunlap, Dunnegan, Edmunds, Ellis, Enger, Escher, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Fulton, Garrett, Gates, George, Gilbert, Gilliland, Goodykoontz, Greene, Griggs, Grout, Halgrims, Hamilton, Hammill, Harding, Harvey, Hayes, Hazen, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Koontz, Krell, Kull, Kulp, Larrabee of Webster, Larrabee of Fayette, Leach, Legel, Lenocker, Linnan, Lounsbery, Lund, McCleery, McColl, McCulloch of Wayne, McCullough of Dubuque, McManus, Malmberg, Mattes, Miller of Bremer, Miller of Dubuque, Milton, Moore, Murtagh, Neal, Newell, O'Connor, Odendahl, Olson, Parshall, Patterson, Penn, Perkins, Pickford, Proudfoot, Quigley, Ream, Ripley, Ritter, Robbins, Rowles, Russell, Sammis, Sater, Saunders, Savage, Schee, Schrup, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Decatur, Smith of Mitchell, Smith of Shelby, Spaulding, Speer, Stephenson, Stillman, Stipe, Stoddard, Stuckslager, Sullivan, Taylor of Appanoose, Townsend, Van Camp, Van Law, Webber, White of Benton, White of Iowa, Whitney, Wilson, Zeller—155.

Absent:

Chase, Fletcher, Taylor of Union—3.

President Clarke announced the Joint Convention duly organized, with a quorum of members present.

President Clarke then announced that the roll would be called for the purpose of electing a United States Senator in Congress and appointed as teller on the part of the Senate, Senator Savage of Adair, and as assistant teller, Senator Hoyt of Buchanan.

Speaker Stillman appointed as teller on the part of the House, Representative Huff of Hardin, and as assistant teller, Representative Crist of Clarke.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenocker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Sater, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson— 51.

Those voting for Horace E. Deemer were:

Beans, Bennett, Bowman, Brown of Decatur, Chapman, Cowles, Crist, Daniels, Dewey, Edmunds, Fulton, Gilliland, Hickenlooper, Huntley, Lounsberry, McCleery, McCulloch of Wayne, Malmberg, Proudfoot, Robbins, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stipe, Stuckslager, Van Camp,—28..

Those voting for W. S. Kenyon were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Collin, Cousins, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Goodykoontz, Grout, Halgrims, Hammill Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Linnan, Lund, McColl, Mattes, Moore, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skinner, Smith of Mitchell, Spaulding, Stillman, Stoddard, Sullivan, Van Law, Whitney, Zeller—76.

President Clarke announced that no one had received a majority of the votes cast in the Joint Convention for United States Senator in Congress and that no election had occurred.

Senator Saunders of Pottawattamie moved that the Joint Convention proceed to another ballot on United States Senator.

O'Connor of Chickasaw moved as a substitute that after the reading of the Journal the Joint Convention be dissolved.

On the question, "Shall the Joint Convention substitute the motion to dissolve for the motion to take a second ballot?"

The ayes were:

Balluff, Bauman, Beans, Bennett, Black, Boettger, Bowman, Brown of Decatur, Byerly, Clarkson, Cowles, Crist, Crow, Dabney, Daniels, Dewey, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Fulton, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Huntley, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, Linnan, McCleery, McCulloch of Wayne, McCullough of Dubuque, McManus, Miller of Bremer Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Proudfoot, Quigley, Ream, Ritter, Robbins, Rowles, Sater, Savage, Schrup, Smith of Decatur, Smith of Shelby, Speer, Stephenson, Stuckslager, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—71.

The nays were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beebe, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Collin, Cousins, Cunningham, Dawson, Dixon, Edmunds, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hickenlooper, Hogan, Hoyt, Huff, Hunt, Hunter, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Webster, Larrabee of Fayette, Lounsberry, Lund, McColl, Malmberg, Mattes, Moore, Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skinner, Smith of Adams, Smith of Mitchell, Spaulding, Stillman, Stipe, Stoddard, Sullivan, Van Camp, Van Law, Whitney, Zeller—84.

Absent:

Chase, Fletcher, Taylor of Union—3.

Motion to substitute was lost.

The motion prevailed.

President Clarke directed the roll to be again called for the election of United States Senator.

Upon the roll being called, those voting for Claude R. Porter were:

Balluff, Bauman, Black, Boettger, Byerly, Clarkson, Crow, Dabney, DeWolf, Downey, Dunlap, Dunnegan, Ellis, Escher, Garrett, Gilbert, Greene, Griggs, Hamilton, Hayes, Hazen, Koontz, Krebill, Kull, Leach, Legel, Lenoeker, McCullough of Dubuque, McManus, Miller of Bremer, Miller of Dubuque, Milton, Murtagh, O'Connor, Odendahl, Olson, Parshall, Penn, Quigley, Ream, Ritter, Rowles, Savel, Schrup, Stephenson, Taylor of Appanoose, Townsend, Webber, White of Benton, White of Iowa, Wilson—51.

Those voting for Horace E. Deemer were:

Bennett, Brown of Decatur, Cowles, Daniels, Dewey, Edmunds, Fulton, Hickenlooper, McCleery, McCulloch of Wayne, Malmberg, Proudfoot, Robbins, Savage, Smith of Adams, Smith of Decatur, Smith of Shelby, Speer, Stuckslager—19.

Those voting for W. S. Kenyon were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Bascom, Beans, Beebe, Bowman, Brady, Brockway, Brown of Wright, Bruce, Bybee, Campbell of Ida, Campbell of Webster, Chapman, Collin, Cousins, Crist, Cunningham, Dawson, Dixon, Enger, Felt, Finlayson, Fitchpatrick, Fourt, Fraley, Francis, Fry, Gates, George, Gilliland, Goodykoontz, Grout, Halgrims, Hammill, Harding, Harvey, Hogan, Hoyt, Huff, Hunt, Hunter, Huntley, Hutchins, Jacobs, Jacobson, Jewell, Johnson, Klay, Kulp, Larrabee of Fayette, Larrabee of Webster, Linnan, Lounsberry, Lund, McColl, Mattes, Moore., Neal, Newell, Patterson, Perkins, Pickford, Ripley, Russell, Sammis, Saunders, Schee, Shane, Shankland, Sherman, Skipner, Smith of Mitchell, Spaulding, Stillman, Stipe, Stoddard, Sullivan, Van Camp, Van Law, Whitney, Zeller—85.

Absent:

Chase, Fletcher, Taylor of Union—3.

William S. Kenyon, having received a majority of all of the votes cast in the Joint Convention, President Clarke declared him duly elected as United States Senator in Congress to fill the vacancy for the term ending March 4, 1913.

The following certificate of election was signed in the presence of the Joint Convention:

STATE OF IOWA.

HALL OF THE HOUSE OF REPRESENTATIVES.

IN JOINT CONVENTION.

Des Moines, Iowa, April 12, 1911.

This is to certify that a joint convention of the two Houses of the Thirty-fourth General Assembly of the State of Iowa, held in the Hall of the House of Representatives on the 12th day of April, 1911, for the purpose of electing a senator in the Congress of the United States to fill the vacancy occasioned by the death of Hon. Jonathan P. Dolliver, the Hon. William S. Kenyon of Webster county, Iowa, having received a majority of all of the votes cast for said office, was declared duly elected to fill said vacancy ending March 4, 1913.

Signed in the presence of the joint convention this 12th day of April, A. D., 1911.

GEO. W. CLARKE,

*President of the Senate and Joint Convention.*

C. R. BENEDICT,

*Clerk of the House and Joint Convention.*

Attest:

A. C. SAVAGE,

C. H. HOYT,

*Tellers on the part of the Senate.*

HERBERT A. HUFF,

L. E. CRIST,

*Tellers on the part of the House.*

Senator Hammill of Hancock moved that Judge Kenyon be invited to appear before the Joint Convention.

Motion prevailed.

President Clarke appointed as the committee to notify him, Senators Hammill of Hancock, Larrabee of Webster and Representative O'Connor of Chickasaw.

Senator Smith of Shelby moved that Judge Deemer be invited to appear before the Joint Convention and that a committee of three be appointed to escort him to this Chamber.

Motion prevailed.



President Clarke appointed as such committee: Senators Smith of Shelby, Stuckslager of Linn and Representative Hayes of Montgomery.

Hon. W. S. Kenyon arrived and was escorted to the Speaker's station and made the following remarks:

*Gentlemen of the Convention of the Joint Assembly:*

I think the people of the state cannot complain over your lack of deliberation in this contest. (Laughter and applause). And I anticipate that they will not be shocked by surprise from your hasty action! I want to extend to the members of the legislature my thanks and appreciation for the great honor conferred and the confidence reposed in me in this election. While I am a believer in a constitutional amendment for the election of senators by the people (applause). I am not so bigoted in that opinion, or so impolite, as to decline this election. (Laughter and applause.) The character of this contest and the length thereof has never inspired in my mind any thought that a speech of acceptance on my part would become a part of the exercises, consequently I have nothing but extemporaneous remarks on this occasion.

But my mind wanders amid these scenes to a quiet spot near home, where sleeping on the hillside in that last sleep that knows no waking is that great Iowa leader who gave his life in fighting the battle for the people, your beloved friend and my beloved friend, Jonathan Prentice Dolliver.

I have always turned for inspiration along political lines to the life and teaching of the word of that greatest of all Americans, Abraham Lincoln. (Applause.) And I find in some words of his that come to my mind at this time in relation to the perpetuity of government and the objects of government a political philosophy and creed that is my political philosophy and creed when he said that the leading of all government was to elevate the condition of men, to lift artificial burdens from shoulders, to clear the pathway of laudable pursuit for all, and to afford to all an unfettered start and a fair chance in the race of life. So that in the Senate of the United States, I propose to stand for laws for elevating the condition of men, for lifting artificial burdens from shoulders, in so far as I may be able to do so. Hence I shall favor in a general way the income tax law, workingmen's compensation acts—for I believe we are behind the civilized nations of the world in this respect—corrupt practice acts, and other measures along the lines of human rights as well as property rights, because human rights are first. (Applause.) We believe as a nation in the conservation of our national resources, we believe likewise in the conservation of national ideals; and the people of this country view with some alarm a scheme of fraud and corruption by which a man may be elected to the Senate of the United States—and I propose as much as I can to unite with any effort to preserve the high ideals of the Senate of the United States and go to the bottom of the investigations of a neighboring state of ours. We may have

lost some in population in Iowa, but we have never lost any of our ideals; and, thank God! it never needs a court or a jury or a committee of congress to investigate the election of a United States Senator in Iowa! (Applause.)

I don't want to take any more of your time. I enjoyed this contest in a way. It has been one of good feeling, and I enjoyed being in the contest, and to be in the contest with our good friend who sits on this platform, for Iowa never produced a better friend or a grander character than the friend I have known all these years, and our friendship is not affected by this contest.

I want to make just one pledge to you and to the people of Iowa, and it is the only pledge of any kind, nature or description that I have made in this campaign: and that is to give to the people of Iowa the best service of which I am able, and all the energy of which I am possessed. I want your help, your advice. I want to serve the entire state of Iowa regardless of any political factions. (Applause.) (Great Applause.) I only indicate in a general way the trend of my mind. I will unite in all efforts to keep this government close to the people, that it may be in truth and fact a government of all the people, for all the people, by all the people. I thank you.

Judge Deemer then addressed the Joint Convention, making the following remarks:

*Gentlemen of the General Assembly:*

I have had so many heart throbs during the past two or three weeks I am convinced that if this had not instantly ceased I should have dropped dead from pectoris. Some men have said that I have been a fool—well, if that is so what are all mortals. Shakespeare said, "Ye mortals all are fools." I must admit that I have had some halucinations during the past two or three weeks; I had an halucination at one time that I might fill the seat so recently vacated by Iowa's most distinguished Senator, or ex-Senator now, Jonathan P. Dolliver, but at this time I am glad to say that that burden has been cast upon this gentleman who is on the platform with me (applause). I do not believe that I had any bad attacks of dementia; if I have had I don't realize it. I never had thought that loyalty to friends or of friends was any sign of dementia. One time I had started out to block out a speech of acceptance, but I laid that by a few weeks ago and now I am to attend the obsequies and to deliver the funeral address (applause). I am in at the death, but my friends, the most delicious thought about that is that there is always the thought in every man's mind of resurrection (applause). Although dead I still live, and I want to make this pledge to you all and as still your servant and the servant of the people that I shall go back to my desk and work—which I enjoy—with just as much joy as when I went to it before this unpleasantness arose and I am going to try to serve you and the people of Iowa just the same as in the past. My career has always been judicial and I feel that perhaps it may be well that I am going back to it and not down to that chaotic condition which we have in Washington today and I want to sincerely congratulate my friend, Judge Kenyon, and to

say that during this contest nobody as he has said has resorted to the tricks which have been resorted to in the election of a U. S. Senator in our adjoining state. This contest has been clean from any suspicion of that sort, and it ought to be a sort of satisfaction to you men that it is so.

My friends, I was brought into this contest by some of my friends who thought that I might be able to be a solution to the situation and finally I said "Alright, if it will solve the matter I will take my chance," but it did not prove to be that way and hence I accept the situation as it is. You know that I am preaching my own sermon I have to be a little personal but I trust that you will pardon the personalities. You know that I have never in any just sense been an active candidate. I have not troubled you men by talking to you or asking for promises and so far as I am concerned there has been no lobbying here. I have kept away from that and nobody has worked for me here. I have simply gone my way and done my duties as I saw them and have resorted not even in the slightest way to any trickery or politics to obtain votes. That I would not do for any office which is in the gift of the people. The result is that I am content.

Now my friends as I have already said it is no time for me to discuss politics or outline policies. All I can say is to treat me fairly, present the situation fairly to your constituents, and at least give me credit for being decent and honest in this contest. I now want to close with a quotation from that great Republican whom we all venerate if we do not cannonize, Abraham Lincoln. It is so familiar that I should be able to quote without reading. "I am loath to close. We are not enemies but friends. We must not be enemies. Though passion may have strained it must not break the bonds of our affection. The mystic chords of memory stretch from every home and hearthstone all over the broad land will yet swell the chorus of the union when again touched as fully as they will be by the better angel of our nation." I want to apply that to the political situation existing in Iowa today and with that I thank you. (Applause.)

Journal of the Joint Convention corrected and approved.

Senator Van Law of Marshall moved that the Joint Convention be dissolved.

Motion prevailed, and the Joint Convention was dissolved.

The Senate returned to the Chamber and resumed its sitting.

The President announced that as President of the Senate, in the presence of the Senate, he had signed House Files Nos. 141, 597, 604, 485, 561, 180 and 335.

The President announced that he had on his table a communication which required an executive session.

Senator Saunders moved that the Senate go into executive session.

Carried.

The Senate went into executive session.

The President presented a communication from the Board of Railway Commissioners appointing Hon. J. H. Henderson as Commerce Counsel.

On motion the Senate advised and consented to the appointment of the Hon. J. H. Henderson to the office of Commerce Counsel for the term of four years from July 1, 1911.

On motion, Senate resumed regular session.

Senator Clarkson presented the following report of committee:

Report of Committee appointed for the purpose of securing chairs for the President of the Senate and the Speaker of the House.

Your Special Committee appointed for the purpose of securing chairs and gavels for the President of the Senate and the Speaker of the House, respectfully 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,

JOHN T. CLARKSON,  
H. W. SPAULDING,  
GORDON HAYES,  
W. J. DIXON,  
J. W. BOWMAN,

*Special Committee.*

Senator Clarkson, on behalf of the Senate, presented President Clarke with a chair and gavel.

President Clarke responded with a few well chosen words, expressing his appreciation of the kindness of the members of 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 passed the following bill in which the concurrence of the House was asked:

Senate File No. 137, a bill for an act providing for the appointment of a Tax Commission, fixing its duties and appropriating money for its 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. 280, a bill for an act to amend Sections Forty-nine Hundred and Ninety-nine-a-5, etc. etc.

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. 588, a bill for an act to establish in the State of Iowa, the title and ownership of all wild game, animals, birds and fish.

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. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a-14 (1989-a-14), as amended, and Nineteen Hundred Eighty-nine-a-21 (1989-a-21), of the Supplement to the Code, 1907, and Section Ten (10), Chapter One Hundred Eighteen (118), Laws of the Thirtythird General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts and the taking of appeals and giving of notices in connection therewith.

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 substitute amendment recommended by the Sifting Committee in Senate File No. 183.

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.

Concurrent Resolution, relating to certain employes of the Thirty-fourth General Assembly, remaining after adjournment.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGE CONSIDERED.

Senate Concurrent Resolution relative to certain employes of the Thirty-fourth General Assembly remaining after adjournment.

Passed on file

## REPORTS OF COMMITTEES.

*To the Senate and House of Representatives of the General Assembly:*

Your Conference Committee to which was referred Senate File No. 183, by DeWolf, a bill for an act to encourage the Dairy Industry of Iowa, to aid in providing instruction in practical scientific dairying, and making an appropriation therefor; beg leave to report that they have had the same under consideration and recommend that the bill be amended by the adoption of the following substitute:

## A BILL

For an act to encourage the dairy industry and the beef cattle growing industries of the State of Iowa, and to aid in providing instruction in practical and scientific methods and making an appropriation therefor.

*Be it Enacted by the General Assembly of the State of Iowa:*

Section 1. Whenever the organization now existing in the State of Iowa and known as the Iowa State Dairy Association shall have filed with the Secretary of State of the State of Iowa, verified proofs of its organization, the names of its president, vice president, secretary and treasurer, and that it has five hundred (500) bona fide members, such association shall be recognized as the Iowa State Dairy Association of the State of Iowa, and be entitled to the benefits of this act.

Sec. 2. For the purpose of aiding in the promotion and development of the dairy industry of the State of Iowa, such association shall cause to be made such inspection of dairy farms, dairy cattle, dairy barns and other buildings and appliances used in connection therewith, dairy products and methods as they shall deem best and shall arrange to furnish such instruction and general assistance, either by institutes or otherwise, as they may deem proper to advance the general interests of the dairy industry of the state.

Sec. 3. For all the purposes of this act the said association shall act by and through an executive committee of five (5) members, consisting of the president and vice-president, of the Iowa State Dairy Association, the dean of the Iowa State College of Agriculture and Mechanic Arts, and the Professor of Dairying of the same institution, and the food and dairy commissioner of the State of Iowa.

Sec. 4. They may employ two or more competent persons who shall devote their entire time to such inspection and instruction under the direction of the said executive committee, and who shall hold office at the pleasure of the committee, and who shall each receive a salary not to exceed Fifteen Hundred Dollars (\$1,500.00) per annum, and actual expenses while engaged in such work.

Section 5. The said association may require such reports from their employees as they shall deem proper, and shall make to the Governor an annual report of their proceedings under this act, which report shall be

published as a part of the proceedings of the annual convention of the Iowa State Dairy Association.

Sec. 6. Whenever there shall have been filed in the office of the Secretary of State for Iowa verified proofs of the organization of the Beef Cattle Breeders Association, together with proofs that such association has five hundred (500) bona fide members who are stock breeders or stock feeders in this state, together with the names of the President, Vice-President, Secretary and Treasurer, such association shall be recognized as the Iowa Stock Breeders' Association and be entitled to the benefit of this act.

Sec. 7. It shall be the duty of the Beef Cattle Breeders' Association to aid in the promotion of the beef cattle industry of the state and to provide for practical and scientific instruction in the breeding and raising of beef cattle, and to provide for the inspection of herds, premises and the appliances, methods and food stuffs used in the business of feeding for the purpose of making suggestions and demonstrations beneficial to the business.

The said association shall act by and through an Executive Board to be composed of the Dean of the Department of Agriculture of the Iowa State College of Agriculture and Mechanical Arts, at Ames and the Professor of Animal Husbandry of the same institution, and the Secretary of the State Agricultural Society, and one the President, and Secretary of the said Iowa Beef Cattle Breeders' Association.

Sec. 8. The said Board may employ two or more competent persons who shall devote their entire time in making inspection and giving instructions, as provided in this act under the direction of said Board. Such instructors and inspectors shall hold office at the pleasure of the Board and shall each receive a salary of Fifteen Hundred Dollars (\$1,500) per annum and actual expenses while engaged in the work.

Sec. 9. The salaries of all persons employed under the provisions of this act shall be paid monthly out of the appropriation herein provided and all traveling expenses and all general expenses incurred by the association in carrying out the purposes of this act shall be paid out of the said appropriation and in the manner provided by Sections 170-d, 170-e, and 170-f, of the Supplement to the Code, 1907, and upon statements filed with the Executive Council as therein provided; but no such bill shall be paid until after the Executive Committee of the Board, under whose authority such expense was incurred, have audited and approved the bill upon the part of such association.

Sec. 10. For the purpose of carrying into effect the provisions of this act and the payment of all expenses connected therewith, there is hereby appropriated out of any fund in the treasury of the state, not otherwise appropriated, the sum of Fifteen Thousand Dollars (\$15,000.00), or so much thereof as may be necessary to pay the salaries and expenses provided for under the provisions of this act, provided, however, that of the said appropriation the sum of Seven Thousand Five Hundred Dollars

(\$7,500.00) shall be available for the purpose of paying the expense incurred by the Iowa State Dairy Association Board, and the sum of Seven Thousand Five Hundred Dollars (\$7,500.00) shall be available for the purpose of paying the expense incurred by the Iowa Beef Cattle Breeders' Association Board. It being the purpose of this act to provide a fund of Seven Thousand Five Hundred Dollars (\$7,500.00) for the encouragement of the dairy industries and a sum of Seven Thousand Five Hundred Dollars (\$7,500.00) for the encouragement of the beef cattle industry in this state.

Sec. 11. None of the money appropriated by this act shall be used to pay the salaries or expense, or used in any manner for the private benefit of any member of the Board of either of the said associations.

Sec. 12. This act, being deemed of immediate importance, 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 the city of Des Moines, Iowa.

S. W. DEWOLF,  
A. L. AMES,  
J. L. WILSON,  
JOHN HAMMILL,

*Senate Committee.*

CHAS. J. ESCHER,  
GERRITT KLAY,  
C. W. HUNTLEY,  
I. A. SMITH,

*House Committee.*

#### 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 on its amendments to Senate File No. 209, and asks for a conference committee and the Speaker appoints as such committee on the part of the House, Cunningham, Larrabee, Dixon and White.

C. R. BENEDICT,

*Chief Clerk.*

Also:

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. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the secretary and members of the State Board of Health, 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 Joint Resolution No. 8, 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 adopted the following Concurrent Resolution in which the concurrence of the Senate is asked:

Relative to delivering to Hon. Ernest R. Moore, a copy of the Code of 1897, to replace the copy taken from his desk.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the House was asked:

Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167) of the Acts of the Thirty-third General Assembly relating to the practice of optometry, and for the creation of a Board of Examiners in Optometry.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

MR. PRESIDENT—I am directed to inform your honorable body that the House has passed the following bill in which the concurrence of the Senate is asked:

House File No. 600, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred (2700) of the Supplement to the Code, 1907, relative to the support of the State Institution for Feeble-Minded children at Glenwood.

C. R. BENEDICT,  
*Chief Clerk.*

#### HOUSE MESSAGES CONSIDERED.

Senate File No. 137, a bill for an act providing for the appointment of a Tax Commission, defining its duties and appropriating money for its expenses.

Passed on file.

House File No. 588, a bill for an act to establish in the State of Iowa the title and ownership of all wild game, animals, birds and fish.

Passed on file.

House, File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a-14 (1989-a14) as amended, and Nineteen Hundred Eighty-nine-a21 (1989-a21) of the Supplement to the Code, 1907, and Section Ten (10) Chapter One Hundred Eighteen (118) laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.

Passed on file.

Senate File No. 183, a bill for an act to encourage dairy industry in the State of Iowa.

Passed on file.

REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg 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. 335, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.

Also:

House File No. 485, a bill for an act providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four (174) of the Acts of the Thirty-third (33rd) General Assembly.

Also:

House File No. 597, a bill for an act to amend Section Two Hundred Thirty-three (233) of the Code, relating to the calling of special terms of court.

Also:

House File No. 604, a bill for an act to amend Section Eight Hundred and Thirteen (813) of the Code, relating to publication of notice of bids for street improvements and to amend Section Eight Hundred Twenty-three (823) of the Supplement to the Code, 1907, relating to publication of notice of assessment of street improvements.

Also:

House File No. 141, a bill for an act to repeal Section Three Hundred Thirty-five (335) of the Code, as amended by Chapter Twenty (20) of the Acts of the Thirty-third (33rd) General Assembly, and to enact a substitute therefor; relating to the selection of jury lists.

Also :

House File No. 561, a bill for an act to amend Section Twenty-three Hundred Ten-a-21 (2310-a-21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates of the hospital for the treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of narcotics.

Also :

House File No. 180, a bill for an act amendatory of and additional to Chapter Eight (8), Title Thirteen (XIII) of the Code and Supplement to the Code, 1907, providing that whenever females may be committed to the industrial school, the court or judge may commit said females to any reputable institution within this state conducted for the detention and reformation of wayward and fallen girls, fixing the compensation to be paid such institutions therefor, and providing that Sections Thirty-two Hundred and Sixty-g (3260-g), Thirty-two Hundred and Sixty-j (3260-j) and Thirty-two Hundred and Sixty-k (3260-k) Supplement to the Code, 1907, relating to the authority and supervision of the court and Board of Control, shall govern so far as applicable.

Also :

House File No. 27, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (8), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l) both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use, upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of registration fees.

Also :

Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637), of the Code, with reference to the incorporation fee to be paid by foreign corporations.

Also :

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils and to enact a substitute therefor.

Also :

Senate File No. 307, a bill for an act making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the Interstate Commerce Commission.

Also :

Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112), of the Acts of the Thirty-third

(33rd) General Assembly, relating to the issuance of policy of insurance by insurance companies.

Also:

Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) of the Code and to enact a substitute therefor, relating to appearance in court.

Also:

Substitute for Senate File No. 481, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, relating to the removal and discharge of firemen, police officers and policemen, except the chief of the fire department and the chief of police.

Also:

Senate File No. 482, a bill for an act to legalize the appointment of three members of the city council of Toledo, Iowa.

Also:

Substitute for Senate File No. 200, a bill for an act to provide for suspending of the execution of sentence of certain convicts on first conviction by the District Court in which such conviction is had, or any judge thereof.

Also:

Senate File No. 415, a bill for an act to empower border counties to erect and maintain across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.

Also:

Senate File No. 488, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council, of the incorporated town of Wall Lake, Sac County, Iowa, and appointing officers and councilmen for said town.

Also:

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297), of the Code, fixing the salaries of clerks of the district courts in certain counties.

Also:

Senate File No. 489, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa.

Adopted.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

## INTRODUCTION OF BILLS.

By Senator Mattes, Senate File No. 491:

## A BILL

For an Act to make appropriation 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 for by law.

Sec. 2. There is further appropriated from the state treasury for a term of two years ending June 30, 1913, the following sum, 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. For the office of attorney general, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of fifteen thousand four hundred (\$15,400.00) dollars.

2. For the office of auditor of state, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of thirty-five thousand Nine Hundred Sixty (\$35,960.00) dollars.

3. For the office of clerk of the supreme court, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of six thousand and eighty (\$6,080.00) dollars.

4. For the office of governor, for the period ending June 30, 1913; for a contingent and expense fund, the sum of three thousand (\$3,000.00) dollars; for the expenses of employing additional counsel when necessary, under the provision of Sections Sixty-three (63) and Sixty-four (64) of the Code, the sum of twenty-five hundred (\$2,500.00) dollars for investigation of pardon and parole and for return of paroled prisoners, the sum of five hundred (\$500.00) dollars; for house rent for the governor, the sum of twelve hundred (\$1,200.00) dollars; for employes in the office of the governor, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of eightyeight hundred (\$8,800.00) dollars.

5. For the office of state librarian, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of ninety-three hundred and sixty (\$9,360.00) dollars.

6. For the railroad commission for clerical help, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of twelve thousand eight hundred (\$12,800.00) dollars; for traveling and all other expenses, the sum of three thousand (\$3,000.00) dollars.

7. For the office of secretary of state, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of thirty-six thousand six hundred (\$36,600.00) dollars.

8. For the office of superintendent of public instruction, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of sixty-six hundred sixty (\$6,660.00) dollars.

9. For the incidental expenses of the chief justice of the supreme court, for the period ending June 30, 1913, the sum of two thousand (\$2,000.00) dollars; also for bailiff, messenger, and stenographic service, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of twelve thousand six hundred (\$12,600.00) dollars.

10. For the office of treasurer of state, for the period ending June 30, 1913, as per joint resolution No. 8, for salaries and incidental expenses, the sum of twelve thousand three hundred and sixty (\$12,360.00) dollars.

11. For the historical department, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of twelve thousand three hundred and twenty (\$12,320.00) dollars.

12. For the office of the secretary of the executive council for the period ending June 30, 1913, as per joint resolution No. 8, the sum of seventeen thousand one hundred and sixty (\$17,160.00) dollars.

13. For the geological survey, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of eighteen hundred (\$1,800.00) dollars.

14. For the office of state mine inspector, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of two thousand (\$2,000.00) dollars.

15. To the state board of health for extra clerical assistance, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of seven thousand two hundred (\$7,200.00) dollars.

16. To the members of the executive council for extra clerical services for the period ending June 30, 1913, the sum of twenty-four hundred (\$2,400.00) dollars, each, and warrants shall be issued monthly therefor at the end of each month.

17. For the office of supreme court reporter, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of one thousand four hundred and forty (\$1,440.00) dollars.

18. For the expenses of the state food and dairy commissioner, for clerical assistance, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of five thousand one hundred sixty (\$5,160.00) dollars.

19. For employes under the custodian, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of sixty-four thousand five hundred twenty (\$64,520.00) dollars.

20. To the office of the bureau of labor statistics, for the period ending June 30, 1913, as per joint resolution No. 8, the sum of two thousand (\$2,000.00) dollars.

21. 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.

22. 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.

23. There is hereby appropriated the sum of twenty thousand (\$20,000) dollars, to be expended under the direction of the executive council, under the provisions of section one hundred sixty-four (164) of the Code.

24. There is hereby appropriated for the purpose of paying express, freight and drayage, for the period ending June 30, 1913, the sum of seventeen thousand five hundred (\$17,500.00) dollars.

25. There is hereby appropriated for the purpose of advertising laws, and publishing census returns, to be expended under the provisions of Section Thirty-six (36) of the Code, the sum of one thousand three hundred (\$1,300.00) 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 warrant 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) dollars.

Sec. 6. To Paul E. Stillman, 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. For chaplains of the Senate and of the House of the Thirty-fourth General Assembly, the sum of seven hundred ninety (\$790.00) 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. 8. To the secretary of state for the purchase of one hundred sixty (160) sets of the annotations to the session laws of the Thirty-fourth General Assembly, the sum of two hundred (\$200.00) dollars.

Sec. 9. 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 and Twenty-six (5626) of the Code, the sum of one hundred forty-seven and 16-100 (\$147.16) dollars, to be paid on a statement approved by the governor.

Sec. 10. To the secretary of the state for indexing journals for the House and Senate of the Thirty-fourth General Assembly, in addition to the amount provided by law, the sum of two hundred and fifty (\$250) dollars.

Sec. 11. For expense 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. 12. To the board of control for additional draftsmen in that department, the sum of sixteen hundred (\$1,600.00) dollars.

Sec. 13. For the rent of storage rooms for the adjutant general for the period ending July 1st, 1913, the sum of two thousand (\$2,000.00) dollars.

Sec. 14. For the purpose of paying the interest of the state to the permanent school fund, the sum of one thousand three hundred twelve 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. 15. To the employees of the House and Senate for services required after adjournment, the sum of two hundred (\$200.00) dollars.

Sec. 16. 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. 17. 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. 18. To the board of control of state institutions for the state reformatory at Anamosca for the purchase of industrial equipment, the sum of two thousand (\$2,000.00) dollars.

Sec. 19. 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-ek) of the Supplement to the Code, 1907, the sum of thirty-five hundred (\$3,500.00) dollars annually.

Sec. 20. To P. S. Ervin for chaplain service during the Thirty-third General Assembly the sum of fifteen (\$15.00) dollars, and for two services during the Thirty-fourth General Assembly the sum of ten (\$10.00) dollars, or a total of twenty-five (\$25.00) dollars.

Sec. 21. To the executive council to be expended for repairs of the Iowa State Monument in Shiloh National Military Park damaged by cyclone October 14, 1909, the sum of seven thousand three hundred and forty (\$7,340.00) dollars.

Sec. 22. To E. B. Seper, for services and expenses in connection with contracting for and consulting with the acting Secretary of War, and



arranging for the repair of said monument, a sum not to exceed two hundred (\$200.00) dollars.

Sec. 23. For the support fund of the wardens of the penitentiaries at Anamosa and Fort Madison, the sum of five hundred (\$500.00) dollars, each, payable quarterly, during the period ending July 1st, 1913.

Sec. 24. For the wardens' house fund at the penitentiaries at Fort Madison and Anamosa two hundred (\$200.00) dollars each, for the period ending July 1, 1913.

Sec. 25. To the Des Moines Rubber Stamp Works for badges for officials of the Senate and House of Representatives of the Thirty-fourth General Assembly, the sum of sixty-one and 25-100 (\$61.25) dollars.

Sec. 26. To F. G. Dunahugh for thirty (30) copies of the acts of the Thirty-third General Assembly of Iowa at fifty (50) cents per copy, returned by him to the secretary, and for which he had heretofore paid the sum of fifteen (\$15.00) dollars.

Sec. 27. To the Carroll County Farmers Institute the sum of sixty-one and 68-100 (\$61.68) dollars; to the Benton County Farmer's Institute the sum of seventy-four and 77-100 (\$74.77) dollars; said amounts being the sums to which said above named societies are entitled under the statutes but for which they failed to file claims within the time provided by law.

Sec. 28. To J. H. Trewin for expenses incurred in his official capacity as member of the state board of education, the sum of ninety-nine and 99-100 (\$99.99) dollars.

Sec. 29. To the state board of education for telephone messages, telegrams, express charges, stenographers and other necessary items to be expended by said board during the biennial period ending July 1st, 1913, the sum of five hundred (\$500.00) dollars, which sum is to be paid in accordance with the provisions of Chapter 170, acts of the Thirty-third General Assembly.

Sec. 30. To the city of Des Moines, Iowa, for paving state property, as follows:

Paving in front of Lot 1, block B, Lyon's addition E. 11th St . . .	\$681.86
Interest on above from Dec. 31, 1909, to Aug. 1, 1910 . . . . .	23.85
Paving in front of lots 9 and 10, block 4, Lyon's addition, Des	
Moines street . . . . .	506.40
Interest on above from Oct. 22, 1909, to Aug. 1, 1910 . . . . .	23.55
Curbing in front of Lot, 1, block B, Lyon's add., E. 11th St. . . .	98.65
Interest on above from Dec. 24, 1909, to Aug. 1, 1910 . . . . .	3.55

\$1,337.86

Making a total of thirteen hundred and thirty-seven and 86-100 (\$1,337.86) dollars, with 6% interest thereto from and after Aug. 1, 1910.

Sec. 31. To Lozier, the florist, for floral designs purchased by the executive council, and contributed by the state to the funeral of the late Senator Jonathan P. Dolliver, the sum of one hundred (\$100.00) dollars.

Sec. 32. To the Anchor Fire Insurance Co., of Des Moines, Iowa, for over-payment by said company, taxes collected by the Auditor of State, the sum of eighty-three and 45-100 (\$83.45) dollars.

Sec. 33. To C. R. Benedict, chief clerk of the House of Representatives, for telegrams paid by him in connection with his official duties, one and 97-100 (\$1.97) dollars.

Sec. 34. To the Underwood Typewriter Co. for rent of two typewriters for the Senate, the sum of twenty-two (\$22.00) dollars.

Sec. 35. To the Remington Typewriter Co. for one typewriter for journal clerks of the House of Representatives, and rental for one other, the sum of ninety (\$90.00) dollars.

Sec. 36. To the state board of optometry examiners, to be used to defray the expense of said board to July 1st, 1911, the sum of three hundred (\$300.00) dollars.

Sec. 37. To the Pioneer Lawmakers' Association, to assist in defraying the expenses of publishing the proceedings of the said association, and to be paid to the secretary thereof on the presentation of proper vouchers therefor, a sum not to exceed one hundred (\$100.00) dollars.

Sec. 38. There is hereby appropriated the sum of thirty-three thousand six hundred and seventy-five (\$33,675.00) dollars, to be expended under the direction of the executive council for any or all of the following purposes, estimated cost as shown below:

Two new elevator cages, to replace the old wood cages now in use in the capitol building .....	\$ 800.00
Installing electric elevators in the north and south wings of the capitol, connecting the second and third floors, making rooms in the third story as easy of access as those in the second story .....	5,000.00
New lamp posts about the capitol similar to those now on the north side .....	200.00
For granite steps on the north and west of the capitol, and repairing those on the south .....	15,000.00
For cleaning, painting and sanding windows and door frames, painting sash and outside iron work, varnishing doors, and repairing window sills .....	1,200.00
Cleaning ceilings and walls in the Senate Chamber and Senate Committee rooms, cleaning and decorating walls and ceilings of rooms occupied by Lieutenant Governor .....	1,500.00
Re-decorating the rooms occupied by the board of health .....	350.00
For permanent cases in the board of health department .....	400.00
Completing vacuum system of heating and ventilating capitol and historical buildings as originally planned .....	1,500.00
Two portable vacuum cleaners .....	400.00
Installing electric lights in offices and committee rooms not already supplied .....	550.00
Installing electric lights in law library, so as to properly light the room and all alcoves .....	800.00

Installing electric lights in supreme court room .....	125.00
Repairing stokers, engines, arches and resetting boilers, etc. ....	1,500.00
New air compressor .....	150.00
For installing passenger elevators in the historical building....	2,800.00
For changing the air supply in the historical building, by taking the air from above the roof, instead of taking air from dust laden ground .....	800.00
For installing watchman's clock in the historical building and wiring for same .....	600.00

Sec. 39. For the use of the curator of the state historical department in defraying such reasonable expenses as he may incur in extending hospitality to persons giving or considering valuable donations to the collections, the sum of one hundred (\$100.00) dollars.

Sec. 40. To W. L. Harding, the sum of fifteen and 70-100 (\$15.70) dollars; to P. M. Jewell, eight and 91-100 (\$8.91) dollars; to W. J. Dixon, sixteen (\$16.00) dollars; to N. W. Beebe, ten and 38-100 (\$10.38) dollars; to James M. Brockway, ten and 85-100 (\$10.85) dollars; and to Wm. Larabee, Twenty and 43-100 (\$20.43) dollars; for items expended respectively by said parties in visiting the state institutions of Iowa under resolution of the Thirty-fourth General Assembly, and making a total of eighty-two and 27-100 (\$82.27) dollars.

Sec. 41. To the executive council, one thousand (\$1,000.00) dollars, or so much thereof as may be required to be expended upon vouchers approved by itself to be used to install in the capitol building a complete night watch clock and recording system, which said council is hereby directed to install and to cause to be administered under rules prescribed by said council. The rules prescribed hereunder shall require a watchman to visit each evening, all parts of the building at the hour of closing, and require efficient, frequent and regular visitation during the night of all parts of the building, where fire or damage might result from the acts of designing persons or from accident to any part of the building, or the equipment of the same.

Sec. 42. To Chase & West for chairs and gavels for the President of the Senate and the Speaker of the House, the sum of one hundred (\$100) dollars.

Sec. 43. To the secretary of state for extra clerical assistance to July 1st, 1913, the sum of five hundred (\$500.00) dollars, or so much thereof as may be necessary.

Sec. 44. To C. C. Jackson, to reimburse him for money expended in return of Jennie Pope Bane and Laura McKonkey, fugitives from justice, the sum of seventy-one and 50-100 (\$71.50) dollars.

Sec. 45. To the State Pharmacy Commission, for extra clerical assistance, the sum of one hundred and fifty (\$150.00) dollars.

Sec. 46. 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 Mattes, Senate File No. 491, 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 Mattes offered the following amendment and moved its adoption:

Amend Section Thirty-five (35) by adding thereto the following:

Cement walk from capitol to Soldiers' Monument, estimated, \$250.00. Retaining walk on the north, south and west of monument lot and iron fence on the east, so that the teams drive on the lot, estimated, \$550.00.

Adopted.

Senator Mattes moved that the rule by which no bill shall be read second and third time on the same day, be suspended.

Motion prevailed.

The bill was read for information.

Senator Mattes moved that the rules be suspended, the bill be considered engrossed, 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, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Legel, McCulloch, McManus, Mattes, Neal, Proudfoot, Ream, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Sullivan, Taylor, Van Law, White—35.

The nays were:

None.

Absent or not voting:

Allen of Jefferson, Ames, Chase, Clarkson, Jewell, Larrabee, McColl, Malmberg, Parshall, Quigley, Sammis, Saunders, Stuck-slager, Webber, Wilson—15.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

## HOUSE MESSAGES CONSIDERED.

Senate Joint Resolution No. 8, fixing the number and compensation of employes in the Department of State at the seat of government.

Passed on file.

Concurrent Resolution relative to delivering to Hon. Ernest H. Moore a copy of the Code of 1897, to replace the copy taken from his desk.

Passed on file.

Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167) of the Acts of the Thirty-third General Assembly relating to the practice of optometry, and for the creation of a Board of Examiners in Optometry.

Passed on file.

House File No. 600, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred (2700) of the Supplement to the Code, 1907, relative to the support of the State Institution for Feeble Minded Children at Glenwood.

Read first and second time and referred to Committee on Appropriations.

Senate File No. 209 asks for a Conference Committee and the Speaker appoints as such committee on the part of the House: Cunningham, Larrabee, Dixon and White.

Passed on file.

Substitute for Senate File No. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574) of the Code, relating to the compensation of the Secretary and members of the State Board of Health, and enacting a substitute therefor.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 183, 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, was taken up and considered.

The substitute recommended by Conference committee was read first and second time.

Senator DeWolf moved that the rule by which no bill shall be read a second and third time on the same day be suspended.

Motion prevailed.

The bill was read for information.

Substitute was substituted for original bill.

Senator DeWolf moved that the rules be suspended, the bill be considered engrossed, the reading just had be considered the third reading, that Senate adopt the report of Conference committee and pass the substitute recommended.

On the question, "Shall the bill pass?"

The ayes were:

Adams, Allen of Pocahontas, Ames, Balluff, Bennett, Chapman, Clarkson, Cowles, Crow, DeWolf, Fitchpatrick, rFancis, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, McCulloch, McManus, Mattes, Proudfoot, Savage, Smith of Shelby, Spaulding, Sullivan, Taylor, White, Wilson—30.

The nays were:

Garrett, Quigley—2.

Absent or not voting:

Allen of Jefferson, Balkema, Brown, Chase, Dunnegan, Jewell, Legel, Malmberg, Neal, Parshall, Ream, Sammis, Saunders, Schrup, Smith of Mitchell, Struckslager, Van Law, Webber—18.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to, and the Senate concurred in Conference committee amendments.

On motion of Senator Sammis of the Sifting Committee, House File No. 461, a bill for an act to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the State University of Iowa Hospital, Iowa City, Iowa, was taken up and considered.

The bill was read for information.

Senator White 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Larrabee, McColl, McCulloch, McManus, Mattes, Neal, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber—38.

The nays were:

None.

Absent or not voting:

Allen of Pocahontas, Chase, Clarkson, Hunter, Jewell, Legel, Malmberg; Parshall, Proudfoot, Quigley, White, Wilson—12.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

Senator Stuckslager moved the adoption of the following House Concurrent Resolution:

*Whereas*, the Code issued to Hon. Ernest R. Moore, has been taken from his desk and cannot be found,

*Therefore, be it Resolved by the House, the Senate concurring*, that the Secretary of State be authorized to deliver to Mr. Moore one copy of the Code, of 1897, to replace the one which has been lost or stolen.

Senator Sammis moved that the resolution be indefinitely postponed for the reason that the Code of Mr. Moore had been returned

Adopted.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Senate File No. 429, a bill for an act to abolish the common drinking cup, with report of committee recommending passage, was taken up, considered, and the report of the committee adopted.

The Bill was read for information.

Senator Chapman moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balluff, Chapman, Clarkson, Cowles, DeWolf, Gates, Hammill, Larrabee, McManus, Neal, Proudfoot, Ream, Sammis, Smith of Shelby, Van Law—18.

The nays were:

Ames, Dunnegan, Fitchpatrick, Francis, Garrett, Hoyt, Hunter, Jewell, Legel, McCulloch, Mattes, Quigley, Savage, Schrup, Spaulding, Taylor, Webber—17.

Absent or not voting:

Balkema, Bennett, Brown, Chase, Crow, Gilliland, McColl, Malmberg, Parshall, Saunders, Smith of Mitchell, Stuckslager, Sullivan, White, Wilson—15.

So the bill having failed to receive a constitutional majority was declared lost.

Senator Saunders moved that the Senate do not consider any more bills except appropriation bills, the tax bill and conference reports.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, House File No. 452, a bill for an act relating to the weight of flour and providing a penalty for the violation thereof, was taken up and considered.

The bill was read for information.

Senator DeWolf 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:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, Clarkson, Crow, DeWolf, Fitchpatrick, Gilliland, Hammill, Hoyt, Hunter, Jewell, McManus, Mattes, Neal, Proudfoot, Quigley, Ream, Savage, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Webber—28.

The nays were:

None.

Absent or not voting:

Adams, Bennett, Brown, Chase, Cowles, Dunnegan, Francis, Garrett, Gates, Larrabee, Legel, McColl, McCulloch, Malmberg, Parshall, Sammis, Saunders, Schrup, Smith of Mitchell, V^n Law, White, 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 Sammis of the Sifting Committee, House File No. 507, a bill for an act to repeal Chapter One Hundred Fifteen (115), Laws of the Thirty-third General Assembly, and enact a substitute therefor, relating to banks and banking, was taken up and considered.

The bill was read for information.

Senator Stuckslager 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:

Ames, Clarkson, Fitchpatrick, Jewell, Legel, Spaulding, Stuckslager, Van Law, Webber, White—10.

The nays were:

Balluff, Dunnegan, Francis, Garrett, Hammill, McColl, Quigley, Wilson—8.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Balkama, Bennett, Brown, Chapman, Chase, Cowles, Crow, DeWolf, Gates, Gilliland, Hoyt, Hunter, Larrabee, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Ream, Sammis, Saunders, Savage, Schrup,, Smith of Mitchell, Smith of Shelby, Sullivan, Taylor—32.

So the bill having failed to receive a constitutional majority was declared lost.

On motion of Senator Sammis of the Sifting Committee, House File No. 280, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-5 (4999-a-5), Supplement to the Code, 1907, and Section Forty-nine Hundred Ninety-nine-a-10 (4999-a-10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes, and to provide penalty for removing such safeguards, was taken up and considered.

The bill was read for information.

Senator Larrabee moved the adoption of the following amendment:

Amend by striking out Section Two (2).

Adopted.

Senator Larrabee 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:

Ames, Chapman, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McColl, Neal, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Spaulding, Sullivan, Taylor, Van Law, Webber, Wilson—28.

The nays were:

Dunnegan—1.

Absent or not voting:

Adams, Allen of Pocahontas, Allen of Jefferson, Baluff, Bennett, Brown, Chase, Crow, Francis, Jewell, Legel, McCulloch, McManus, Malmberg, Mattes, Parshall, Schrup, Smith of Mitchell, Smith of Shelby, Stuckslager, White—21.

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 bill in which the concurrence of the House was asked:

Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly, apportioning them among the several counties according to the number of inhabitants in each and dividing the state into senatorial 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 House was asked:

Substitute for Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-fourteen (5718-a-14) of the Supplement

to the Code, 1907, relating to the time of employment and compensation 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 passed the following bill in which the concurrence of the House was asked:

Substitute for Senate File No. 18, a bill for an act requiring any person, partnership or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing 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 amended and passed the following bill in which the concurrence of the House was asked:

Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and registered or pedigreed stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), 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. 485, a bill for an act to legalize deed of Iowa County, Iowa, to Ithamar Cheney for Lot One as shown by plat recorded at Book 21, page 335, Land Deed Records of the office of the Recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one, Township Seventy-eight North, Range Eleven West of the Fifth P. M., in Iowa County, Iowa.

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly, apportioning them among the several counties according to the number of inhabitants in each and dividing the state into Senatorial districts.

Passed on file.

Substitute for Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-14 (5718-a-14), of the Supplement to the Code, 1907, relating to the time of employment and compensation of the Board of Parole.

Passed on file.

Substitute for Senate File No. 18, a bill for an act requiring any person, partnership or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof.

Passed on file.

Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service of stallions, jacks and registered or pedigreed stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (241-a)3, Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907.

Passed on file.

Senate File No. 485, a bill for an act to legalize deed of Iowa County, Iowa, to Ithamar Cheney for lot one as shown by plat recorded at Book 21, page 335, land deed records of the office of the recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one Township Seventy-eight North, Range Eleven West of the Fifth P. M. in Iowa County, Iowa.

Passed on file.

## THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting Committee, Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b), Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907, and also Sections One (1), Two (2), Three (3) and Four (4) of Chapter One Hundred Thirty-five (135) of the Laws of the Thirty-third General Assembly, was taken up and considered.

Senator Ames moved that the Senate Concur in the following House amendments:

Amend the substitute for Senate File No. 129 as follows:

By inserting in line two (2), Section One (1) after the word "State" the words "as registered."

Insert in line seven (7), Section One (1), after the word "recognize," the words "as registered."

Strike out the period at the end of line five (5), Section Three (3), and add the following words, "blindness, cataract, bone spavin, bog spavin and periodic ophthalmia (moon blindness)."

Strike out of line ten (10), Section Three (3), the words "blindness, cataract."

Strike out of lines twelve (12) and thirteen (13), Section Three (3), the words "bone spavin, bog spavin."

Strike out of line thirteen (13), Section Three (3), the words "periodic ophthalmia (moon blindness)."

Insert in line twelve (12), Section Four (4), after the word "must" the words "secure certificates of soundness from the Secretary of the State Board of Agriculture and".

Lines referred to are in Senate amendments as found in Senate Journal, March 25th, 1911.

On the question, "Shall the Senate concur in House amendments?"

The ayes were:

Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, DeWolf, Fitchpatrick, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Van Law, Webber, White, Wilson—42.

The nays were:

None:

Absent or not voting:

Adams, Chase, Crow, Dunnegan, Francis, McColl, McManus, Taylor—8.

So the House amendments having received a constitutional majority were declared concurred in.

Senator Sammis moved that the Senate do not consider any more bills except those upon the desk and those to be received from the House.

Motion prevailed.

#### THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly apportioning them among the several counties according to the number of inhabitants in each and dividing the state into senatorial districts, was taken up and considered.

Senator Smith of Shelby moved the adoption of the following House amendment: Amend by striking out the word "county" in the last line of the third division of Section 1 and inserting in lieu thereof the word "district".

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland,

Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, Malmberg, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Smith of Shelby, Spaulding, Stuckslager, Sullivan, Taylor, Van Law, Webber, White, Wilson—47.

Absent or not voting:

Chase, McManus, Mattes—3.

So the House amendment having received a constitutional majority was declared concurred in.

On motion of Senator Sammis of the Sifting committee, House File No. 336, a bill for an act to amend Chapter Seventy-five (75) of the acts of the Thirty-third General Assembly, relating to officers bonds, was taken up and considered.

The bill was read for information.

Senator Stuckslager 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:

Adams, Allen of Jefferson, Ames, Balkema, Balluff, Chapman, DeWolf, Fitchpatrick, Francis, Gates, Gilliland, Hoyt, Hunter, Neal, Quigley, Sammis, Saunders, Savage, Smith of Mitchell, Stuckslager, Van Law—21.

The nays were:

Allen of Pocahontas, Brown, Clarkson, Crow, Dunnegan, Garrett, Hammill, Larrabee, McColl, McCulloch, Parshall, Proudfoot, Smith of Shelby, Spaulding, Sullivan, Taylor, Webber, White, Wilson—19.

Absent or not voting:

Bennett, Chase, Cowles, Jewell, Legel, McManus, Malmberg, Mattes, Ream, Schrup—10.

So the bill having failed to receive a constitutional majority was declared lost.

## REPORT OF COMMITTEE.

Senator Mattes, from the Committee on Appropriations, submitted the following report:

MR. PRESIDENT—Your Committee on Appropriations, to whom was referred House File No. 289, a bill for an act to invest the district courts of the state of Iowa with jurisdiction and authority to restrain violation of any law heretofore or hereafter enacted to protect the public and trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, or unfair discrimination between different sections, communities or localities, etc., beg leave to report they have had the same under consideration and recommend the same be amended as follows:

By striking out Section Five (5), relating to appropriations, and that when so amended the bill be referred to the Sifting Committee.

JOSEPH MATTES,  
*Chairman.*

Adopted.

## , THIRD READING OF BILLS.

On motion of Senator Mattes, House File No. 289, a bill for an act to invest the district courts of the state of Iowa with jurisdiction and authority to restrain violation of any law heretofore or hereafter enacted to protect the public and trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, or unfair discrimination between different sections, communities or localities, etc., with report of committee recommending amendments and passage, was taken up, considered, and the report of the committee adopted.

Senator Mattes moved the adoption of the following amendment:

Amend House File No. 289 by striking out all of Section Five (5) and renumbering Section Six (6) as Section Five (5).

Adopted.

The bill was read for information.

Senator Mattes 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:

Adams, Allen of Pocahontas, Allen of Jefferson, DeWolf, Dunningan, Francis, Garrett, Gilliland, Hammill, Hoyt, Hunter, Larrabee, McCulloch, Neal, Parshall, Proudfoot, Quigley, Savage, Stuckslager—19.



The nays were:

Balkema, Brown, Clarkson, Cowles, Fitchpatrick, Gates, McColl, Malmberg, Mattes, Ream, Schrup, Smith of Mitchell, Spaulding, Van Law, Webber—15.

Absent or not voting:

Ames, Balluff, Bennett, Chapman, Chase, Crow, Jewell, Legel, McManus, Sammis, Saunders, Smith of Shelby, Sullivan, Taylor, White, Wilson—16.

So the bill having failed to receive a constitutional majority was declared lost.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 488, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council, of the incorporated town of Wall Lake, Iowa, and appointing officers and councilmen for said town.

Also:

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of clerks of the district courts in certain counties.

Also:

Senate File No. 489, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa.

Also:

Senate File No. 482, a bill for an act to legalize the appointment of three members of the city council of Toledo, Iowa.

Also:

Substitute for Senate File No. 200, a bill for an act to provide for suspending of the execution of sentence of certain convicts on first conviction by the District Court in which such conviction is had, or any judge thereof.

Also:

Senate File No. 415, a bill for an act to empower border counties to erect and maintain across the border streams of the state, and fixing

the terms and conditions under which the funds for the same may be provided.

Also:

Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637), of the Code, with reference to the incorporation fee to be paid by foreign corporations.

Also:

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils and to enact a substitute therefor.

Also:

Senate File No. 307, a bill for an act making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the Interstate Commerce Commission.

Also:

Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112), of the Acts of the Thirty-third (33rd) General Assembly, relating to the issuance of policy of insurance by insurance companies.

Also:

Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) of the Code and to enact a substitute therefor, relating to appearance in court.

Also:

Substitute for Senate File No. 481, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, relating to the removal and discharge of firemen, police officers and policemen, except the chief of the fire department and the chief of police.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 599, a bill for an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged

in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways to supply customers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.

**Also :**

House File No. 470, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner.

**Also :**

House File No. 177, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816) of the Code, relative to the title and disposition of real estate acquired by a school corporation.

**Also :**

House File No. 210, a bill for an act to regulate the size and construction of caboose cars, and providing penalties for the violation thereof.

**Also :**

House File No. 436, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties, other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence, and the payment therefor.

**Also :**

House File No. 329, a bill for an act to abolish the state board of Veterinary Medical Examiners, to transfer the powers and duties of said board to the state veterinary surgeon, and to establish a commission of animal health.

**Also :**

House File No. 406, a bill for an act making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof.

**Also :**

House File No. 608, a bill for an act to legalize certain ordinances of the town of Williamsburg, Iowa.

**Also:**

House File No. 569, a bill for an act to amend the law as it appears in Section Five Thousand Eighty-one (5081) of the Code, relating to the penalty for nuisances.

**Also:**

House File No. 488, a bill for an act to amend the law as it appears in Section Seven Hundred Twenty-eight (728) of the Supplement to the Code, 1907, relating to vacancies in office of library trustees.

**Also:**

House File No. 513, a bill for an act to amend Sections Two (2), Three (3), and Four (4), of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly, providing for fishing in certain waters, and the care and propagation of fish.

**Also:**

House File No. 612, a bill for an act to legalize a certain election held October 14, 1910, in the town of La Motte, Jackson County, Iowa.

**Also:**

House File No. 506, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Ten (1710), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798), of the Code, and to amend the law as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709), (Division 1), Seventeen Hundred Fifty-eight-b (1758-b), Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fifty-nine-f (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j), of the Supplement to the Code, 1907, and to amend the law as it appears in Section Seven (7), Chapter One Hundred Five (105), and Section One (1), of Chapter One Hundred Eleven (111) of the Acts of the Thirty-third General Assembly; and to enact a section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (9), of the Code, all relating to insurance.

**Also:**

House File No. 585, a bill for an act to apportion the state into representative districts and declare the ratio of representation.

**Also:**

House File No. 214, a bill for an act to amend Section One of Chapter One Hundred Thirty-nine (139) of the laws of the Thirty-third General Assembly, relating to the sale of intoxicating liquors by permit holders.

Also:

House File No. 543, a bill for an act to amend House File No. Six (6) of the Thirty-fourth General Assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance.

Also:

House File No. 613, a bill for an act to legalize a certain contract entered into between the counties of Pocahontas and Calhoun, state of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9 in Calhoun county, Iowa, and to authorize the issuance of a warrant by Pocahontas county, Iowa, on the funds of said drainage improvement district No. 13 in Pocahontas county, Iowa, to the treasurer of Calhoun County, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun county, and to authorize the levy and collection of taxes for the payment of the same.

Also:

House File No. 556, a bill for an act declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisance.

ED. P. MALMBERG,  
*Chairman Senate Committee.*  
U. G. WHITNEY,  
*Chairman House Committee.*

Adopted.

#### MESSAGE FROM THE HOUSE.

The following message was received from the House:

MR. PRESIDENT—I am directed to inform your honorable body that the House has amended and passed the following bill in which the concurrence of the Senate is asked:

Senate File No. 491, a bill for an act to make appropriation for the payment of state and judicial officers, state and other expenses.

C. R. BENEDICT,  
*Chief Clerk.*

#### INTRODUCTION OF BILLS.

By Senator Smith of Mitchell, Senate File No. 492:

#### A BILL

For an Act to provide for the general levy for state purposes for the years Nineteen Hundred and Eleven (1911) and Nineteen Hundred and Twelve (1912.)

*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 eleven (1911) 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 Five Hundred Thousand (\$2,500,000.00) dollars and in the year nineteen hundred and twelve (1912) shall fix the rate necessary to yield approximately the further sum of Two Million Five Hundred Thousand Dollars (\$2,500,000.00).

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.

#### THIRD READING OF BILLS.

On motion of Senator Smith of Mitchell, Senate File No. 492, a bill for an act to provide for the general levy for the state purposes for the years nineteen hundred and eleven (1911 and nineteen hundred twelve (1912) was taken up and considered.

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.

Motion prevailed.

The bill was read for information.

Senator Smith of Mitchell moved that the rules be suspended, the bill be considered engrossed, 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 Jefferson, Balkema, Balluff, Brown, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, McColl, McCulloch, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Savage, Schrup, Smith of Mitchell, Spaulding, Stuckslager, Sullivan, Webber—33.

The nays were:

Ames—1.

Absent or not voting:

Allen of Pocahontas, Bennett, Chapman, Chase, Clarkson, Cowles, Crow, Legel, McManus, Sammis, Saunders, Smith of Shelby, Taylor, Van Law, White, Wilson—16.

So the bill having received a constitutional majority was declared to have passed the Senate and its title agreed to.

HOUSE MESSAGE CONSIDERED.

Senate File No. 491, a bill for an act to make appropriation for the payment of state and judicial officers, state and other expenses.

Passed on file.

THIRD READING OF BILLS.

On motion of Senator Sammis of the Sifting committee, Senate File No. 491, 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 Mattes moved that the Senate concur in the following House amendment:

Amend Section 43 by striking out the figures 1913 in the second line and inserting in lieu thereof the figures 1911.

On the question, "Shall the Senate concur in the House amendment?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Chapman, Clarkson, Cowles, Crow, DeWolf, Dunnegan, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Jewell, Larrabee, Legel, McColl, McCulloch, McManus, Malmberg, Mattes, Neal, Parshall, Proudfoot, Quigley, Ream, Sammis, Saunders, Savage, Schrup, Smith of Mitchell, Spaulding, Sullivan, Taylor, Van Law, Webber—45.

The nays were:

None.

Absent or not voting:

Chase, Smith of Shelby, Stuckslager, White, Wilson—5.

So the House amendment having received a constitutional majority was declared concurred in.

Senator Clarkson filed the following:

MR. PRESIDENT—I vote no on House File No. 290 for the reason that in my opinion it would prohibit employer and employe from meeting as a representative body and agreeing upon the wages to be paid employes and the number of hours the employes should work in the particular industry.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 488, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac County, Iowa, and appointing officers and councilmen for said town.

Also:

Senate File No. 89, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code, fixing the salaries of the clerks of the district courts in certain counties.

Also:

Senate File No. 489, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa.

Also:

Senate File No. 482, a bill for an act to legalize the appointment of three members of the city council of Toledo, Iowa.

Also:

Substitute for Senate File No. 200, a bill for an act to provide for suspending of the execution of sentence of certain convicts on first conviction by the District Court in which such conviction is had, or any judge thereof.

Also:

Senate File No. 415, a bill for an act to empower border counties to erect and maintain across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.

Also:

Senate File No. 436, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637) of the Code, with reference to the incorporation fee to be paid by foreign corporations.



Also :

Senate File No. 343, a bill for an act to repeal Section Nine Hundred and Sixteen (916) of Chapter Thirteen (13), Title Five (V), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils and to enact a substitute therefor.

Also :

Senate File No. 307, a bill for an act making an appropriation to enable the State Railroad Commission to prosecute interstate rate cases before the Interstate Commerce Commission.

Also :

Senate File No. 284, a bill for an act to amend Section Three (3) of Chapter One Hundred and Twelve (112), of the Acts of the Thirty-third (33rd) General Assembly, relating to the issuance of policy of insurance by insurance companies.

Also :

Senate File No. 160, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) of the Code and to enact a substitute therefor, relating to appearance in court.

Also :

Substitute for Senate File No. 481, a bill for an act to amend the law as it appears in Section Six Hundred and Seventy-nine-h (679-h) Supplement to the Code, 1907, relating to the removal and discharge of firemen, police officers and policemen, except the chief of the fire department and the chief of police.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

Senator Cowles occupying seat No. 10 asked unanimous consent to exchange seats with Senator Gilliland, who occupied Seat No. 42.

Consent granted.

Senator Francis occupying seat No. 11, asked unanimous consent to exchange seats with Senator Stuckslager, who occupied seat No. 34.

Consent granted.

Senator Larrabee, occupying seat No. 12, asked unanimous consent to exchange seats with Senator Smith of Mitchell, who occupied seat No. 16.

Consent granted.

Senator McColl, occupying seat No. 4, asked unanimous consent to exchange seats with Senator Stuckslager, who occupied seat No. 11.

Consent granted.

Senator Spaulding, occupying seat No. 7, asked unanimous consent to exchange seats with Senator Fitchpatrick, who occupied Seat No. 6.

Consent granted.

Senator Sullivan, occupying seat No. 39, asked unanimous consent to exchange seats with Senator Ames, who occupied Seat No. 13.

Consent granted.

The President announced that as President of the Senate, in the presence of the Senate, he had signed Senate File Nos. 481, 489, 89, 488, 415, 482, 200, 307, 343, 436, 284 and 160, and House File Nos. 470, 177, 436, 406, 608, 569, 488, 513, 612, 599, 506, 585, 613, 556, 214 and 543.

Senator Smith of Mitchell called up the resolution relative to authorizing the custodian to sell to members the chairs they have occupied.

Senator Sullivan moved that the resolution be laid on the table.

Motion was lost.

Senator Sammis moved that the resolution be adopted.

Adopted.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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:

Substitute for Senate File No. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574 ) of the Code, relating to the compensation of the secretary and members of the State Board of Health and enacting a substitute therefor.

Also:

Senate File No. 265, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly allowance and repeal-

ing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a) of the Supplement to the Code, 1907.

Also:

Substitute for Senate File No. 449, a bill for an act to amend the law as it appears in Section Twenty-five Hundred Five (2505), Supplement to the Code, 1907, as amended by Chapter One Hundred and Forty-seven (147), Acts of the Thirty-third General Assembly, relating to the inspection of and test of all illuminating oils kept for sale or sold within this state.

Also:

Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State Institutions.

Also:

Substitute for Senate File No. 282, a bill for an act relating to mines and mining, etc.

Also:

Senate File No. 286, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907.

Also:

Senate File No. 137, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses.

Also:

Substitute for Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, relating to the crime of malicious threats to extort and to provide the penalty therefor.

Also:

Substitute for Senate File No. 218, a bill for an act to amend Chapter 170 of the Acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

ED. P. MALMBERG,

*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 adopted the report of the conference committee and has adopted the conference committee amendments on Senate File No. 209, a bill for an act making appropriations for 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 House was asked:

Senate File No. 309, a bill for an act making appropriations to enable the State Railroad Commission to investigate and prepare cases affecting interstate rates.

C. R. BENEDICT,  
*Chief Clerk.*

Also:

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. 492, a bill for an act to provide for the general levy for state purposes for the years nineteen hundred and eleven (1911) and nineteen hundred and twelve (1912).

C. R. BENEDICT,  
*Chief Clerk.*

## HOUSE MESSAGES CONSIDERED.

Senate File No. 309, a bill for an act making an appropriation to enable the State Railroad Commission to investigate and prepare cases affecting interstate rates.

Passed on file.

Senate File No. 209, a bill for an act making appropriations for the state university, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

Passed on file.

Senate File No. 492, a bill for an act to provide for the general levy for state purposes for the years Nineteen Hundred Eleven (1911) and Nineteen Hundred and Twelve (1912).

Passed on file.

Senator Mattes, of the Conference committee on the part of the Senate, submitted the following report:

*To the President of the Senate:*

We, your conference committee of Senate File No. 209, beg leave to report that we have had the same under consideration and recommend that House recede from its amendments and substitute the following amendment:

By striking out of line sixteen (16) of Section Three (3) the words "college extension work" and insert in lieu thereof the words "agricultural extension work" and further amending such section by adding thereto the following:

"There is hereby further appropriated for the agricultural extension work the sum of eight thousand dollars (\$8,000) annually, for a period of two years."

JOSEPH MATTES,  
A. J. SCHRUP,  
H. L. ADAMS,  
P. W. JEWELL,

*Committee on part of the Senate.*

E. H. CUNNINGHAM,  
WM. LARRABEE, JR.,  
H. C. WHITE,

*Committee on part of the House.*

#### THIRD READING OF BILLS.

On motion of Senator Mattes, Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts and the Iowa State Teachers' College, was taken up and considered.

Senator Mattes moved the adoption of the report of the Conference committee, and that the Senate concur in the following amendments recommended by the Conference Committee.

By striking out of line sixteen (16) of Section Three (3), the words "college extension work" and insert in lieu thereof the words "agricultural extension work" and further amending such section by adding thereto the following:

"There is hereby further appropriated for the agricultural extension work the sum of eight thousand dollars (\$8,000) annually, for a period of two years."

On the question, "Shall the Senate adopt the report of Conference committee and concur in the amendments recommended?"

The ayes were:

Adams, Allen of Pocahontas, Allen of Jefferson, Ames, Balkema, Balluff, Bennett, Brown, Clarkson, Cowles, DeWolf, Fitchpatrick, Francis, Garrett, Gates, Gilliland, Hammill, Hoyt, Hunter, Larrabee, Legel, McColl, McCulloch, Malmberg, Mattes, Neal, Parrshall, Proudfoot, Quigley, Sammis, Savage, Smith of Mitchell, Smith of Shelby, Sullivan, Van Law, Webber—36.

The nays were:

None.

Absent or not voting:

Chapman, Chase, Crow, Dunnegan, Jewell, McManus, Ream, Saunders, Schrup, Spaulding, Stuckslager, Taylor, White, Wilson—14.

So the report and amendments having received a constitutional majority the Senate adopted the report of Conference Committee and concurred in amendments recommended by said committee.

Senator McColl offered the following resolution and moved its adoption:

*Resolved* that the thanks of this Senate are hereby extended to the desk force which has so faithfully and with uniform kindness and impartiality served this body during this the Thirty-fourth General Assembly.

Adopted.

Senator Bennett offered the following resolution and moved its adoption.

*Resolved by the Senate*, that the secretary of State be instructed to send to each of the members of the Senate of the Thirty-fourth General Assembly, copies of the Journals of April 12th, and of the Memorial Session of April 10th.

Adopted.

Senator Van Law moved that a committee of three be appointed to wait upon the governor and ascertain whether or not he had any further communication to lay before the Senate before adjournment.

Motion prevailed.

The President appointed as such committee Senators Van Law, Gates and Garrett.

The committee appointed to notify the Governor reported that they had waited upon the Governor, who had announced that he had no further communication to make to the Senate.

REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 254, a bill for an act to provide for the support of the industrial schools and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) of the Supplement to the Code, 1907.

Also:

Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the Board of Supervisors and authorizing the issuance of bonds therefor.

Also:

Substitute for Senate File No. 335, a bill for an act defining duties of the State Food and Dairy Commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

Also:

Substitute for Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-fourteen (5718-a-14), of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the board of parole.

Also:

Senate Joint Resolution No. 8, a bill for an act fixing the number and compensation of employes in the Department of State at the seat of government.

Also:

Senate File No. 309, a bill for an act making an appropriation to enable the State Railroad Commission to investigate and prepare cases affecting Iowa intrastate rates.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

## REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled:

Senate File No. 137, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriation money for its expenses.

Also:

Substitute for Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767), of the Code, relating to the crime of malicious threats to extort and to provide the penalty therefor.

Also:

Substitute for Senate File No. 218, a bill for an act to amend Chapter 170, of the acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

Also:

Substitute for Senate File No. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574), of the Code, relating to the compensation of the secretary and members of the State Board of Health and enacting a substitute therefor.

Also:

Senate File No. 265, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a), of the Supplement to the Code, 1907.

Also:

Senate File No. 449, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505), Supplement to the Code, 1907, as amended by Chapter One Hundred and Forty-seven (147), acts of the Thirty-third General Assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state.

Also:

Senate File No. 254, a bill for an act to provide for the support of the Industrial School, and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713), of the Supplement to the Code, 1907.



Also :

Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a County Hospital, the acts and resolutions of the Board of Supervisors and authorizing the issuance of bonds therefor.

Also :

Substitute for Senate File No. 335, a bill for an act defining the duties of the State Food and Dairy Commissioner, under the Pure Food Law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and part of acts in conflict therewith.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 254, a bill for an act to provide for the support of the Industrial School, and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713), of the Supplement to the Code, 1907.

Also :

Senate File No. 296, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the construction and maintenance of a County Hospital, the acts and resolutions of the Board of Supervisors and authorizing the issuance of bonds therefor.

Also :

Substitute for Senate File No. 335, a bill for an act defining the duties of the State Food and Dairy Commissioner, under the Pure Food Law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and part of acts in conflict therewith.

Also :

Substitute for Senate File No. 327, a bill for an act to repeal Section Twenty-five Hundred Seventy-four (2574), of the Code, relating to the compensation of the secretary and members of the state board of health and enacting a substitute therefor.

Also:

Senate File No. 265, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a), of the Supplement to the Code, 1907.

Also:

Substitute for Senate File No. 449, a bill for an act to amend the law as it appears in Section Twenty-five Hundred and Five (2505), Supplement to the Code, 1907, as amended by Chapter One Hundred Forty-seven (147), acts of the Thirty-third General Assembly, relating to the inspection and test of all illuminating oils kept for sale or sold within this state.

Also:

Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State institutions.

Also:

Substitute for Senate File No. 282, a bill for an act relating to mines and mining, etc.

Also:

Senate File No. 286, a bill for an act to provide for the support of the State Hospitals for the insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907.

Also:

Senate File No. 137, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriation money for its expenses.

Also:

Substitute for Senate File No. 52, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767), of the Code, relating to the crime of malicious threats to extort and to provide the penalty therefor:

Also:

Substitute for Senate File No. 218, a bill for an act to amend Chapter 170, of the acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

Also:

Senate File No. 485, a bill for an act legalizing act for a deed of Iowa County, Iowa, to Ithmar Cheney, etc.

**Also:**

Senate File No. 183, a bill for an act to encourage the dairy industry and the beef cattle growing industries of the State of Iowa, and to aid in providing instruction in practical and scientific methods and making an appropriation therefor.

**Also:**

Substitute for Senate File No. 18, a bill for an act requiring any persons, partnership, or corporation, owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof.

**Also:**

Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167), of the acts of the Thirty-third General Assembly, relating to the practice of optometry and for the creation of a board of examiners in optometry.

**Also:**

Senate File No. 492, a bill for an act to provide for the general levy for state purposes for the years Nineteen Hundred and Eleven (1911), and Nineteen Hundred and Twelve (1912).

**Also:**

Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service, and sale of stallions, jacks and registered or pedigreed stock, etc.

**Also:**

MR. PRESIDENT—Your Committee on Enrolled Bills respectfully report that they have examined and find correctly enrolled:

Senate File No. 491, a bill for an act to make appropriations for the payment of State and Judicial officers, State and other expenses.

**Also:**

Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly, apportioning them among the several counties according to the number in each, and dividing the state into senatorial districts.

**Also:**

Senate File No. 209, a bill for an act making appropriations for the State University, The Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

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. 491, a bill for an act to make appropriations for the payment of State and Judicial officers, state and other expenses.

Also:

Senate File No. 490, a bill for an act fixing the number of Senators in the General Assembly, apportioning them among the several counties according to the number of each, and dividing the state into senatorial districts.

Also:

Senate File No. 209, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

Also:

Substitute for Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-fourteen (5718-a-14), of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole.

Also:

Joint Resolution No. 8, a bill for an act fixing the number and compensation of employees in the department of state at the seat of government.

Also:

Senate File No. 309, a bill for an act making an appropriation to enable the State Railroad Commission to investigate and prepare cases affecting Iowa Intrastate rates.

ED. P. MALMBERG,  
*Chairman.*

Adopted.

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled:

Senate File No. 485, a bill for an act legalizing act for a deed of Iowa County, Iowa, to Ithmar Cheney, etc.

**Also:**

Senate File No. 183, a bill for an act to encourage the dairy industry and the beef cattle growing industries of the State of Iowa, and to aid in providing instruction in practical and scientific methods and making an appropriation therefor.

**Also:**

Substitute for Senate File No. 18, a bill for an act requiring any persons, partnerships, or corporation, owning or operating a street railway, to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof.

**Also:**

House File No. 542, a bill for an act to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures.

**Also:**

House File No. 280, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-5 (4999-a-5), Supplement to the Code, 1907, and Section Forty-nine Hundred and Ninety-nine-a-10 (4999-a-10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes, and to provide penalty for removing such safeguards.

**Also:**

House File No. 452, a bill for an act relating to the weight of flour and providing a penalty for violation thereof, and to repeal Section Five Thousand Seventy (5070), of the Code of Iowa.

**Also:**

House File No. 461, a bill for an act to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the State University of Iowa Hospital, Iowa City, Iowa.

**Also:**

House File No. 367, a bill for an act to amend the law as it appears in Chapter Seventeen-a (17-a), Title XIII, of the Supplement to the Code, 1907, relative to salaries and appropriations for the State Library and the Historical Department.

**Also:**

House File No. 115, a bill for an act making appropriation to the State Historical Society of Iowa.

**Also:**

House File No. 403, 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, and Section One (1), of Chapter 12, of the acts of the Thirty-third General Assembly, relating to the compensation of shorthand reporters.

Also:

House File No. 588, a bill for an act to establish in the State of Iowa, the title and ownership of all wild game, animals, birds and fish, and to provide for distraining and disposing of wild deer now running at large.

Also:

House File No. 392, a bill for an act amending the law as it appears in Section Two Thousand Five Hundred Thirty-nine (2539), of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), acts of the Thirty-third General Assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.

Also:

House File No. 369, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a-2 (1989-a-2), Nineteen Hundred Eighty-nine-a-8 (1989-a-8), as amended by Section Eight (8), Chapter One Hundred Eighteen (118), acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a-12 (1989-a-12), as amended by Section Eleven (11), Chapter One Hundred Eighteen (118), acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a-14 (1989-a-14), as amended by Section Thirteen (13), Chapter One Hundred Eighteen (118), acts of the Thirty-third General Assembly, Nineteen Hundred Eighty-nine-a-49 (1989-a-49), of the Supplement to the Code, 1907, and to amend the law as it appears in Section Three (3), and Section Ten (10), Chapter One Hundred Eighteen (118), acts of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains and drainage districts.

ED. P. MALMBERG,

*Chairman Senate Committee.*

U. G. WHITNEY,

*Chairman House Committee.*

Adopted.

#### REPORT OF COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167), of the Acts of the Thirty-third General Assembly, relating to the practice of Optometry, and for the creation of a board of examiners in Optometry.

Also:

Senate File No. 392, a bill for an act to provide for the general levy for state purposes for the years Nineteen Hundred and Eleven (1911) and Nineteen Hundred and Twelve (1912).

Also:

Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and registered or pedigreed stock, etc.

Also:

Senate File No. 485, a bill for an act legalizing act for a deed to Iowa County, Iowa, to Ithamar Cheney, etc.

Also:

Senate File No. 183, a bill for an act to encourage the dairy industry and the beef cattle growing industries of the State of Iowa, and to aid in providing instruction in practical and scientific methods and making an appropriation therefor.

Also:

Substitute for Senate File No. 18, a bill for an act requiring any person, partnership, or corporation owning or operating a street railway to equip its passenger cars with power brakes and other appliances and fixing a penalty for the violation thereof.

ED. P. MALMBERG,  
*Chairman.*

#### REPORT OF JOINT COMMITTEE ON ENROLLED BILLS.

Senator Malmberg, 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 they have examined and find correctly enrolled:

Senate File No. 281, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167), of the acts of the Thirty-third General Assembly, relating to the practice of optometry, and for the creation of a board of examiners in optometry.

Also:

Senate File No. 492, a bill for an act to provide for the general levy for state purposes for the years Nineteen Hundred and Eleven (1911), and Nineteen Hundred and Twelve (1912).

Also:

Substitute for Senate File No. 129, a bill for an act regulating the keeping, offering for public service, and sale of stallions, jacks and registered or pedigreed stock.

Also:

Senate File No. 126, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the State institutions.

Also:

Substitute for Senate File No. 232, a bill for an act relating to mines and mining, etc.

Also:

Senate File No. 286, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907.

Also:

Senate File No. 491, a bill for an act to make appropriations for the payment of state and judicial officers, state and other expenses.

Also:

Senate File No. 490, a bill for an act fixing the number of senators in the General Assembly, apportioning the several counties according to the number of each, and dividing the State into Senatorial districts.

Also:

Senate File No. 209, a bill for an act making appropriations for the State University, The Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

Also:

Senate File No. 309, a bill for an act making an appropriation to enable the State Railroad Commission to investigate and prepare cases affecting Iowa intrastate rates.

Also:

Senate Joint Resolution No. 8, fixing the number and compensation of employees in the Department of State at the seat of government.

Also:

Substitute for Senate File No. 325, a bill for an act amending Section Fifty-seven Hundred Eighteen-a-fourteen (5718-a-14), of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole.

ED. P. MALMBERG.

*Chairman Senate Committee.*

U. G. WHITNEY.

*Chairman House Committee.*

Adopted.



The President announced that as president of the Senate, in the presence of the Senate, he had signed Senate File Nos. 137, 52, 218, 327, 449, 265, 254, 296, 335, 325, 309, 286, 126, 183, 18, 485, 492, 281, 129, 282, 491, 209 and 490, and Senate Joint Resolution No. 8 and House File Nos. 542, 280, 367, 461, 403, 115, 392, 588, 452 and 369.

Senator Jewell moved that a committee of three be appointed to prepare suitable resolutions commemorative of the life, character and public service of the late Martin N. Johnson.

Motion prevailed.

The President appointed as such committee: Senators Jewell, Balluff and Smith of Mitchell.

Senator Gilliland moved that a committee be appointed to notify the House that the Senate was ready to adjourn sine die.

Carried.

The President appointed as such committee: Senators Malmberg and Gilliland.

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 their duty.

The hour of 2 o'clock, P. M., having arrived, the President declared the Senate of the Thirty-fourth General Assembly adjourned sine die.

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# MEMORIAL SESSION

## SENATE THIRTY-FOURTH GENERAL ASSEMBLY

APRIL 10, 1911.

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### IN MEMORIAM.

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Elbert Warren Clark.....February 22, 1842 .....February 16, 1910  
Robert G. Reiniger .....April 12, 1835.....October 15, 1910  
Phineas W. Crawford....September 21, 1830 .....December 9, 1910  
Ansel Kinne Bailey.....November 18, 1835 .....September 20, 1909  
Joseph G. Hutchison .....September 11, 1840 .....April 9, 1910  
Michael Joseph Kelly ....March 22, 1850 .....January 10, 1911  
Wm. G. Thompson .....January 17, 1830 .....April 2, 1911  
Chas. J. A. Ericson.....March 8, 1840 .....August —, 1910  
William P. Whipple .....December 26, 1856.....June 6, 1910  
Henry Clay Traverse ....August 28, 1839 .....September 24, 1909  
Sewell S. Farwell .....April 26, 1834 .....September 21, 1909  
Alexander Brown .....May 3, 1837 .....August 10, 1910  
Henry H. Trimble .....February 10, 1824 .....January 9, 1910  
Samuel McNutt .....November 21, 1822.....January 10, 1911  
Martin N. Johnson .....March 3, 1850 .....October 20, 1909

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# JOURNAL OF THE SENATE

SENATE CHAMBER,  
DES MOINES, IOWA, APRIL 10, 1911.

The Senate met pursuant to adjournment, at 7:30 o'clock, P. M., President Pro Tem, James A. Smith, presiding.

## REPORTS OF SPECIAL COMMITTEES.

Senator Bennett, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your committee appointed to draft resolutions commemorative of the life, character and services of ex-Senator Elbert Warren Clark, begs leave to submit the following report:

"Elbert Warren Clark was born in Glover, Orleans County, Vermont, February 22, 1842, of Scotch-American parentage. In 1854 he removed to Bureau County, Illinois, where he attended the district school, finishing with a course in the high school at Kewanee, Illinois. Choosing the medical profession as the field in which he should accomplish his life work, he entered Rush Medical College at Chicago, in 1866. He graduated from that institution in February, 1871. The following May he settled in Grinnell, and engaged in the active duties of his profession.

In 1874, he was united in marriage to Martha C. Brainard, of Grinnell. To them was born one son, E. W. Clark, Jr., who resides in Grinnell.

Dr. Clark was an active member of the city council of Grinnell for fifteen years, and was mayor of that city from 1893 to 1897, during which time a complete system of water works and sewers was installed.

For six years he was president of the school board of Grinnell. He was trustee of Iowa College for twelve years, and also of the Stewart free public library. During the year 1907, he was president of the Iowa State Medical Society, of which he was an honored member during his professional life. For many years he was surgeon of the Rock Island railroad, and attained more than local fame as a successful surgeon.

He represented Poweshiek County in the Thirty-first General Assembly. He was elected senator from the twelfth district in 1906, and served in the Thirty-second and Thirty-third General Assemblies. He was a man of undoubted integrity and spotless character. A man loved and honored by all who knew him.

On February 16, 1910, he passed peacefully away at his home in Grinnell, where he had lived continuously for thirty-nine years.

*Resolved*, That in the death of this noble man the State lost a worthy citizen and statesman, and the Senate a loved and honored member.

Be it further Resolved, That these resolutions be printed in the Journal, and an engrossed copy, signed by the president and secretary, be sent to the family of the deceased."

T. W. BENNETT,  
H. W. SPAULDING,  
JOHN L. WILSON,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Legel, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your committee appointed to draft resolutions commemorating the life and services of the Honorable Robert G. Reiniger, late of Charles City, Iowa, beg leave to submit the following report:

Few of us of the present age or generation realize or give a thought to the debt we owe to those early settlers of our state, who risked their all and did so much to make this commonwealth what it is.

The subject of this sketch was one of those pioneers, who as a young man of twenty-two years left his native state and hopefully facing the setting sun journeyed westward until he came to what is now Charles City, Iowa. At that time Charles City was still a frontier village surrounded by a wilderness. Here he cast his lot and was soon a vital force and continued to be such, in his community until he was called to the great beyond.

Honorable Robert G. Reiniger, familiarly known as Judge Reiniger, was born in Seneca County, Ohio, April 12, 1835, and was a son of Gustavus and Rosa (Durr) Reiniger, natives of Wurtemberg, Germany, who emigrated to this country, after they were married in 1832, settling in the above named county upon a farm. Here the subject of this sketch attended school, at the age of seventeen he commenced the study of law, at Tiffin, Ohio. At the same time attending college. He was admitted to the bar in September, 1856, and in March, 1857, he came west and settled in Charles City, where he formed a partnership with his elder brother, G. G. Reiniger, in the practice of law and in real estate exchange, and insurance business. In 1858 Irving W. Card was admitted in partnership, and the firm of Reiniger, Card & Reiniger, continued until January 1, 1861.

In May, 1861, Mr. Reiniger enlisted for the war entering the army in July, as First Lieutenant of Company B, Seventh Iowa Infantry, which company was engaged in the battles of Belmont, Missouri, Fort Henry, Fort Donelson, Shiloh, Cornith, Iuka, second battle of Cornith, the campaign against Atlanta, under Sherman, ending with the battle of Jonesboro, when Atlanta was evacuated.

In 1862, Mr. Reiniger was promoted to be Captain. In 1864, shortly after the surrender of Atlanta, he returned home and resumed the practice of his profession.

October 10, 1870, the Governor appointed him judge of the twelfth circuit, to fill the vacancy caused by the resignation of Judge Ruddick, who

was appointed district judge. At the succeeding election, in October, 1871, he was elected to fill the rest of the unexpired term, and he was re-elected in 1872, 1876 and 1880.

As a jurist he was cautious, conscientious and candid, spoke clearly and to the point, and in his manner was unpretentious and easy. He was a member of the firm of Reiniger and Balch, bankers, in Charles City. For many years he was the president of the Twelfth District Legal Association. Was an active member of the Congregational church, and ranked high in Masonic circles.

In politics he was a firm believer in republican principles, representing his district, embracing the counties of Floyd and Chickasaw, in the state senate during the twenty-first, twenty-second, twenty-third and twenty-fourth sessions.

November 18, 1867, he married Mary E., daughter of Dr. William M. and Anna Palmer, of Charles City. One son was born of this union, Robert G. Jr.

One of the touching incidents in the life of Robert G. Reiniger was the devotion and care he bestowed upon his invalid wife, who was practically helpless for about twenty-five years. His was a familiar object on our streets giving his wife an airing in her wheel chair. She preceded him to the great beyond by but a few months. After her death he visited in his native state Ohio, where amid the scenes of his boyhood, on October 15, 1910, his spirit followed that of his companion who braved with him all the privations of pioneer days.

Whereas, The Honorable Robert G. Reiniger, a member of the twenty-first, twenty-second, twenty-third and twenty-fourth General Assemblies, departed this life on the 15th day of October, 1910.

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 as a jurist, soldier, legislator and promoter of financial and industrial institutions.

In his service as a member of this body he was a valued legislator, councilor and servant, distinguished by his ability and his integrity in public duty.

Resolved, That the Senate of the State of Iowa join with his neighbors and friends in sorrow and regret and hereby tender 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 be sent to the son of the deceased.

JOHN G. LEGEL,  
JOHN L. WILSON,  
J. U. SAMMIS,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Schrup, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your committee appointed to present suitable resolutions on the life, character, and public services of the Honorable P. W. Crawford, respectfully report as follows:

Phineas W. Crawford was born at Putney, Windham County, Vermont, September 21, 1830. He came with his father, James Crawford, in 1838, to Iowa, where he resided continuously until his death, December 9, 1910, (except when absent attending school and during the Civil War).

After graduating at Jacksonville College, he was admitted to the Dubuque Bar in 1851—being a practicing attorney in this state nearly sixty years.

In May, 1861, he enlisted and was commissioned second lieutenant Company 2, Third Regiment Iowa Volunteer Infantry. During his service he was in the battles of Florida, at Blue Mills, Shiloh, and Cornith, and engaged at the capture of Jackson, Miss., and at the siege of Vicksburg. He was mustered out March, 1866.

The chairman of your committee who occupied offices adjoining and communicating with those of the late senator for many years, remembers many of the exceedingly interesting incidents of the war, related by him during our leisure moments.

While a member of the minority party, in the city of Dubuque, he held the office of Recorder for four years and alderman ten years. In 1901 he was elected State Senator, which position he filled with the same ability and fidelity that characterized all his official and private acts.

Col. Crawford was one of the sturdy Iowa pioneers who laid the foundation of our material prosperity and shaped our civic regulations. Personally one of the most agreeable and loyal friends, candid and outspoken in his ideas, he always respected the different views of others. A close and analytical student of history—he was liberal and tolerant in meeting existing conditions. In public and private life he was guided by the Golden Rule.

The close of his honorable and useful career of over eighty years as son, husband, father, citizen, soldier, and public official, adds another to the long and ever growing number of Iowa's departed sterling characters.

Resolved, That these sentiments be entered upon the Senate Journal and an engrossed copy, duly authenticated, be sent to the bereaved family of the deceased.

N. J. SCHRUP,  
A. V. PROUDFOOT,  
J. D. BROWN,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Jewell, from a special committee, submitted the following report and moved its adoption :

Mr. President: Your committee appointed to prepare and present memorial resolutions commemorative of the life, character and public services of the Hon. Ansel Kinne Bailey, late a member of this body and a long time resident of Winneshiek County, Iowa, beg leave to submit the following report:

On November 18, 1835, in Wales, Erie County, New York, there was born to Wesley and Eunice Kinne Bailey a son, the subject of this sketch, who was christened Ansel Kinne Bailey. This son was educated in the public schools of Utica, New York, and in early manhood became identified with journalistic work in the publication of a newspaper owned by his father.

In 1860, the family, obeying the lure of the age, came west and settled in Decorah, Iowa, which was to be his permanent abiding place.

In a partnership between himself and his father they began the publication of a newspaper, the Decorah Republic, which afterwards became and still remains the Decorah Republican.

In 1863, he was elected treasurer and recorder of Winneshiek County, and in 1869 received the appointment of postmaster at Decorah, and was continued in said office by succeeding administrations for sixteen consecutive years.

In 1889 he was elected by the people of Winneshiek and Howard Counties, a member of this body for the Twenty-third and Twenty-fourth General Assemblies, and served his constituents with honor and distinction. In the Twenty-third General Assembly he was made chairman of the Committee on Federal Relations whose chief accomplishment was its part in providing representation of Iowa at the Columbian Exposition.

In the Twenty-fourth General Assembly Senator Bailey was prominently identified in the Senate with the drafting of the Australian Ballot bill, which became and still remains, with but slight modification, the law.

The public opinion and the policies of the northeast portion of the state were influenced to a greater or less degree by the public services and writings of Senator Bailey.

In the Decorah Republican and under the heading "Editorial Comments," his great ability and genius as a writer on public policies and fallacies were conspicuously in evidence. These comments were continued with unflinching regularity, when health permitted, up to the time of his death.

On September 20, 1909, at his home in Decorah, Senator A. K. Bailey passed to his reward, and a few days later, during the obsequies attendant thereon, and out of respect and in honor of his life, character and public services, all places of business in the city were closed.

Whereas, it is but meet and proper, that we set apart a portion of time, dedicating it especially to the service of paying due respect and honor to the memory of those who have served as members of this body and as

such and in other ways have rendered able and distinguished service to the state and have passed to their bourne from which no traveler e'er returns.

Therefore be it resolved, That the Senate of this Thirty-fourth General Assembly of the State of Iowa, has heard with profound sorrow and regret the announcement of the death of the Hon. Ansel Kinne Bailey, late a member of this body and deplore the loss of his wise counsel to the state and community in which he lived;

Be it further resolved, That these resolutions be entered in the Journal of the Senate and that an engrossed copy be furnished to each of the three living members of the family by the Secretary of the Senate.

P. M. JEWELL,  
HENRY ADAMS,  
FREDERIC LARRABEE,  
*Committee.*

Senator Jewell, in moving the adoption of the report, spoke as follows:

Mr. President: It was my good fortune to have known Senator Bailey for fully a quarter of a century, and in all that time and in all the relations of life in which I had occasion to come into contact with him, he was the same courteous, genial, companionable man throughout. He may have had his foibles and his faults—and who has not—but in all matters of public interest, public morals, good citizenship, character and sobriety, he was a prince among men.

His home life was ideal. The lure of clubs, lodges or social conquests had no great charm for or clams upon him. In the later years of his life a son became associated with him in business in the conduct of the Decorah Republican and the relation between the two were remarkable, seemingly more in the nature of the association of two brothers, each leaning upon the other for counsel, suggestion and help than as father and son. My personal observation of this mutual interdependence relationship between the two, gained through my relation as medical attendant to the elder Bailey, for a number of years, was a revelation and an inspiration to me.

As a writer and commentator on current events of public concern, I do not think there was to be found his superior in the entire state. A very few may have equalled his clear cut, incisive comments on men, means and measures, but none excelled, and whether one agreed with his conclusions or not, none failed to admire or to concede his great ability as a forceful writer of clear cut, trenchant English.

He was a man of strong convictions and of firm and lasting friendships. In many conversations I have had with him in regard to his experience in this body he has often referred with evident pleasure and pride to several men of character, men who have left and some who are still leaving their impress for good citizenship upon the state, who served with him in the Senate during the sessions of the Twenty-third and Twenty-fourth General Assemblies.



His private life was clear of mar or blemish, his public service valuable and honorable, his entire life an inspiration and well worthy of emulation.

It may be said of him: "His life was gentle and the elements so mixed in him that Nature might stand up and say to all the world, This is a man."

The resolutions were adopted unanimously by a rising vote.

Senator Webber, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your committee appointed to prepare and submit resolutions in memory of Joseph G. Hutchison of Ottumwa, Wapello County, Iowa, beg leave to submit the following report.

Whereas, The Honorable Joseph G. Hutchison, a member of this body in the regular sessions of the Eighteenth, Nineteenth, Twentieth and Twenty-first General Assemblies, departed this life at his home in Ottumwa, Wapello County, Iowa, on the 9th day of April, 1910. Therefore be it

Resolved, That the Senate has learned with sorrow and regret of the death of Senator Hutchison and that in his death the state has lost an able and high minded citizen and legislator who has ever a staunch advocate of the best interest of his fellow citizens. Senator Hutchison was born in Northumberland County, Pennsylvania, September 11, 1840, of Scotch-Irish descent. His ancestors were prominent in public affairs in Pennsylvania and his great grandfather Hutchison at an early day represented a district constituting about one-twelfth of the State of Pennsylvania in the General Assembly. Senator Hutchison was graduated from Williamsport Dickinson Seminary, at Williamsport, Pennsylvania, in June, 1862. In August 1862 he entered the army as first lieutenant in the One Hundred Thirty-first Regiment, Pennsylvania Volunteer Infantry in the army of the Potomac, and participated in the historical battles of Fredericksburg, Antietam and Chancellorsville. He also took part in the Gettysburg campaign as captain of Company I, Twenty-eighth Regiment, Pennsylvania Volunteer Infantry, which regiment was mustered into service under the special call of President Lincoln. Senator Hutchison was graduated from the Cleveland, Ohio, law school in 1865, and came to Ottumwa, Wapello County, in December, 1865, where he practiced his profession until 1872 when he retired from the legal profession and entered upon his successful business and political career. Senator Hutchison received the nomination for governor from the republican party in 1889 at a time when reaction against prohibition was strongest and was defeated by Horace Boies in the election. Senator Hutchison was twice married, his first wife being Sarah L. Taylor to whom he was married November 4, 1868. She died on November 2, 1896, and he married Mabel Vernan Dixon, daughter of the Hon. J. W. Dixon, of Ottumwa, June 23, 1898.

Senator Hutchison was one of the promoters of the Ottumwa National Bank and its president for seven years. In May, 1891, he entered upon the wholesale grocery business in Ottumwa in which business he prospered.

Senator Hutchison was a man of action and took his share of the burden of citizenship and won the honors due those who are faithful in their convictions, and who devotedly love their country and its institutions. During all the years he lived in Iowa he led a life of an upright Christian gentleman and attracted warm friends because of his integrity and his unswerving adherence to a high standard of honor.

Resolved, That the Senate join with his neighbors and friends in sorrow at his loss and hereby extend to his family its sincere sympathy in this their hour of sorrow and bereavement. Be it further

Resolved, That a copy of this resolution be spread upon the records of the Senate and that a properly engrossed copy signed by the President and Secretary be sent to the members of the family.

J. F. WEBBER,  
H. W. SPAULDING,  
J. D. BROWN,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator White, from a special committee, 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 M. J. Kelly, beg leave to submit the following report and resolutions:

Michael Joseph Kelly was born March 22, 1850, in County Tipperary, Ireland.

When a child of two years his parents brought him to America settling first at Port Byron, New York, and six years later moving to Muscatine, Iowa. Here he attended the public schools and learned the trade of tinsmith. At the age of eighteen he took up his residence at Lytle City, Iowa County, Iowa, a year later moving to Des Moines, where he worked at his trade for some years.

In 1870 he was united in marriage with Margery Lytle, daughter of B. F. Lytle, the founder of Lytle City. To this union eight children were born, three of whom preceded the father to the great beyond. Those who with his wife survive him are Attorney B. E. Kelly of Denver, Colorado, Joseph P. Kelly, of Edmonton, Canada, Mrs. B. E. Hakes, of Williamsburg, Iowa, Bert Kelly, of Long Beach, California, and Mrs. Sarah Ainsworth, of Denver, Colorado.

In 1874 Mr. Kelly returned to Lytle City and engaged in the mercantile business continuing there until 1883 when he moved to Williamsburg, Iowa. In the meantime, recognizing the value of education, he spent a term in the law department of the State University. At Williamsburg he established the well-known firm of Kelly & Lytle which continued to be one of the leading mercantile firms of Iowa County until its disolution,

in 1906, when Mr. Kelly decided to make his home in Colorado. As a merchant he was a marked success.

He held many positions of private and civic trust, in all of which he acquitted himself with high honor and credit. He was for many years president of the Williamsburg Savings Bank and was a member of the Board of Supervisors of Iowa County. He wielded a wide and beneficent influence upon his community, his wise, fearless and ready counsel being advantageously sought by his town, his community and his neighbors.

In 1887 he was elected to the Twenty-second General Assembly of Iowa from the Senatorial District composed of Iowa and Johnson Counties, and was re-elected in 1891. During his last term he was president pro tem of the Senate. The State University being located in his district he looked carefully after its needs. As a legislator he was a steadfast and valued advocate of the interests of the people and exercised a wise and beneficial influence upon the legislation of his time.

His signal achievement in rising by sheer force of his own native ability from the unknown tinsmith to the successful man of affairs having a large part in molding and directing the business, moral, intellectual and legislative advancement of the state of his adoption, is a monument to his perseverance and integrity of purpose and an inspiration to the young men of Iowa.

He died at Denver, Colorado, on January 10, 1911, and was buried on the 16th day of January, 1911, at Williamsburg, Iowa, amid the loved scenes of his early struggles and successes and near the friends he loved so well; fit resting place for his body tired with its labors for them and his. Peace to his soul.

Whereas, Honorable M. J. Kelly, a member of this body in the Twenty-third and Twenty-fourth General Assemblies, has been called from this life,

Therefore be it Resolved, That the Senate of the State of Iowa has heard with deep sorrow and regret of his death and that it recognizes the high character of his services to his state.

Resolved, That the Senate take this occasion to acknowledge its recognition and express its high regard and appreciation of the worth of the character and public services of M. J. Kelly, and to extend to his family its sincere sympathy in their great bereavement.

Be it Further Resolved, That a copy of these resolutions, engrossed and duly authenticated, by the President and Secretary, of the Senate, be presented to the family of the deceased.

J. A. WHITE,  
JOHN T. CLARKSON,  
E. P. McMANUS,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Stuckslager, from a special committee, submitted the following report and moved its adoption:

Your committee appointed to prepare suitable resolutions commemorating the life and public service of Wm. G. Thompson, submit the following report:

Wm. G. Thompson was born in Center Township, Butler County, Pennsylvania, January 17, 1830, and died at his home in Kenwood Park, Iowa, April 3, 1911, was the son of Wm. T. and Jane Thompson, also natives of the same locality. The former was born in 1790, the latter in 1796. Mr. Thompson's paternal grandparents were natives of Scotland as were also his maternal grandparents.

Judge Thompson's primary education was obtained in the common schools near his boyhood home and when not in the school room he assisted in the work on the farm. At the age of nineteen he attended the Witherspoon Institute at Butler, Penn., going home to work on the farm during the harvest season. He next read law at that place and was admitted to the Bar October 15, 1853. Hon. Daniel Agnew, afterwards Chief Justice of the United States, presided at the examination.

On the 27th of November, 1852, Judge Thompson came to Marion, Iowa, traveling as far west as his money would carry him. Marion, at that time, was a new town and larger than Cedar Rapids. Here he was first engaged in the practice of his profession in partnership with Col. Isaac M. Preston under the firm name of Preston and Thompson.

Judge Thompson's first dollar in his chosen profession was earned about two weeks after he located in Marion. It was the trial of a suit before a Justice of the Peace. Those who listened to the trial recognized his ability and from that time on his success was assured. He won considerable renown in the practice of criminal law, having defended in twelve murder cases and losing but two. In August, 1854, Mr. Thompson was elected prosecuting attorney and held that position for two years.

He was elected to the State Senate on the republican ticket in 1856 for a full term, which proved a very important year in framing the laws of the state that still exist, Mr. Thompson being a member of the Judiciary Committee.

On leaving the Senate Judge Thompson was engaged in the practice of law in Linn County until 1862, when he helped to raise the Twentieth Iowa Regiment for the Civil War consisting of five companies from Linn and five from Scott Counties, and he went to the front as Major, but the Colonel, being a regular army officer, was detailed for Brigade Commander, and the Lieutenant Colonel being taken prisoner the Judge was left in command of the regiment for some time. He was in the service in Missouri, Arkansas, Louisiana, Texas, and Alabama, and was commander of the Post at Arkansas Pass for eight months. He was in the siege of Vicksburg, and at the battle of Prairie Grove, Arkansas, was severely wounded. After being wounded he resigned his commission and returned home in the fall of 1864.

During the presidential campaign of that year he stumped the state for Abraham Lincoln and was elected one of the electors at large. He took great pride in the fact that he was able to cast his ballot at that time

for the martyred president. Soon after this Judge Thompson was elected District Attorney for seven counties of Iowa, to-wit: Linn, Jones, Cedar, Johnson, Iowa, Benton and Tama, and after creditably filling that office for six years he was tendered the renomination without opposition but refused it. Without his knowledge or solicitation he was then appointed Chief Justice of Idaho by President Hayes, and held that responsible position for one term resigning in 1879, when he returned to Marion. That fall he was elected to Congress and took his seat in December. He was a member of the Committee on Privileges and Elections, which required much work, having twenty-two contested cases. He was re-elected and served in all four years. For party reasons he was in 1883 persuaded to accept the nomination for representative to the state legislature and being elected was chosen Chairman of the Committee to reorganize the courts of the state, which business he successfully accomplished.

In August, 1894, he was appointed judge of the Eighteenth Judicial District and was elected to that position in November 1894 and re-elected in November, 1898 and 1902. His district comprised Jones, Cedar, and Linn Counties. He won high commendation for his fair and impartial administration of justice.

His mind was always analytical, logical and inductive, with a thorough and comprehensive knowledge of the fundamental principles of the law, he combined a familiarity with statutory laws and a sober, clear judgment which made him not only a formidable adversary in a legal combat but gave him the distinction of being one of the ablest jurists of the state.

In the death of Judge Thompson, Iowa has lost one of its noblest citizens, beloved by all who knew him. But few men in Iowa were better and more favorably known, and it is a universal expression that the State of Iowa has suffered a great loss in his death.

In honor of his memory it is therefore.

Resolved, That these resolutions be entered in the Journal of the Senate and that the Secretary of the Senate be instructed to mail an engrossed copy of the same to the surviving members of the family of the decedent.

WILLARD C. STUCKSLAGER,

A. L. AMES,

H. R. CHAPMAN,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Fitchpatrick, from a special committee, submitted the following report and moved its adoption:

To the President of the Senate: Your Special Committee to prepare resolutions upon the character and public services of the late Senator Ericson, beg leave to report as follows:

Charles John Alfred Ericson was born in Sodra Vi Parish, Sweden, March 8, 1840. The family emigrated to America in 1852, settling on a farm in Rock Island County, Illinois, where Charles worked on the farm,

and in saw mill and flouring mill, and as clerk in a store, attending the common schools in the meantime until May, 1859, when he removed to Mineral Ridge, Boone County, Iowa, and there engaged in the general merchandise business, buying and shipping stock and acting as postmaster. In 1870 he removed his store to the city of Boone; in 1875 engaged in banking.

He died at his home in Boone, August, 1910, in less than a week after returning, in good health, from a trip around the world.

He represented his county as a member of the Fourteenth General Assembly and Boone and Story Counties as Senator in the Twenty-sixth, Twenty-seventh, Thirtieth, Thirty-first, and Thirty-second General Assemblies, discharging his duties with honor and distinction, and he held many local offices.

He was always ready to help the poor and needy, which he did without show or ostentation, and his benevolences were large and varied. He took great interest in matters for the education of the youth, giving a large endowment to the Swedish College at Rock Island, built and donated to the city of Boone a splendid library building, and liberally contributed to numerous other objects of like nature. He took an active interest in Masonic affairs and in the affairs of the Presbyterian church, in both of which organizations he was an honored member.

Therefore resolved, That the Senate of the State of Iowa, with sorrow regret the death of the late Senator Ericson and tender to his family, friends, and associates, the sincere sympathy of this body; that in his death the state has lost one of its most honored citizens and his home city one of its greatest benefactors; that this preamble and resolution be printed in the Journal and an engrossed copy thereof duly authenticated be sent to the city library of Boone.

J. A. FITCHPATRICK,  
JOHN L. WILSON,  
JAS. A. SMITH,  
*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Ames, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your committee appointed to take recognition of the death of Senator Whipple, and to offer resolutions commemorative of his life, character and public service, respectfully submit the following:

William P. Whipple was born December 26, 1856, on a farm near the city of Vinton, Iowa, and grew to manhood thereon. He graduated from the high school in Vinton and immediately thereafter entered the State University, taking the full collegiate and law courses therein and receiving his law degree in 1878. Soon thereafter he entered upon the practice of his profession in his home city of Vinton, and continued in such vocation up to the time of his death. He early reached high rank in the profession and was a recognized leader of the bar in his district.

He was first elected to the Senate from the Benton-Tama district in 1901 and re-elected in 1906, serving in the Twenty-ninth, Thirtieth, Thirty-first, Thirty-second, Thirty-second Special and Thirty-third General Assemblies. At the very beginning of his legislative career he took high place and held it with increasing influence and power to the end of his service in the Senate.

From an appreciation written of the Senator soon after his death by an intimate personal friend, we quote, with approval, the following:

"One of the most vivid memories of my early University days is that of the face of a big-browed youth from Vinton, William P. Whipple. It was a face that at once and always challenged attention. You felt instantly that you were in a 'presence'. You expected him, when he spoke, to know what he was going to say before he said it. He looked deliberation, maturity, mastery. He was great enough to have brought honor to himself, his state, or his country in any station, however exacting or exalted. But he was too gentle and retiring to engage in strife for place, and too modest to indulge in self-exploitation. The honors that actually came to him were not of his procurement but the sincere tribute of those who had gone near enough to him to see his great, good heart, and to get the true measure of his mind. \* \* \* He would have made an attorney-general surpassed by none in the history of the state. There was enough of the executive in his endowments to have rendered him illustrious as the head of our commonwealth. His was, however, more markedly a judicial temper. His well stored mind, his mastery of the law as a science, his clearness of reasoning, his ability to recall precedent and apply principle, would soon have brought him fame as a member of our supreme court, and the name 'Whipple' attached to any opinion emanating from that tribunal would have given it added weight.

"Senator Whipple was the author of many important measures, though he competed with no member as to the number of bills he might introduce. He had little of the 'beat 'em to it' in his make up and never wrote any bill merely to get his name into the journal or into the public mouth. His most conspicuous services were rendered as a member of the committee to supervise the publication and distribution of the Code Supplement in 1902; as the chairman of the Committee to investigate the state educational institutions in 1904; and as the author of the bill under which they are now controlled and administered. But while these services and the bills—which he personally introduced—brought forth his name, they were not by any means a measure of his value to the state. The best work of every sincere legislator is done in the quiet of the committee room or as a member of some sub-committee in charge of some bill with which his name may never be associated—sometimes far from the public eye—where the heart is open to one's colleagues, where views are frankly given and where each member gets the full benefit of every other's experience, reasoning and opinion. Whipple was, when necessary, a power on the floor, but he was relatively stronger and more helpful still in the committee room where his keen analysis, broad grasp, large information, and splendid reasoning powers made him invaluable to his colleagues."

Senator Whipple left surviving him his widow, formerly Jennie E. Keith, an adult son, Milo, and a little daughter, Virginia, to all of whom he was deeply devoted and to whom his untimely death was a heavy crushing blow.

We, his colleagues, who knew him so well and loved him so much, do therefore resolve that in his death there has been taken out of the life of the community one of its most exalted citizens; out of the life of the state one of its most conspicuously efficient public servants and out of Senate itself a legislator who gave the best that was in him to his colleagues without stint or hesitancy and with never a thought as to where credit would rest.

We, therefore, recommend that this memorial be printed in our Journal and that the Secretary of the Senate be instructed to forward an engrossed copy of the same to the family of our deceased friend.

ASA L. AMES,  
SHIRLEY GILLILLAND,  
JOHN L. WILSON,

The resolutions were adopted unanimously by a rising vote.

Senator Taylor, from a special committee, submitted the following report and moved its adoption:

*To the General Assembly of the State of Iowa:*

Your committee appointed to draft resolutions commemorative of the life, character and public service of the Hon. Henry Clay Traverse, one of the pioneer residents of Davis County, Iowa, beg leave to submit the following report:

Whereas, Judge Henry C. Traverse, of Bloomfield, Davis County, Iowa, departed this life September 24th, 1909, and

Whereas, He was an honored member of the House of Representatives of the Eleventh General Assembly and of the Senate in the Twelfth, Thirteenth and Eighteenth General Assemblies of the State of Iowa. In the year 1862 he, enlisted in Co. "F" of the 30th Iowa Infantry, after three years' army service he was honorably discharged and returned to Bloomfield, and began the practice of law, and in the year 1889 was elected circuit judge of the Second Judicial District of Iowa. In 1886 district judge, holding those responsible offices with marked ability for fourteen consecutive years, and

Whereas, his life, character, and services to the state and country were such as to entitle him to the confidence and esteem of his fellow citizens;

Therefore, be it resolved that in the death of the Hon. Henry C. Traverse the state of Iowa has lost a distinguished legislator, jurist, and patriotic citizen, his city and county a prominent, active, energetic Christian gentleman and his family a kind and indulgent husband and father, therefore be it

Resolved, That we extend to his bereaved companion and children and those near and dear to him our sincere sympathy in their hour of sorrow, and be it further



Resolved, That these resolutions be entered in the Journal of the Senate and the Secretary of Senate be instructed to mail an egrossed copy of these resolutions to the family of the decedent.

L. L. TAYLOR,  
P. M. JEWELL,  
THOS. H. SMITH,

*Committee.*

Senator Taylor, in moving the adoption of the report, spoke as follows:

Mr. President: Having known Hon. Henry C. Traverse since I was a small boy and having resided in adjoining counties and, as it were, being neighbors in our boyhood days, I will ask the indulgence of the Senate while I pay a brief tribute to the memory of one of the early pioneers and respected citizens of the State of Iowa. One who has occupied a conspicuous place among the business men of the State of Iowa for nearly one-half of a century, as a soldier, statesman, patriot, Jurist, business man and philanthropist he was equally great.

Hon. Henry Clay Traverse was born August 28th, 1839. When only four years of age and after the death of his father, he came with his mother to Monroe County, Iowa, a few years later moving to Davis county, Iowa, where he grew to manhood. In early manhood he studied law, his chosen profession, and was admitted to the bar in 1862 at Bloomfield, Iowa. But soon after his admission to the bar the clouds of war hovering over his country, he enlisted in Co. F. of the 30th Iowa infantry of which he was made Orderly Sergeant in which capacity he served during the war, that regiment being attached to the 15th Army Corps, commanded by General Sherman and afterward by Gen. Logan. Mr. Traverse participated in a number of the most important battles of the war such as Haynes Bluff, Arkansas Roost, the siege of Vicksburg, Lookout Mountain and Mission Ridge. Upon his discharge from the service he returned to Bloomfield, Iowa, and entered the law practice and in a short time built up a thriving business.

Judge Traverse was a man respected by all men who knew him. He had been a prominent figure in the affairs of Southern Iowa for many years and had served with honor on the bench for fourteen years. He was a student of men and books and sought always to learn the way of the truth. He exemplified a life that makes the world brighter and life better worth the living.

Mr. Traverse's home life was ideal because love reigned there and inspired every word and act spoken and done by husband and father. He was a devout student of God's word and a man of prayer. He will be remembered as a humble and sincere Christian man, devoted to the interests of the church, both temporal and spiritual. His last testimony to those about him during the last days of his illness was a triumphant hope and faith in the fullness of the promises of the gospel of Christ. In all the circles of society in which he has moved for fifty years, Judge Traverse will be missed.

In business the far seeing cagacity and careful judgment was not dimmed by the weight of years and to our faithful friend and respected citizen we bid farewell. The walls of that temple in which his pure aspiring spirit had its earthly abiding place for over three score years is crumbling to ashes and will soon mould in dust away, but the indomitable spirit of noble aim, of glorious purpose, of imperious will, of dauntless courage, of sweet simplicity and of Christian character has come to its coronation.

The resolutions were adopted unanimously by a rising vote.

Senator Chapman, from a special committee, submitted the following report, and moved its adoption:

MR. PRESIDENT—Your Committee appointed to draft resolutions upon the life and services of the Honorable Sewell S. Farwell, late of Monticello, Iowa, beg leave to submit herewith the following report:

Sewell S. Farwell was born in Coshocton County, Ohio, April 26, 1834; he died at Monticello, Iowa, September 21, 1909. He was educated in the common schools and at Keene Academy in his native county, and in a school at Cleveland, Ohio. He removed to Jones County, Iowa, in 1852, with his father's family, thence to Pella, engaging in the mercantile business until 1854, when he removed to Clay County, Kansas, residing there until 1859, when he returned to Iowa, locating on a farm near Monticello. He assisted in raising and was made Captain of Company H, 31st Iowa Infantry, and on May 31, 1865, he was promoted and commissioned Major.

He served throughout the war, was present at the grand review in Washington, and was mustered out June 27, 1865. Of his company more than half lost their lives in the service. To commemorate the lives of those who enlisted at Monticello, Major Farwell recently presented a monument to the local cemetery. In 1865 he was elected state senator, serving through the Eleventh and Twelfth General Assemblies. He took an active part in the administration and shaping of the laws of the state in these General Assemblies, and was very earnest and conscientious in his work, having the full confidence of the people of his district.

General Grant appointed him assessor of internal revenue, in which place he served for four years, and was then appointed in 1874 as collector of internal revenue, in which capacity he served for six years. In 1880 he was elected from the Second Congressional District of Iowa to serve in the Congress of the United States. Here again he served the people in the energetic, conscientious, manner that was always characteristic of Major Farwell.

Upon his retirement from Congress he immediately took an active interest in the affairs of Jones County, and Monticello in particular, working for the best interest of the people and striving always for the betterment of humanity. He was active in the advancement of education, and in this work he was a man of most noble spirit. He was always

ready and willing to give of his means, his time and his splendid abilities to help in advancing every good public cause. He was untiring in his industry, always insisting upon the highest integrity in public service and aiming at the highest standard of morality and honesty in all the walks of life. He was ever ready to aid by wise and patient advice, the young, especially those who were poor in this world's goods, helping them in every way to receive the advantages of education.

To Major Farwell is largely due the growth, high standard and success of Lennox College at Hopkinton, Iowa. He devoted to this his energy, his time, his means, and influence, for half a century, and many the youths of our state who have received the benefits of that school have reason to hold in grateful memory his friendship and generosity. He was always courteous, and endeavored at all times to sympathize with those in distress and substantially aid the poor or needy in his community. He always gladly extended a helping hand to those deserving of aid and sympathy.

Therefore Be it Resolved, That the Senate of the State of Iowa has Eleventh and Twelfth General Assemblies, departed this life in his home in Monticello, Iowa, on the 21st day of September, 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 be sent to the widow and family of the deceased.

H. R. CHAPMAN,

A. M. GARRETT,

ROBERT HUNTER,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator W. S. Allen, from a special committee, submitted the following report and moved its adoption:

Mr. President: Your special committee appointed to draft and present resolutions commemorative of the life, character and public services of the Honorable Alexander Brown, late a member of the Senate in the Nineteenth General Assembly, now beg leave to submit the following as their report:

Alexander Brown was born near Carbondale, Luzerne County, Pennsylvania, May 3, 1837, and died at Keosauqua, Iowa, August 10, 1910. He was of Scotch descent, his parents emigrating to America in about the year 1820, and settling in the state of New York.

When the subject of this sketch was only five years of age the family removed to the town of Keosauqua in Van Burn County, State of Iowa, at which place the father died five years later. Here the son, Alexander, attended the public school and studied law under George G. Wright, afterwards Chief Justice, and United States Senator from Iowa, and there he was admitted to the bar in 1859. In the fall of 1861 he enlisted in Company "E" of the Fifteenth Regiment, Iowa Infantry, in response to his country's call for volunteers in defense of the Union. On March 1, 1862, he was promoted to Sergeant Major of his regiment. Soon after this the regiment was sent to the front and first participated in the battle of Shiloh, where it was heavily engaged, coming out of the battle with a casualty list of 213 killed, wounded and missing. In this action Major Brown was severely wounded in the hip, but recovered in time to reach his regiment and participate with it in the battle of Corinth, October 3, 1862, in which engagement he was again wounded; this time dangerously in the shoulder. This wound rendered him incapable for further active military service in the field. He was, therefore, discharged upon the surgeon's certificate of disability, in February, 1863, and returned to his home. Shortly afterward he was appointed to a clerkship in the office of Provost Marshal Robert Rutledge at Burlington, which position he held until October, 1865, when he returned to Keosauqua.

In the fall of 1867 he was elected County Judge of Van Buren County, and held this office until it was abolished by legislative enactment two years later. He was then elected Auditor of the county and served in that capacity for six years, after which he entered upon the practice of his chosen profession, that of the law, and soon established a reputation as an able and conscientious lawyer, enjoying the fullest confidence of the bench, bar and people.

He was elected to the State Senate in 1881 and secured important legislation in relation to river bridges and abandoned railroad rights-of-way.

In 1894 he was elected County Attorney of Van Buren County, serving two terms. He was mayor of Keosauqua continuously for a period of ten years, until 1908, when, on account of growing infirmities, he declined to run again for that office. He was a member of the Masonic Fraternity and also of the Grand Army of the Republic.

It would seem superfluous to eulogize this man—his record alone is sufficient, and is eloquent of his qualities and services. That record shows that when an orphan he had a serious purpose to make something worth while of life and that he contended with, and overcame, the obstacles which lay in his pathway. His popularity was well deserved, and no man of his county was held in higher esteem by all classes.

In 1870 Judge Brown was married to Mary Rankin, who survived him, and his domestic life was most beautiful.

Therefore, Be It Resolved, That the Senate of the State of Iowa has learned with profound sorrow and regret of the death of the Honorable Alexander Brown, and that in the death of this prominent

citizen, his city, county, and state have suffered a great loss and from his immediate family there has been called away one whose place can never be filled.

Be It Further Resolved, That these resolutions be entered in the Journal of the Senate and that an engrossed copy be authenticated by the President and Secretary and be sent to the family of the deceased.

W. S. ALLEN,

J. H. ALLEN,

JOHN T. CLARKSON,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator McManus, from a special committee, submitted the following report and moved its adoption:

Your committee appointed to draft suitable resolutions on the life, character and public service of the late Judge Henry H. Trimble of Keokuk, Iowa, would respectfully submit the following report and resolutions:

Judge Trimble was born in Dearborn County, State of Indiana, February 10, 1824, his parents removing to Rush County, and later to Shelby County, then an unsettled County in Indiana. Here they cleared a farm in the big woods, where the boy lived until he was fourteen years of age. He had a very limited opportunity for attending school, but was determined to secure an education. The boy of fourteen sold his cherished horse, given him by his grandfather, and used the money to go to school six months at Shelbyville, a small town, but a metropolis of the frontier. He later attended school at Woodfield, Ohio. Then at the age of sixteen he taught school in Bartholomew County, Indiana; and, with the savings, bought a term or two of instruction at a little pioneer college at Franklin, Indiana. He attended for two years the University of Indiana. From this university he went to Asbury University, now De Pauw, which graduated him in 1847. After receiving his diploma, he enlisted in the Fifth Indiana Volunteers and served in that regiment until the close of the war with Mexico. Returning from Mexico, he taught school in Shelbyville, Ind., in the meantime studying law with Thomas A. Hendricks and Eden H. Davis. After completing his law studies Mr. Trimble came to Iowa in 1850, arriving at Bloomfield in February, and being admitted to the Iowa bar in April of that year. Six months after arriving in Iowa he was elected County Attorney, and re-elected in 1852. He took an active interest in politics, and while a leader of his party, was never a place-seeker. In 1856 Mr. Trimble was elected State Senator, sitting in the last legislature to meet in Iowa City, and the first to meet in Des Moines. In 1861 he had a leading part in organizing the Third Iowa Cavalry, of which he was made Lieutenant Colonel. He was an efficient and courageous officer. At the battle of Pea Ridge he was severely wounded, and was obliged to leave the service. Returning from the civil war, he was elected District Judge, and was

selected by his party for various honorable and important positions, but as he belonged to the minority party, seldom reached the goal for which he was so admirably fitted. His life was filled with activity, and he left a record that cannot be forgotten by the people of his adopted state.

His successors in the body of which he was an honored member, desiring to place on record their esteem and appreciation of his honored career, hereby

Resolve, That in the death of Henry Hoffman Trimble, the state has lost one of her honored and useful citizens, who rendered great and lasting service to his state. That he was a valuable legislator in the early history of the state, in its formative period, and was distinguished by his ability, eloquence, and integrity in public duty.

Resolved, That the Senate of the State of Iowa joins with his neighbors and friends in sorrow and regret at his loss, and hereby tenders to the family its sincere sympathy in this time of 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, be furnished the family.

Respectfully submitted,

E. P. McMANUS,

C. G. SAUNDERS,

J. F. WEBBER,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Garrett, from a special committee, 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 Samuel McNutt, beg leave to submit the following resolutions and recommend their adoption:

Samuel McNutt was born in Londonderry, Ireland, November 21, 1822. His ancestry was of that Scotch immigration which went into Ireland some two and a half centuries ago, and which in two hundred years has furnished our country with some of the best people that have builded this nation. His ancestors were distinguished in connection with the border chivalry of Scotland and in the events of the Covenanter days. When quite small, his parents brought him to America, and made their home in the State of Delaware, where young McNutt grew to manhood. Here he did the ordinary work of a farmer's boy, and attended school. He early showed aptitude for literature, furnishing contributions, partly poetical, to leading literary publications of the time, using the title "A Harmony Scholboy," Harmony being the name of the school district where was his home. Some of his productions had wide circulation at the time. Graduating at Delaware College in 1848, he for some years taught school, and was for three years President of the New Castle County Teachers' Association. Having

meantime read law with the then Secretary of State of Delaware, he was in 1851 admitted to the bar. He then for three years held a chair in a college in the State of Mississippi. In 1854, he came to Muscatine, Iowa, and bought himself a farm. Not long after coming to Iowa he was principal in one of the schools of Muscatine. His journalistic training led him back to newspaper work and he was for a year or two editor of the Muscatine Enquirer, at the time a journal of much prominence in the state. In 1857, he became associated with Joseph B. Dorr (afterwards Colonel of the Eighth Iowa Cavalry) in the editorial work of the Dubuque Express and Herald, then the leading Democratic paper in the state. When the war began, Mr. McNutt announced himself as strongly in favor of the most vigorous measures for suppressing the rebellion. In that interest, he published for a short time a paper known as the Daily Evening Union, at Dubuque. Subsequently he was for a brief period one of the editors of the Dubuque Times. Returning to the County of Muscatine in 1862, he was the next year elected by the Republicans of the County to the House of Representatives and was twice re-elected. In that body he was urgent for legislative control of railroads and introduced bills looking in that direction. He was chosen to the Senate in 1869, serving through the Thirteenth and Fourteenth General Assemblies, the latter of which enacted the Code of 1873, in which Mr. McNutt took an active part. He was a safe and sagacious legislator and an earnest advocate of what he thought to be right. Later in life he was appointed by President Harrison Consul to Maracaibo, Venezuela.

April 14, 1857, he was united in marriage with Anna Lucas, a niece of Robert Lucas, twice Governor of Ohio, and afterwards Governor of the Territory of Iowa. To this union were born three sons: Dr. Robert S. of Muscatine; W. L., now of Ord, Nebraska, and S. B. McNutt.

It has been well said of him that just prior to the war, during that convulsion, and after it for some years he was one of the men most talked of in Iowa. Throughout all the active years of his useful life he was more or less prominent in the history of our state. He continued in vigorous health until within a few weeks of his decease, which event occurred on the morning of January 10, 1911. He was much interested in the work of the Pioneer Lawmakers' Association.

Resolved, by the Senate, That in the death of Honorable Samuel McNutt the state has lost one of her most useful and honored citizens, the memory of whose life and service will long remain with all.

That the Senate extends to his family its sincere sympathy.

Resolved, That these resolutions be printed in the Journal and a copy thereof engrossed and duly authenticated by the President and Secretary of the Senate be presented to his family.

A. M. GARRETT,  
H. R. CHAPMAN,  
ROBERT HUNTER,

*Committee.*

Senator Garrett, in moving the adoption of the report, spoke as follows:

Mr. President: In these days of increasing varieties of pursuits and increasing complexities, the lives of the good and strong of character are an inspiration to all of us.

Of those who have left their mark upon the pages of our state's history there are few who have set a higher standard than Samuel McNutt.

He was of the plain people, believing in the dignity of true manhood, devotion and loyalty to his home, his friends, and his country.

To these he gave the full measure of life's service.

The world is richer because of his faithful life.

The resolutions were adopted unanimously by a rising vote.

Senator Jewell from a Special Committee submitted the following report and moved its adoption:

Whereas, Since the last session of the General Assembly, Martin N. Johnson, formerly a member of this body, has departed this life, now be it

Resolved, That therefore this tribute be offered to his memory:

Martin Nelson Johnson was born in Racine county, Wis., March 3, 1850; he died at Fargo, N. D., October 21, 1909. When yet in his infancy, he was taken by his father to the family's new home in Winneshiek county, Iowa. In due time young Johnson entered the State University, graduating in 1873. He was for a short time after his graduation instructor in the California Military Academy at Oakland. Returning to Iowa he was admitted to the bar in 1876. He had just been chosen a member of the House of Representatives from his home county. In that body he was made chairman of the Committee on the State Library. In 1877 he was elected a member of the State Senate, being in that body when the prohibitory amendment to the Constitution was adopted for submission to the next General Assembly, and supported that measure. In 1880 he was chairman in the same committee in the Senate. While a Senator he secured the adoption of statutory provision under which persons applying for opportunity to teach special subjects are allowed to take examination for such specialty without being required to take a general examination. In 1876 Mr. Johnson was an elector for President and Vice President, casting his vote for Hayes and Wheeler. In 1884 he removed to the territory of Dakota, and there entered the land which was his home to the last. He was prosecuting attorney for a couple of years, and was president of the body that drafted the Constitution of the State of North Dakota. In this convention he resolutely contended against a bicameral legislature, making a strong fight for a legislature with only one house, citing as precedent many other states and countries, including that of his ancestors, Norway. The convention, however, adopted the plan of a legislature with two bodies. When the first legislature met Mr.



Johnson was nominated by the Republican caucus for United States Senator, but a combination of disaffected Republicans with the minority party defeated him in the Joint Convention of the General Assembly. He was chairman of the first Republican convention of the state. In 1890 he was elected to Congress, representing the entire state. He was re-elected four times, serving as a member of the Committee on Ways and Means, and as such participating in framing the tariff law of 1897. He voluntarily retired from Congress in 1889 to become a candidate for United States Senator. Defeated in his candidacy he returned to farming and grain dealing. In 1908 he was again a candidate for United States Senator, and in 1909 was elected by the legislature as a member of that body, taking his seat March 4, 1909.

P. M. JEWELL,

AUG. A. BALLUFF,

JAS. A. SMITH,

*Committee.*

The resolutions were adopted unanimously by a rising vote.

Senator Sullivan moved that as a mark of respect to the deceased members, the Senate do now adjourn.

Carried.

Senate adjourned.

## BILLS AND JOINT RESOLUTIONS

### Passed by the Thirty-Fourth General Assembly

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Titles of laws enacted and joint resolutions passed by the Thirty-fourth General Assembly to April 12, 1911.

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#### HOUSE JOINT RESOLUTIONS.

House Joint Resolution No. 1, by Dabney of Davis, a Joint Resolution ratifying the Sixteenth (16th) Amendment to the Constitution of the United States.

House Joint Resolution No. 2, by Dabney of Davis, joint resolution of the Thirty-fourth 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 States.

#### HOUSE BILLS.

House File No. 6, by Campbell of Ida, a bill for an act to repeal Section Three Thousand Four Hundred Forty-seven-B (3447-B) of the Supplement to the Code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance, and to enact a substitute therefor.

House File No. 9, by Boettger of Scott, a bill for an act to amend Section Five (5) of Chapter Sixty-one (61) of the Acts of the Thirty-third General Assembly of Iowa, relating to pensions for disabled and retired firemen.

House File No. 10, by Lounsberry of Marshall, a bill for an act to amend the law as it appears in Section Two Hundred Ninety-six (296) of the Supplement to the Code, 1907, relating to the fees collected and paid to the County by the Clerk of the District Court.

House File No. 11, by Newell of Plymouth, a bill for an act to amend Section One (1) of Chapter One Hundred Eighty-four (184), Laws of the Thirty-third General Assembly, relative to the limit of indebtedness of independent school corporations.

- House File No. 12, by Whitney of Wodbury, a bill for an act to provide for prosecuting criminal offenses to final judgment on information to be filed by the County Attorney, and without the intervention of the Grand Jury, in all cases in which the punishment exceeds a fine of one hundred dollars, or exceeds imprisonment for thirty days and to provide the procedure when so prosecuted on information.
- House File No. 14, by Dunlap of Clinton, a bill for an act to repeal Section One Thousand Five Hundred Sixty-nine (1569) of the Code, 1907, and to enact a substitute therefor, relating to passing of vehicles, including automobiles on the public highway.
- House File No. 25, by Ripley of Hancock, a bill for an act to amend Section One Thousand Six Hundred Forty-one-b (1641-b) of the Supplement to the Code relating to the issuance of capital stock of railway and manufacturing corporations.
- House File No. 26, by Ripley of Hancock, 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 contract and the service of notice thereto, and to amend Section Four Thousand Three Hundred (4300) of the Code relating to the recording of notice of forfeiture of contracts.
- House File No. 27, by Kulp of Palo Alto, a bill for an act to repeal Chapter Two-a (2-a), Title Eight (VIII), being Sections Fifteen Hundred Seventy-one-a (1571-a) to Fifteen Hundred Seventy-one-l (1571-l), both inclusive, of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of license fees and fines.
- House File No. 28, by Shane of Wapello, a bill for an act to provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools of Iowa.
- House File No. 29, by Zeller of Madison, a bill for an act to amend Section Five Thousand One Hundred Nineteen (5119) of the Code of Iowa, 1897, relative to the punishment of the crime of vagrancy and defining the same.
- House File No. 30, by Crist of Clarke, a bill for an act to repeal Section Two Thousand Three Hundred Eighty-three (2383) of the Code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.
- House File No. 33, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-four-a (2794-a) of the Supplement to the Code and to enact a substitute in lieu thereof relating to organization of consolidated independent school districts.

- House File No. 37, by Whitney of Woodbury, a bill for an act to prohibit the possession of roulette wheels, Klondyke tables, poker tables, poker chips, faro and keno layouts, and to provide for the seizure and destruction thereof.
- House File No. 38, by Whitney of Woodbury, a bill for an act to amend Section Three Thousand Four Hundred Thirty-nine (3439) of the Supplement to the Code, 1907, relating to the time when actions may be brought on judgments in courts of record.
- House File No. 41, by Harding of Woodbury, a bill for an act creating the office of State Fire Marshal and Deputy Fire Marshal, prescribing their duties and providing for their compensation and for the maintenance of the State Fire Marshal's office.
- House File No. 42, by Harding of Woodbury, a bill for an act to amend Section Seven Hundred Twenty (720) of the Code Supplement of 1907 providing for the amending of franchises granted to individuals or private corporations.
- House File No. 44, by Shankland of Polk, a bill for an act to amend the law as the same appears in Section 303-a of the Supplement to the Code of 1907, relating to the appointment and compensation of assistants to the County Attorney.
- House File No. 46, by Cunningham of Buena Vista, a bill for an act to repeal Chapter One Hundred One (101) of the Laws of the Thirty-third General Assembly and to enact a substitute therefor relative to the dragging of public highways and providing a penalty for failure to perform such duties.
- House File No. 47, by Smith of Decatur, a bill for an act to amend the law as it appears in Chapter Eight (8), Title Two (II) of the Supplement to the Code, 1907, in reference to the census.
- House File No. 50, by Goodykoontoz of Boone, a bill for an act amending Section Eighteen Hundred Thirty-nine-1 (1839-1) of the Supplement to the Code of 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies.
- House File No. 53, by Griggs of Scott, a bill for an act to amend Section Eighteen Hundred Fifty-four (1854) of the Code of 1897, relating to deposits in savings banks.
- House File No. 56, by Grout of Black Hawk, a bill for an act to regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide a penalty for the violation thereof.
- House File No. 59, by Boettger of Scott, a bill for an act to legalize a certain special election held in the Town of Bettendorf, Scott County, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the Town Council of said Town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.

- House File No. 61, by Grout of Black Hawk, a bill for an act to amend Section One Thousand Nine Hundred Ninety-five (1995) of the Code, relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof.
- House File No. 67, by Stoddard of Buchanan, a bill for an act to prohibit the exhibition of deformed, idiotic or abnormal persons.
- House File No. 71, by Fulton of Jefferson, a bill for an act to repeal Sections Fourteen Hundred Seven-a (1407-a), Fourteen Hundred Seven-b (1407-b), Fourteen Hundred Seven-c (1407-c), Fourteen Hundred Seven-d (1407-d) and Fourteen Hundred Seven-e (1407-e) of the Supplement to the Code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.
- House File No. 73, by Hickenlooper of Monroe, a bill for an act to legalize the acts of the Directors of School Township of Pleasant, in the County of Monroe and State of Iowa, in contracting for the erection of an addition to school house in the village of Lockman in Subdistrict No. 11 of said township, and levying a tax therefor.
- House File No. 75, by Bruce of Floyd, a bill for an act to amend the law as the same appears in Section Four Hundred Sixteen (416) of the Code, relating to County Supervisor Districts.
- House File No. 76, by Ellis of Jackson, a bill for an act to amend Section 1400-f of the Supplement to the Code, 1907, and providing for additional forest trees.
- House File No. 80, by O'Connor of Chickasaw, a bill for an act providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa.
- House File No. 96, by Lenocker of Pottawattamie, a bill for an act to repeal Section Twenty-five Hundred Ninety-six-a (2596-a) of the 1907 Supplement to the Code as amended by Chapter One Hundred Sixty-three (163) of the Acts of the Thirty-third General Assembly, relating to the sale of cocaine and certain other drugs, and to enact a substitute therefor.
- House File No. 97, by Dawson of Cherokee, a bill for an act to amend Section Twenty-five Hundred Eighty-nine-b (2589-b) of the Supplement to the Code of 1907, relating to the practice of pharmacy.
- House File No. 101, by Van Camp of Adair, a bill for an act authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and repeal Chapter Fifty-three (53) of the Acts of the Thirty-third General Assembly.
- House File No. 102, by Lounsberry of Marshall, a bill for an act to amend the law as it appears in Section Fourteen Hundred Seventy-five (1475) of the Code of 1897, relating to the assessment and collection of the collateral inheritance tax.

House File No. 103, by Cunningham of Buena Vista, a bill for an act to establish the Office of Commerce Counsel, and defining the powers and duties of the same.

House File No. 113, by Moore of Linn, a bill for an act authorizing the issue of bridge bonds of cities of the first class.

House File No. 115, by Koontz of Johnson, a bill for an act making appropriation to the State Historical Society of Iowa.

House File No. 116, by Lounsberry of Marshall, a bill for an act to amend the law as it appears in Section Four Hundred Seventy-eight (478) of the Code of 1897, relative to fees collected by the County Auditor.

House File No. 120, by Shane of Wapello, a bill for an act providing that undertakers shall report to the Mayor of a city or town or to the Township Clerk, the name and residence of any person dying of tuberculosis, and providing for the disinfection of the premises and a penalty for a failure to comply with the provisions of this act.

House File No. 128, by Kulp of Palo Alto, a bill for an act to amend Section One Thousand Nine Hundred Eighty-six (1986) as it appears in the Supplement to the Code, 1907, relating to the maintaining of levees, ditches and drains.

House File No. 129, by O'Connor of Chickasaw, a bill for an act to amend Chapter Thirteen (13), Title Twelve (XII) of the Supplement to the Code, 1907, and providing for the appointment of Dairy Commissioner, Deputy Commissioner and State Dairy Inspector, and fixing the salary of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.

House File No. 141, by Campbell of Ida, a bill for an act to repeal Section Three Hundred Thirty-five of the Code as amended by Chapter Twenty of the Acts of the Twenty-third General Assembly, relating to the selection of jury lists, and to enact a substitute therefor.

House File No. 155, by Miller of Dubuque, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-1 (4999-a-1) of the Supplement to the Code of 1907, relative to water closets or privies.

House File No. 156, by Whitney of Woodbury, a bill for an act to provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regulations and to require work from such persons so committed, and to provide for the supervision of such institutions by the Board of Control.

House File No. 158, by Newell of Plymouth, 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 Akron, Iowa.

House File No. 162, by Shankland of Polk, a bill for an act relating to security for cost in justice courts.

House File No. 164, by Hutchins of Kossuth, a bill for an act to amend Section One Thousand Nine Hundred Eighty-nine-a-8 (1989-a-8) of the Supplement to the Code, 1907, relating to the letting of contracts for levees, drains and ditches.

House File No. 177, by Ripley of Hancock, a bill for an act to amend Section Twenty-eight Hundred and Sixteen (2816), Code, 1897, relative to the title and disposition of real estate acquired by a school corporation.

House File No. 180, by McCullough of Dubuque, a bill for an act amending Chapter Eight (8) of Title Thirteen (XIII) of the Supplement to the Code, 1907, and being additional thereto and providing that females litable to be committed to the State Industrial School may be committed to accredited institutions.

House File No. 186, by Goodykoontz of Boone, a bill for an act to amend the law as it appears in Section Twenty-one Hundred and Fifty-seven-g (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.

House File No. 197, by Ellis of Jackson, a bill for an act to amend the law as it appears in Section Five Hundred Sixty-four (564) of the Code, relating to the appearance by the County Attorney for Township Trustees.

House File No. 198, by Bowman of Linn, a bill for an act to prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the State Food and Dairy Commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.

House File No. 199, by Bowman of Linn, a bill for an act to prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the State Food and Dairy Commissioner in relation thereto; and fixing penalties for the violation thereof.

House File No. 210, by Jacobs of Calhoun, a bill for an act to regulate the size and construction of caboos cars, and providing penalties for the violation thereof.

- House File No. 211, by Goodykoontz of Boone, a bill for an act to confirm the title of John a Jasinsky to the southeast quarter of the southwest quarter of Section No. 14, Township No. 84 North, Range No. 29, West 5th P. M., Greene County, Iowa, and authorizing the issuance of a patent therefor.
- House File No. 214, by Fletcher of Iowa, a bill for an act to amend Section One (1) of Chapter One Hundred Thirty-nine (139) of the Laws of the Thirty-third General Assembly relating to the sale of intoxicating liquors by permit holders.
- House File No. 217, by Harding of Woodbury, a bill for an act authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of same with the county officers.
- House File No. 218, by Harding of Woodbury, a bill for an act legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.
- House File No. 219, by Boettger of Scott, a bill for an act to repeal Section Six Hundred Seventy-nine-h (679-h) of Chapter Two-a (2-a), Title Five (V) of the Supplement to the Code of 1907, relative to the Board of Police and Fire Commissioners in certain cities of the first class.
- House File No. 220, by Boettger of Scott, a bill for an act to amend the law as it appears in Chapter Sixty (60), of the Laws of the Thirty-third General Assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. (Additional to Chapter Fourteen (14) of Title Five (V) of the Code, relating to cities under special charter.)
- House File No. 221, by Brown of Wright, a bill for an act making appropriation for additional improvements and land at the Iowa State Fair and Exposition grounds.
- House File No. 241, by Moore of Linn, a bill for an act to provide for a direct inheritance tax.
- House File No. 243, by Grout of Black Hawk (by request), a bill for an act to amend Title Twelve (XII), Chapter Twelve (12), of the law as it appears in the 1907 Supplement to the Code, relative to the inspection of passenger boats and requiring all such boats to be provided with life preservers.
- House File No. 247, by Beebe of Franklin, a bill for an act to amend 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.



- House File No. 248, by Miller of Dubuque, a bill for an act to amend the law as it appears in Chapter Sixteen-d (16-d) of the Supplement to the Code, 1907, relative to graduate and registered nurses.
- House File No. 251, by O'Connor of Chickasaw, a bill for an act providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the State University of Iowa, the State College of Agriculture and Mechanic Arts, and the State Teachers' College.
- House File No. 262, by Ritter of Des Moines, a bill for an act regulating the commission plan of government in certain cities, additional to Chapter Fourteen-c (14-c) of the Supplement to the Code and Chapter Sixty-four (64) of the Laws of the Thirty-third General Assembly.
- House File No. 266, by Rowles of Monona, a bill for an act to amend Section Nineteen Hundred Eighty-nine-a-2 (1989-a-2), Section Nineteen Hundred Eighty-nine-a-4 (1989-a-4), Section Nineteen Hundred Eighty-nine-a-5 (1989-a-5), and Sections Nineteen Hundred Eighty-nine-a-6 (1989-a-6) of the Code, relating to securing right of way for levees, drains and ditches.
- House File No. 267, by Shankland of Polk, a bill for an act to amend Chapter 62 of the Acts of the Thirty-third General Assembly relating to pensions to be paid to policemen.
- House File No. 269, by Escher of Shelby, a bill for an act to indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, Vinton, Iowa.
- House File No. 270, by Hamilton of Lee, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. Additional to Title Five (V) of the Code.
- House File No. 271, by Bruce of Floyd, a bill for an act to amend Section Three (3), Chapter One Hundred Four (104), Acts of the Thirty-third General Assembly, relating to corporations for pecuniary profit.
- House File No. 278, by Fraley of Polk, a bill for an act relating to the sale of intoxicating liquors by wholesale drug corporations, additional to Chapter Six (6), of Title Twelve (XII) of the Code.
- House File No. 280, by Jacobs of Calhoun, a bill for an act to amend Section Forty-nine Hundred and Ninety-nine-a-5 (4999-a-5), Supplement to the Code, 1907, and Section Forty-nine Hundred and Ninety-nine-a-10 (4999-a-10), Supplement to the Code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes and to provide penalty for removing such safeguards.

House File No. 281, by Griggs of Scott, a bill for an act to amend Title Five (V), Chapter Fourteen (14), of the Code and amendments thereto relating to park commissioners in special charter cities (repealing Sections Nine Hundred Ninety-one (991) to Nine Hundred Ninety-six (996) inclusive of the Code and amendments thereto, and enacting substitute therefor.

House File No. 283, a bill for an act to amend the law as the same appears in Section One (1), of Chapter Fifty-seven (57), Acts of the Thirty-third General Assembly of Iowa, relating to tax levy for park purposes.

House File No. 284, by Rowles of Monona, a bill for an act repealing Section Fourteen Hundred Sixty-two (1462), of the Code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.

House File No. 295, by Escher of Shelby (by request), a bill for an act defining the terms "gold," "alloy of gold," "silver," "alloy of silver," "sterling silver," or "sterling" as applied to any article of merchandise made in whole or in part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition and also providing a means of making tests thereof, and also defining the terms "rolled gold plate," "gold plate," "gold filled," and "gold electro-plate," and the words "silver plate," and "silver electro-plate," "sterling," and "coin," as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof.

House File No. 297, by Kull of Howard, a bill for an act to amend Sections Four Hundred (400) and Four Hundred Two (402) of the Code, relating to the removal of county seats and the county records.

House File No. 300, by Moore of Linn, a bill for an act to repeal Section One Thousand Eight Hundred Seventy-three (1873) of the Code and Section One Thousand Eight Hundred and Seventy-three (1873) of the Supplement to the Code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the Auditor and to the publication of the statements thereof in some newspaper.

House File No. 312, by Stephenson of Ringgold, a bill for an act authorizing the levy of a tax for the purpose of defraying the expense of prospecting of coal.

House File No. 317, by Perkins of Delaware, a bill for an act to prevent the procreation of habitual criminals, idiots, feeble-minded and imbeciles.

House File No. 321, by Miller of Dubuque, a bill for an act to authorize the Governor of the state to execute to Joseph Tucker a patent, conveying to him the southwest quarter (S. W. 1-4) of the southeast quarter (S. E. 1-4) of Section Five (5), Township Eighty-seven (87) North, Range One (1), West of the 5th P. M., in Dubuque County, Iowa.

House File No. 329, by Bauman of Van Buren, a bill for an act to abolish the state board of veterinary medical examiners, to transfer the powers and duties of said boards to the state veterinary surgeon and to establish a commission of animal health.

House File No. 331, by Dunlap of Clinton, a bill for an act legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection, maintenance and extension of a system of waterworks in said town, and the issuance of warrants of said town and in the 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 said warrants.

House File No. 335, by Moore of Linn, a bill for an act to amend Section One Thousand Seven Hundred Forty-six (1746) of the Code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.

House File No. 338, by Boettger of Scott, a bill for an act to amend Section Six Hundred Seventy-nine-a (679-a) and One Thousand Fifty-six-a-Thirty-two (1056-a-32), Subdivision F of the Supplement to the Code, 1907, relative to the board of police and fire commissioners in certain cities of the first class.

House File No. 346, by Dawson of Cherokee, a bill for an act to authorize the conveyance of land to the city of Cherokee for cemetery purposes.

House File No. 353, by Hutchins of Kossuth, a bill for an act to amend Sections One Thousand Eightyseven-a-4 (1087-a-4), One Thousand Eightyseven-a-19 (1087-a-19) of the Supplement to the Code, 1907, as amended relating to the holding of primary election by political parties.

House File No. 355, by Ripley of Hancock, a bill for an act to amend the law as it appears in Section Twenty-seven Hundred Twentyseven-a-1 (2727-a1) of the Supplement to the Code 1907, relating to the terms of office of the members of the board of control of state institutions.

House File No. 367, by Fulton of Jefferson, a bill for an act to amend the law as it appears in Chapter Seventeen-a (17-a) Title XIII of the Supplement to the Code, 1907, relative to salaries and appropriations for the state library and the historical department.

House File No. 369, by Hutchins of Kossuth, a bill for an act to amend the law as it appears in Sections Nineteen Hundred Eighty-nine-a-14 (1989-a-14) as amended, and Nineteen Hundred Eighty-nine-a-21 (1989-a-21) of the Supplement to the Code, 1907, and Section Ten (10) Chapter One Hundred Eighteen (118), laws of the Thirty-third General Assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.

House File No. 371, by Stipe of Page, a bill for an act to legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.

House File No. 372, by Edmunds of Taylor, a bill for an act to amend Section One (1) of Chapter One Hundred Fifty-one (151) of the acts of the Thirty-third General Assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum.

House File No. 375, by Goodykoontz of Boone, a bill for an act legalizing the acts of the stockholders and officers of the Boone county agricultural society of Boone County, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation.

House File No. 383, by Jacobs of Calhoun, a bill for an act to legalize a special election of the Independent school district of Paton, in the county of Greene, and state of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds.

House File No. 387, by Goodykoontz of Boone, a bill for an act amending the law as it appears in Paragraph Nine (9) of Section Four Hundred and Twenty-two (422) of the Supplement to the Code, 1907, relating to the powers of the boards of supervisors.

House File No. 392, by Moore of Linn, a bill for an act amending the law as it appears in Section Two Thousand, Five Hundred Thirty-nine (2539) of the Supplement to the Code, 1907, as amended by Chapter One Hundred Fifty-two (152), acts of the Thirty-third General Assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.

House File No. 402, by Boettger of Scott, a bill for an act to amend Section One Thousand Five (1005), of the Supplement to the Code, 1907, with additional provisions in regard to the fire fund.

House File No. 403, by Dewey of Guthrie, 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, and Section One (1), of Chapter 12 of the Acts of the Thirty-third General Assembly, relating to the compensation of shorthand reporters.

House File No. 406, by McCullough of Dubuque, a bill for an act making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof.

House File No. 408, a bill for an act to legalize all the elections of the town of Floyd, in the county of Floyd, State of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said, and all the official acts of the town officers of said town, since the passage of the act relating to the organization of cities and towns and known as Chapter Twenty-six of the acts of the Thirty-second General Assembly, and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.

House File No. 409, by Moore of Linn, a bill for an act amendatory to Chapter Six (6), Title Three (III) of the Code, extending the jurisdiction of superior courts in cities which are not county seats, and which have now, or may hereafter have, a population of twenty-five thousand (25,000) or more; providing for trial by jury in such superior courts in such cities; providing for the number of jurors in such courts in such cities and the manner of their selection; providing the manner of making certain judgments of courts in such cities liens upon real estate; providing that the filing of petitions in such courts in such cities which affect real estate shall charge third persons with notice of the pendency of the action upon filing of a notice of pendency; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing for a deputy clerk of such court in such cities; and providing that the act shall apply to cities acting under the commission form of government.

House File No. 411, by Beebe of Franklin, a bill for an act legalizing assignments of mortgages and other recorded lien made upon the margin of the records and making such assignments admissible in evidence.

House File No. 415, a bill for an act for the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.

House File No. 423, by Miller of Bremer, a bill for an act to amend Section Eighteen Hundred Twenty-two (1822) of the Code, relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under Chapter Nine, Title Nine, of the Code.

House File No. 436, by Beebe of Franklin, a bill for an act authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and sell intoxicating liquors for medicinal and pharmaceutical purposes and persons engaged in selling intoxicating liquors under the mulct law, and making such certified copies competent evidence and to provide for the publication thereof and the payment therefor.

House File No. 445, by Hazen of Pottawattamie, a bill for an act to amend the law as it appears in Section Four Hundred Forty-one (441) of the Supplement to the Code, 1907, relating to official newspapers and how selected.

House File No. 452, by Miller of Bremer, a bill for an act relating to the weight of flour and providing a penalty for the violation thereof.

House File No. 461, by Campbell of Ida, (by request), a bill for an act to indemnify Mr. W. T. Johnson for personal injuries sustained by him while a patient at the State University of Iowa Hospital, Iowa City, Iowa.

House File No. 470, by Committee on Insurance, a bill for an act to amend Section One Thousand Eight Hundred Twenty-one-c (1821-c) of the Supplement to the Code, 1907, relating to insurance examiner.

House File No. 471, by Zeller of Madison, a bill for an act to legalize certain conveyances of real estate heretofore recorded.

House File No. 474, by Bruce of Floyd, a bill for an act to repeal Section One Thousand Eighty-seven-a-19 (1087-a-19) Chapter 2-a of the Supplement to the Code, 1907, as amended by Section Ten (10), of Chapter Sixty-nine (69) Acts of the Thirty-third General Assembly and to enact a substitute therefor, relating to canvass by Board of Supervisors and certificates in primary elections.

House File No. 477, by Koontz of Johnson, a bill for an act authorizing the governor of the state of Iowa to issue patent, attested by the secretary of state, to lot six (6) in block ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.

House File No. 485, by Committee on Board of Control, a bill for an act providing for the commitment of boys and girls to the Industrial school and repealing the law as it appears in Sections Twenty-seven Hundred Eight (2708) and Twenty-seven Hundred Nine (2709) of the Supplement to the Code, 1907, and Chapter One Hundred Seventy-four of the Acts of the Thirty-third (33d) General Assembly.

House File No. 488, by Dixon of Sac, a bill for an act to amend Section Seven Hundred Twenty-eight (728) of the Code and Supplement, relating to vacancies in office of library trustees.

House File No. 492, by Crist of Clark, a bill for an act to legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from and constructing paving and curbing on portions of Washington and Webster streets in said city on grades different from the established grades.

House File No. 506, by Committee on Insurance, a bill for an act to amend the law as it appears in Sections Three Hundred Sixty (360), Seventeen Hundred Eleven (1711), Seventeen Hundred Twenty-one (1721), Seventeen Hundred Twenty-eight (1728), Seventeen Hundred Forty-five (1745), Seventeen Hundred Eighty-seven (1787), Seventeen Hundred Ninety-eight (1798) of the Code, and to amend the law as it appears in Sections Thirteen Hundred Thirty-three (1333), Seventeen Hundred Nine (1709), (Division 1), Seventeen Hundred Fifty-eight-b (1758-b), Seventeen Hundred Eighty-two (1782), Seventeen Hundred Fifty-nine-b (1759-b), Seventeen Hundred Fifty-nine-f (1759-f), Seventeen Hundred Ninety-eight-a (1798-a), Seventeen Hundred Ninety-eight-b (1798-b), Eighteen Hundred Thirty-nine-j (1839-j) of the Supplement to the Code 1907, and to amend the law as it appears in Section Seven (7), Chapter One Hundred Five (105), and Section One (1), of Chapter One Hundred Eleven (111) of the Acts of the Thirty-third General Assembly; and to enact a section as Section Eighteen Hundred Twenty-d (1820-d) to Chapter Eight (8), Title Nine (9) of the Code, all relating to insurance.

House File No. 512, by Boettger of Scott, a bill for an act to amend Section 1056-a Nineteen (1056-a-19) of Chapter Fourteen-c (14-c) of the Supplement to the Code, 1907, relating to the government of certain cities and acts amendatory thereof.

House File No. 513, by Harding of Woodbury, a bill for an act to amend Section Two (2) of Chapter One Hundred Fifty-five (155) of the Acts of the Thirty-third General Assembly, striking out the words "Big Sioux."

House File No. 523, by Harding of Woodbury, a bill for an act to amend Section Twenty-one Hundred Twenty-five (2125) of the Code, and Section Twenty-one Hundred Forty-five (2145) of the Code, defining switching service by railway carriers and giving the railroad commissioners certain powers therein.

House File No. 542, by Miller of Bremer, a bill for an act to provide for the inspection of weights and measures, and to punish the keeping of false weights and measures.

House File No. 543, by Campbell of Ida, a bill for an act to amend House File Number Six (6) of the Thirty-fourth General Assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance.

- House File No. 556, by Shankland of Polk, a bill for an act declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances.
- House File No. 561, by Ripley of Hancock, a bill for an act to amend Section Twenty-three Hundred Ten-a21 (2310-a21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates to the hospital for the treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of narcotics.
- House File No. 569, by Kull of Howard, a bill for an act to amend the law as it appears in Section Five Thousand Eighty-one (5081) of the Code, relating to the penalty for nuisances.
- House File No. 574, by Fraley of Polk, a bill for an act to legalize the official acts of certain notaries public in and for Polk County, Iowa.
- House File No. 579, by Bybee of Marion, a bill for an act authorizing the issue of a patent to the southwest quarter (1-4) of the southeast quarter (1-4), Section Sixteen (16), Township Seventy-six (76), Range Twenty-one (21), West Fifth (5th) P. M.
- House File No. 585, by Grout of Black Hawk, a bill for an act to apportion the state into Representative Districts and declare the ratio of representation.
- House File No. 588, by Committee on Fish and Game, a bill for an act to establish in the State of Iowa the title and ownership of all wild game, animals, birds and fish.
- House File No. 591, by Dewey of Guthrie, a bill for an act legalizing the ordinances of the town of Menlo, Guthrie County, Iowa, and the acts and proceedings of the council of said town had thereunder.
- House File No. 594, by Fry of Wayne, a bill for an act to legalize the notices of a certain special election held at Corydon.
- House File No. 597, by Whitney of Woodbury, a bill for an act to amend Section Two Hundred Thirty-three (233) of the Code, relating to the calling of special terms of court.
- House File No. 599, by Fraley, a bill for an act to authorize Boards of Supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such persons is located.
- House File No. 601, by Zeller of Madison, a bill for an act to legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.



House File No. 602, by Committee on Appropriations, 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 Eightieth (80) Representative District of Iowa, and the Ninety-ninth (99) Representative District of Iowa, and to pay sundry persons for services, mileage, and other expenses incurred in connection with said election contest.

House File No. 604, by Griggs of Scott, a bill for an act to amend Section Eight Hundred and Twenty-three (823) of the Supplement to the Code, 1907, in relation to publication of notice of assessment of street improvements.

House File No. 608, by Fletcher of Iowa, a bill for an act to legalize certain ordinances of the Town of Williamsburg, Iowa.

House File No. 612, by Ellis of Jackson, a bill for an act to legalize a certain election held October 14, 1910, in the town of LaMotte, Jackson County, Iowa.

House File No. 613, by Linnan of Pocahontas, a bill for an act to legalize a certain contract entered into between the counties of Pocahontas and Calhoun, State of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9, in Calhoun county, Iowa, and to authorize the issuance of a warrant to Pocahontas county on the funds of said drainage improvement district No. 13 in Pocahontas county, Iowa, to the Treasurer of Calhoun county, Iowa, for the use and benefit of drainage improvement district No. 9 in Calhoun county, and to authorize the levy and collection of taxes for the payment of the same.

#### SENATE BILLS.

Senate File No. 2, by Senator Brown, a bill for an act to amend the law as it appears in Chapter Eleven (11), Title Twelve (XII) of the Supplement to the Code, 1907, relating to the inspection of petroleum products, and to amend said chapter so as to include specifically gasoline for power, illuminating and heating purposes.

Senate File No. 7, by Sammis, a bill for an act to amend Section Twelve (12) of Chapter Two (2) of the Code, relating to the compensation of members of the General Assembly.

Senate File No. 12, by Sullivan, a bill for an act to amend the law as it appears in Section Sixteen (16) of Chapter Fourteen (14) of the Acts of the Thirty-third General Assembly, relating to the enticing of children and providing a penalty for the violation thereof.

- Senate File No. 14, by Sullivan, a bill for an act to amend Section 227 of the Code, relating to the division of the state into judicial districts, and increasing the number of district judges in the Ninth district.
- Senate File No. 18, by Sullivan, a bill for an act repealing Section 1, Chapter 52, of the Acts of the Thirty-third General Assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof.
- Senate File No. 22, by Senator Allen of Jefferson,, a bill for an act to amend Section Three Hundred Seventy-seven (377), of the Code, relating to the powers of notaries public.
- Senate File No. 24, by Senator Smith of Shelby, a bill for an act to repeal Subdivision Seven (7) of Section Thirteen Hundred and Four (1304) of the Supplement to the Code of Iowa, and to enact a substitute therefor pertaining to the exemption from taxation of property of an honorably discharged Union soldier or sailor of the Mexican War or War of the Rebellion, or of the widow of such soldier or sailor.
- Senate File No. 25, by Senator Bennett, a bill for an act to repeal Section Two Thousand Seven Hundred Ninety-three (2793), Supplement to the Code, 1907, and enact a substitute therefor relative to the change of boundaries of school corporations.
- Senate File No. 27, a bill for an act to define 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, including a municipal corporation and providing a remedy in behalf of the husband.
- Senate File No. 45, by Senator Bennett, a bill for an act to amend Section Three (3), Chapter Two Hundred Twenty-three (223) of the Thirty-second General Assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines.
- Senate File No. 52, by Senator Brown, a bill for an act to amend Section Four Thousand Seven Hundred Sixty-seven (4767) of the Code, 1897, of the State of Iowa, relating to the crime of malicious threats to extort.
- Senate File No. 53, by Senator Brown, a bill for an act to amend Section Five Thousand Five Hundred Eighteen (5518) of the Code, 1897, of the State of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant.
- Senate File No. 66, by Senator Cowles, a bill for an act to amend Section Four Hundred and Thirty (430) of the Code, relative to the dependent soldiers' and sailors' tax.

Senate File No. 67, by Senator Allen of Jefferson, a bill for an act to amend Section One (1), of Chapter Thirty-one (31), of the Acts of the Thirty-third General Assembly, relating to the burial of indigent soldiers and sailors and their wives and widows.

Senate File No. 70, by Senator Webber, a bill for an act legalizing the action of the city council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said city council in making said water tax levy a water works levy.

Senate File No. 73, by Senator Allen of Pocahontas, a bill for an act legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to Robert M. Henderson, trustee, dated June 30, 1867, filed for record in the office of the Recorder of Pocahontas county, Iowa, on September 13, 1867, and recorded in Land Deed Record "C," beginning at page 3 thereof, together with the acts of said Hezekiah Beecher as such commissioner in making said conveyance.

Senate File No. 75, by Senator Fitchpatrick, 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.

Senate File No. 76, by Senator Taylor, a bill for an act to legalize the issuing of certain warrants on the school fund by the board of directors of the independent district of Centerville, in Appanoose county, State of Iowa.

Senate File No. 77, by Senator Cowles, a bill for an act to amend the law as it appears in Sections Twenty-six Thirty-four-d (2634-d), Twenty-seven Thirty-four-e (2734-e), Twenty-seven Thirty-four-g (2734-g) and Twenty-seven Thirty-eight (2738) of the Supplement to the Code of 1907, to repeal Section Twenty-six Thirty-four-h (2634-h) of the Supplement to the Code of 1907 and Twenty-seven Thirty-four-h (2734-h), of the Supplement to the Code of 1907, as amended by Chapter 181, Acts of the Thirty-third General Assembly, and to enact substitutes therefor; to repeal Sections Twenty-seven Thirty-four-i (2734-i), and Twenty-seven Thirty-four-k (2734-k) of the Supplement to the Code of 1907, relating to the issuance, validation, registration and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas and for the lapse of such certificates.

Senate File No. 86, by Senator Saunders, a bill for an act amending the law as it appears in Chapter Forty-five (45) of the Acts of the Thirty-third (33d) General Assembly entitled, "An act providing for the 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," and relating to the same subject.

Senate File No. 89, by Senator Hunter, a bill for an act to amend Section Two Hundred Ninety-seven (297) of the Code of Iowa, 1897, fixing the salaries of clerks of the district courts in certain counties.

Senate File No. 90, by Senator Francis, a bill for an act to amend the law as same appears in Section Thirteen Hundred and Four (1304) of the 1907 Supplement to the Code, relating to the exemption of property from taxation.

Senate File No. 100, by Senator Mattes, a bill for an act to provide additional funds for the College for the Blind, for the Industrial School for Girls, for the Independence State Hospital and the State Penitentiary.

Senate File No. 103, by Senator Schrup, a bill for an act to amend Section Thirteen Hundred Seventy (1370), relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes.

Senate File No. 117, by Senator Smith of Shelby, a bill for an act creating Section Four Hundred and Seven-a (407-a) of the Supplement to the Code, authorizing the Board of Supervisors of a county to transfer any surplus bond fund, raised under Section Four Hundred and Three (403) of the Supplement to the Code, after payment of all bonds to the bridge fund of said county.

Senate File No. 119, by Senator Hoyt, a bill for an act to indemnify Gustave Winter for personal injury sustained by him while employed at the State Hospital for the Insane at Independence, Iowa.

Senate File No. 124, by Senator Cowles, a bill for an act to amend Chapter Sixty-four (64), Acts of the Thirty-third (33d) General Assembly, relating to the government of certain cities.

Senate File No. 125, by Senator Clarkson, a bill for an act relating to the compensation to be paid workmen injured or killed while engaged in certain dangerous or hazardous employment.

Senate File No. 126, by Senator Mattes, a bill for an act making appropriations for the construction, repair, improvement and contingent funds for the Iowa Soldiers' Home, Iowa Soldiers' Orphans' Home, College for the Blind, School for the Deaf, institutions for feeble-minded children, sanatorium for the treatment of tuberculosis, industrial schools, state hospitals, penitentiary and reformatory, and for the purchase of land.

Senate File No. 129, by Senator Ames, a bill for an act regulating the keeping, offering for public service and sale of stallions, jacks and pedigreed or pure bred stock, to define the terms and conditions under which the same may be kept, offered for public service and sale, and providing penalties for the violation thereof. Also repealing Sections Twenty-three Hundred Forty-one-a (2341-a), Twenty-three Hundred Forty-one-b (2341-b, Twenty-three Hundred Forty-one-c (2341-c), Twenty-three Hundred Forty-one-d (2341-d) and Twenty-three Hundred Forty-one-e (2341-e), Supplement to the Code, 1907; and also Sections One (1), Two (2), Three (3) and Four (4) of Chapter One Hundred Thirty-five (135) of the Laws of the Thirty-third General Assembly.

Senate File No. 130, by Senator Hoyt, a bill for an act making appropriation to defray the expenses of the inaugural ceremonies.

Senate File No. 134, by Senator Legel, a bill for an act to amend the law as it appears in Section Two Thousand Eighty-eight (2088) of the Supplement to the Code, 1907, relieving interurban railroads from the provisions of said section.

Senate File No. 136, a bill for an act to amend Section 2091-a of the Code Supplement, 1907, designating the statutes which are made up under Chapter 5, Title 10, of said Code Supplement, relative to trolley or electric railroads.

Senate File No. 137, by Senator Savage, a bill for an act providing for the appointment of a tax commission, defining its duties and appropriating money for its expenses.

Senate File No. 139, by Senator Proudfoot from Committee on Penitentiaries and Pardons, a bill for an act to amend Section Fifty-six Hundred and Twenty-six (5626) of the Code, referring to the matter of pardons and remission of fines and forfeiture, and the powers of the Board of Parole.

Senate File No. 144, by Senator Francis, a bill for an act to amend Section Four Thousand Eight Hundred and Fifty-three (4853) of the Code, relating to the subject of forgery, and providing penalty for the violation thereof.

Senate File No. 145, by Dunnegan, a bill for an act appropriating the sum of Seventy-five Dollars (\$75.00) 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.

Senate File No. 146, by Senator Ames, a bill for an act legalizing certain acts and proceedings of the board of directors of the Independent School District of Traer, in the county of Tama, state of Iowa, and warrants thereof, and authorizing the issue of bonds.

Senate File No. 151, by Senator Bennett, a bill for an act to repeal Chapter One Hundred Ninety-two (192) of the Acts of the Thirty-third General Assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustees, guardian, referee or commissioner.

Senate File No. 154, by Senator Smith of Mitchell, a bill for an act to make uniform the law of bills of lading.

Senate File No. 160, by Senator Balluff, a bill for an act to repeal Section Three Thousand Five Hundred and Forty-one (3541) of the Code and to enact a substitute therefor.

Senate File No. 164, by Senator Balluff, a bill for an act to amend Section 227 of the Code, relating to the division of the state into judicial districts and increasing the number of district judges in the Seventh District.

Senate File No. 165, a bill for an act to amend Section Four Thousand Nine Hundred Fifty-two (4952) of the Code, relating to the sale, giving away or having in one's possession obscene literature and articles of indecent or immoral use.

Senate File No. 173, by Senator Van Law, 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 insecticides and fungicides by persons other than registered pharmacists.

Senate File No. 178, a bill for an act amending Sections Eight Hundred and Ten (810), Eight Hundred and Thirteen (813), and Nine Hundred and Sixty-five (965), of the Code, and relating to making sewer and street improvements, and the kinds of material to be used therein.

Senate File No. 182, by Senator Spaulding, a bill for an act to legalize the purchase of Lots One (1), and Two (2), in Block Nine (9) in the town of Montezuma, Iowa, and the contract therefor made by the council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of one thousand seven hundred fifty dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.

Senate File No. 183, by Senator DeWolf, 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.

Senate File No. 185, by Senator Malmberg, a bill for an act to amend Chapter Eleven (11), laws of the Thirty-third General Assembly, and additional to Chapter Five (5), of Title Three (III) of the Code, relating to holding district courts and assignment of judges therefor.

Senate File No. 195, by Senator Sullivan, a bill for an act to legalize acknowledgements of instruments in writing heretofore taken by notaries public. (Additional to Section Twenty-nine Hundred and Forty two (2942) of the Code.)

Senate File No. 198, by Senator Allen of Jefferson, a bill for an act making an appropriation to pay for extra clerical assistance in the office of the state Board of Health.

Senate File No. 200, by Senator Sullivan, a bill for an act to provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had.

Senate File No. 201, by Senator Wilson, a bill for an act to amend the law as it appears in Chapter Seventy-eight (78) Acts of the Thirty-third (33d) General Assembly, relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.

Senate File No. 202, a bill for an act amending Section Two Thousand and Four Hundred Eighty-two (2482), Supplement to the Code, 1907, relating to the expense of mine inspectors.

Senate File No. 209, by Senator Mattes, a bill for an act making appropriations for the State University, the Iowa State College of Agriculture and Mechanic Arts, and the Iowa State Teachers' College.

Senate File No. 212, by Senator Crow, a bill for an act to legalize the incorporation of the Town of Kiron, Crawford county, Iowa, the election of its officers, their qualifications to act as such officers, the passage, approval and recording of its ordinances, and resolutions, and all acts done by the Council of said town.

Senate File No. 214, by Senator McManus, a bill for an act to appropriate two thousand dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National Cemetery at Keokuk, Iowa.

Senate File No. 218, by Senator McColl, a bill for an act to amend Chapter 170 of the Acts of the Thirty-third General Assembly, in relation to the powers and duties of the State Board of Education.

Senate File No. 220, a bill for an act providing for registration of farm names.

Senate File No. 225, by Senator Ames, a bill for an act to transfer the control and management of the college for the blind at Vinton from the Board of Control of State Institutions to the State Board of Education and granting all of the powers held by the Board of Control of this institution to the State Board of Education; and amending the law as it appears in Section Two Thousand Seven Hundred Twenty-seven-a-eight (2727-a-8) of the Supplement to the Code, 1907, and amending Chapter One Hundred Seventy (170) of the law as it appears in the Acts of the Thirty-third General Assembly.

Substitute for Senate File No. 226, a bill for an act authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor.

Senate File No. 229, by Senator Chase, a bill for an act to amend Sections 1643 and 1645 of the Code, and amendatory of Chapter 2 of Title IX, of the Code, and to provide for the control and disposition of property of extinct religious societies in this state.

Senate File No. 231, a bill for an act to repeal Section 1003 of the Code and enact a substitute therefor, relative to the levy of taxes in special charter cities.

Senate File No. 232, a bill for an act relating to protection against fire and providing a penalty.

Senate File No. 248, by Senator Hammill, a bill for an act making all children received in the Soldiers' Orphans' Home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in Section Twenty-six Hundred Ninety-b (2690-b) of the Supplement to the Code, 1907.

Senate File No. 249, by Senator Hammill, a bill for an act authorizing the placing with persons or in families and in places of employment of boys and girls committed to the Industrial School, under contract for care, education, maintenance and service, and repealing the law as it appears in Section Twenty-seven Hundred Four (2704), of the Supplement to the Code, 1907.

Senate File No. 250, by Senator Saunders, a bill for an act to legalize a certain deed executed by Fremont county, and its board of supervisors on the 11th day of November, 1895, conveying to Mary E. McDonald the west half of the northeast quarter and the northwest quarter of Section Two, Township 70, North Range 43, west of the fifth principal meridian in Fremont County, Iowa.

Senate File No. 252, by Senator Cowles, a bill for an act to repeal Section One Thousand Nine Hundred Eighty-nine (1989) of the Code, 1897, relating to government levees, and to enact a substitute therefor.



Senate File No. 254, by Senator Chase, a bill for an act to provide for the support of industrial school and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in Section Twenty-seven Hundred Thirteen (2713) of the Supplement to the Code, 1907.

Senate File No. 255, a bill for an act making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.

Senate File No. 257, by Senator Balluff, a bill for an act to legalize an election of Scott County, Iowa, held November 8, 1910, for the erection and maintenance of a detention house for dependent, neglected and delinquent children, the acts and resolutions of the Board of Supervisors, and authorizing the issuance of bonds therefor.

Senate File No. 258, by Senator Saunders, a bill for an act to amend the law as it appears in Section Three Thousand Four Hundred and Forty-seven-c (3447-c), of the Supplement to the Code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.

Substitute for Senate File No. 262, a bill for an act repealing Section 4999-a-38 of Chapter 10-b of the Supplement to the Code, 1907, and enacting substitute therefor relating to the enforcement of the pure drug laws.

Senate File No. 265, by Senator Ames, a bill for an act to provide for the support of the College for the Blind, fixing a minimum monthly allowance and repealing the law as it appears in Section Twenty-seven Hundred Eighteen-a (2718-a), of the Supplement to the Code, 1907.

Senate File No. 271, by Senator Garrett, a bill for an act to legalize the incorporation of the town of Grandview, Louisa county, Iowa, the election of its officers, the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year nineteen hundred (1900).

Senate File No. 272, by Senator Crow, a bill for an act to amend Section One Thousand Three Hundred and Twenty-six (1326), of the Code, relating to domestic local building and loan associations.

Senate File No. 274, a bill for an act amending Section Two Hundred Twenty-seven (227), of the Supplement to the Code, 1907, and providing for an additional judge of the district court in the First Judicial district and for his appointment and election and regulating terms in said district.

Senate File No. 279, by Senator Bennett, a bill for an act to amend the law as it appears in Section Four Thousand Nine Hundred Ninety-nine-a-thirty-five (4999-a-35), of Chapter Ten-b (10-b), of the Supplement to the Code, 1907, relating to pure drugs and the misbranding thereof.

Senate File No. 281, by Senator Bennett, a bill for an act to amend the law as it appears in Chapter One Hundred Sixty-seven (167), of the acts of the Thirty-third General Assembly, relating to the practice of optometry, and for the creation of a Board of Examiners in Optometry.

Senate File No. 282, by Senator Clarkson, a bill for an act to amend Section Twenty-four Hundred Seventy-eight (2478), of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-four (2484), of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-five (2485), of the Code, 1897, and enact a substitute therefor; to amend Section Twenty-four Hundred Eighty-six (2486), of the Code, 1897; to repeal Section Twenty-four Hundred Eighty-seven (2487), of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-eight (2488), Supplement to the Code, 1907, and enact a substitute therefor; to repeal Section Twenty-four Hundred Eighty-nine (2489), of the Code, 1897, and enact a substitute therefor; to amend the law as it appears in Section Twenty-four Hundred Eighty-nine-a (2489-a), of the Supplement to the Code, 1907; to repeal Section Twenty-four Hundred Ninety-three (2493), of the Code, 1897, and enact a substitute therefor; to repeal Section Twenty-four Hundred Ninety-four (2494), Supplement to the Code, 1907, and enact a substitute therefor, relating to mines and mining, safety appliances, means, methods and equipments thereof, the appointment of mine inspectors, defining their powers and duties; requiring surveys of mines and records to be kept thereof; requiring escape and air shafts and equipments and location thereof, fire proof buildings for boiler and engine rooms; safe and convenient traveling ways, the amount of ventilation, and equipments thereof, stoppings and break-through; means of communication from top to bottom of shaft, slope or drift, and from bottom thereof to the working parts and providing safety equipments for shafts, slopes or drifts and fixing the age within which boys may work in the mine; and providing for the safety of employees where explosives are used; the location of stables, gasoline engines and pumps, and the revocation of certificates of mine foremen in certain cases; defining the duties of mine foremen and definition of mine foreman, the duties of workmen in mines and mining and defining the power and duties of mine owners, operator lessee and persons in charge; the character and kind of illuminating oils and other substances and providing penalties.

- Senate File No. 284, by Senator Clarkson, a bill for an act to amend Section Three (3), of Chapter One Hundred and Twelve (112), of the acts of the Thirty-third (33d) General Assembly, relating to the issuance of policy of insurance by insurance companies.
- Senate File No. 286, by Senator Mattes, a bill for an act to provide for the support of the State Hospitals for the Insane and repealing the law as it appears in Section 2291-b, Chapter 2, Title XII, Supplement to the Code, 1907.
- Senate File No. 287, by Senator Garrett, a bill for an act empowering the governor and secretary of state to execute quit-claim deed conveying to the grantees of Christian Flicht all of the right, title and interest of the State of Iowa in lot five (5), of Section One (1), Township Seventy-three (73), North, of Range Two (2), West of the Fifth (5th) P. M.
- Senate File No. 290, by Bennett, a bill for an act to legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor county, Iowa.
- Senate File No. 292, by Senator Taylor, a bill for an act to appropriate the sum of One Hundred Sixty-four and 22-100 Dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis County, Iowa, for military service performed by him as Captain of Company D, Forty-fifth Regiment, Iowa Volunteers Infantry, in the month of May, A. D. Eighteen Hundred and Sixty-four.
- Senate File No. 293, by Senator Allen of Pocahontas, a bill for an act making an appropriation for the salaries and expenses of state agents and repealing Section Two (2), of Chapter One Hundred Seventy-two (172), of the Acts of the Thirty-third General Assembly, and the law as it appears in Section Twenty-six Hundred Ninety-two-c (2692-c), of the Supplement to the Code, 1907, as amended.
- Senate File No. 296, by Senator Balluff, a bill for an act to legalize an election of Scott county, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds, therefor.
- Senate File No. 297, by Senator Neal, 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.
- Senate File No. 299, by Senator Cowles, a bill for an act to legalize certain warrants of the city of Burlington.
- Senate File No. 306, by Senator Neal, a bill for an act making an appropriation for the railroad commission on account of deficit in the traveling and expense fund.

Senate File No. 307, by Senator Neal, a bill for an act making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the Interstate Commerce Commission.

Senate File No. 309, by Senator Neal, a bill for an act making an appropriation to enable the state railroad commission to investigate and prepare cases affecting Iowa intrastate rates.

Senate File No. 311, by Senator Sullivan, a bill for an act amending Section Two Hundred Fifty-four-a-18 (254-a-18), of the Supplement to the Code, 1907, relating to probation officers.

Substitute for Senate File No. 325, a bill for an act amending Section 5718-a-14 of the Supplement to the Code, 1907, relating to the time of employment and compensation of the members of the Board of Parole.

Senate File No. 327, by Senator Allen of Jefferson, a bill for an act to amend Section Twenty-five Hundred Seventy-four (2574), of the Code relating to the compensation of the Secretary of the State Board of Health.

Senate File No. 333, a bill for an act relating to the public archives.

Senate File No. 335, by Senator McColl, a bill for an act defining duties of the State Food and Dairy commissioner under the Pure Food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.

Senate File No. 336, by Senator Gilliland, a bill for an act relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, both collateral and direct, and repealing the law as it appears in Chapter Four (4), of Title Seven (7), of the Supplement to the Code, 1907, and Chapter Ninety-two (92), of the acts of the Thirty-third (33d) General Assembly and to enact a substitute therefor.

Senate File No. 341, a bill for an act to amend Section 2348-a of the Supplement to the Code, 1907, relating to bounties.

Senate File No. 343, by Senator Balluff, a bill for an act to repeal Section Nine Hundred and Sixteen (916), of Chapter Thirteen (13), Title Five (5), of the Code, relating to the approval of plats of additions to cities or towns, by city and town councils.

Senate File No. 346, by Senator Hammill, a bill for an act authorizing the executive council to pay costs taxed to or incurred by the state in any suit or proceeding instituted by any of the State Departments as by law provided.

Senate File No. 359, a bill for an act relating to the compensation of marshal in superior courts.

- Senate File No. 364, by Senator Adams, a bill for an act for the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.
- Senate File No. 377, by Senator Bennett, on behalf of the Committee on Public Health, a bill for an act to establish an antitoxin department under the control and direction of the State Board of Health, for the purpose of aiding in the distribution of antitoxin to the people of the State of Iowa, and making an appropriation therefor.
- Senate File No. 380, by Senator DeWolf, a bill for an act to encourage the business of manufacturing in Iowa, and providing for an official trademark for Iowa manufactured products.
- Senate File No. 381, by Senator Van Law, by request, a bill for an act to legalize decrees obtained prior to January 1, 1907, based on notice of publication, where affidavit of non-residence was not filed as by law provided.
- Senate File No. 382, a bill for an act to legalize the acts of the treasurer of Monroe county, Iowa, relating to the transferring of funds from the district school fund to the county fund.
- Senate File No. 387, a bill for an act amending Sections Thirteen Hundred and Ten (1310), and Thirteen Hundred and Eleven (1311), of the Code, and the law as it appears in Section Thirteen Hundred and Twenty-one (1321), of the Supplement to the Code, 1907, relating to the taxation of moneys and credits and private banks, and repealing the law as it appears in Section Thirteen Hundred and Twenty-Two (1322), of the Supplement to the Code, 1907, and enacting a substitute therefor, relating to the taxation of National Banks, State and Savings Banks and Loan and Trust Companies, and defining moneyed capital, and providing for the taxation thereof.
- Senate File No. 398, by Senator Smith of Mitchell, a bill for an act to legalize conveyances of real property of executors or trustees under foreign wills where the provisions of Section Thirty-two Hundred and Ninety-five (3295), of the Code were not observed or complied with.
- Senate File No. 409, by Senator Adams, a bill for an act to legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette County, State of Iowa, and regulating the payment thereof.
- Senate File No. 415, a bill for an act to empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.
- Senate File No. 418, by Senator Clarkson, a bill for an act to amend Section Four Thousand Two Hundred Sixty-eight (4268), of the Code, in relation to the disposition of the proceeds of real estate sold in actions of partition.

Senate File No. 421, by Committee on Highways, a bill for an act to amend Sections One Thousand Seventy-two (1072), Four Hundred Twenty-two (422), and One Thousand Three Hundred Three (1303), of the Supplement to the Code, 1907, and to repeal Section One Thousand Five Hundred Twenty-eight (1528), of the Supplement to the Code, 1907, and to enact a substitute therefor, relating to election of officers, to the powers of the Board of Supervisors, levying of taxes and powers and duties of the township trustees.

Senate File No. 436, by Committee on Ways and Means, a bill for an act to amend Section Sixteen Hundred and Thirty-seven (1637), of the Code, with reference to the incorporation fee to be paid by foreign corporations.

Senate File No. 444, a bill for an act to legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper County, Iowa, relating to the special election held in said town on September 6, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.

Senate File No. 452, a bill for an act legalizing the ordinances, resolutions and acts of the Council of the incorporated town of Royal, in Clay County, Iowa, so far as effected by the election of six members of said Council instead of five.

Senate File No. 456, by Senator Francis (by request), a bill for an act to amend Section Twenty-five Hundred and Eighty-five (2585), of the Supplement to the Code, 1907, to repeal Section Twenty-five Hundred and Eighty-nine-a (2589-a), of the Supplement to the Code, 1907, and enact a substitute therefor, and to amend Section Twenty-five Hundred and Eighty-seven of the Code, all relating to the practice of pharmacy.

Senate File No. 459, by Senator Webber, a bill for an act to legalize certain warrants of the City of Ottumwa, Iowa,

Senate File No. 460, by Senator Chapman, a bill for an act to legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.

Senate File No. 463, by Senator Francis, a bill for an act to legalize a certain school election held in the independent school district of Emmetsburg, Palo Alto County, Iowa, on the thirteenth day of March, 1911.

Senate File No. 469, by Senator Chapman, a bill for an act to legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and refunding bonds for the building of a town hall, and all ordinances pertaining thereto.

Senate File No. 477, a bill for an act to amend Section Eight Hundred and Ten (810), of the Code, in relation to publication of preliminary notice of street improvements in towns.

- Senate File No. 481, by Senator Webber, a bill for an act to amend Section Six Hundred Seventy-nine-h (679-h) of the Supplement to the Code, in relation to removals and discharges of police officers and policemen, except the Chief of Police, and firemen, including the chief of the fire department.
- Senate File No. 482, by Senator Ames, a bill for an act legalizing certain acts and proceedings of the city council of the city of Toledo, Tama county, Iowa.
- Senate File No. 484, by Van Law, a bill for an act to legalize certain warrants of the city of Marshalltown, Iowa.
- Senate File No. 485, by Senator White, a bill for an act to legalize deed of Iowa County, Iowa, to Ithamar Cheney, for Lot One as shown by plat recorded at Book 21, page 335, Land Deed Records of the office of the Recorder of Iowa County, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of Section Twenty-one, Township Seventy-eight North, Range Eleven, West of the Fifth P. M., in Iowa County, Iowa.
- Senate File No. 488, by Senator Mattes, a bill for an act to legalize the official acts of the officers, and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac County, Iowa, and appointing officers and councilmen for said town.
- Senate File No. 489, by Sammis, a bill for an act to legalize certain warrants of the city of Waterloo, Iowa.
- Senate File No. 490, by Senator Smith of Shelby, a bill for an act fixing the number of senators in the General Assembly, apportioning them among the several counties according to the number of inhabitants in each, and dividing the state into senatorial districts.
- Senate File No. 491, by Committee on Ways and Means, a bill for an act making appropriation for the payment of State and Judicial officers, state and other officers.
- Senate File No. 492, by Committee on Ways and Means, a bill for an act to provide for the general levy for state purposes, for the years 1911 and 1912.
- Joint Resolution No. 2, by Bennett, relating to the selection of additional employes of the Thirty-fourth General Assembly, fixing their compensation and defining their duties.
- Joint Resolution No. 5, by Smith of Mitchell, approving estimate of cost, plans and specifications for an addition to the wing to the hospital, and authorizing the erection of said addition.
- Senate Joint Resolution No. 7, by Senator Smith of Mitchell, Joint Resolution approving estimates of cost, plans and specifications for buildings at the Agricultural College, at the State University, and at the State Teachers' College.
- Senate Joint Resolution No. 8, by the Committee on Retrenchment and Reform, fixing the number and compensation of employes in the Department of State and at the seat of government.

# SENATE BILLS

## INTRODUCTION AND ACTION.

S. F.	Page	S. F.	Page
<p>1—By Smith of Mitchell. Amending the law as it appears in sections ten hundred and eighty-seven-a-ten (1087-a10), ten hundred eighty-seven-a-twenty-two (1087-a-22), and ten hundred eighty-seven-a- twenty-seven (1087-a27) of the 1907 supplement to the code as amended by chapter sixty-nine (69) of the acts of the thirty-third general assembly, relating to the nomination of senators and representatives in the general assembly of the State of Iowa, and the nomination of party candidates for the office of senator in the congress of the United States and providing for a vote at the regular election upon such party candidates for senator.</p> <p>Introduced and referred.. 13                      Amendments reported... 259                      Report adopted ..... 259                      Amendments adopted ... 323                      Consideration resumed... 335                      Substitute offered..... 335-336                      Consideration postponed.. 337                      Substitute lost ..... 348                      Amendment offered .... 348-349                      Consideration postponed... 350                      Consideration resumed.... 358                      Consideration resumed... 375                      Amendments rejected.... 377                      Amendment offered..... 377                      Made special order..... 379</p> <p>2—By Brown. To amend the law as it appears in chapter eleven (11), title twelve (12) of the supplement to the code, 1907, relating to the inspection of petroleum products, and to amend said chapter so as to include specifically gasoline for power, illuminating and heating purposes.</p> <p>Introduced and referred.. 13                      Substitute reported ..... 631                      Report of com. adopted.... 651                      Substitute adopted..... 651                      Amended ..... 652</p>		<p>Passed ..... 652                      Received from the house with amendments ..... 900                      Passed on file..... 901                      Senate concurs in house amendments ..... 903-904                      Enrolled ..... 1000                      Signed ..... 1013                      Sent to governor..... 1026</p> <p>3—By McManus. To repeal section five thousand and twenty-eight-a (5028-a) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the prevention and punishment of the desecration, mutilation or improper use of the flag of the United States of America and the flag of the state of Iowa.</p> <p>Introduced and referred.. 13                      Reported with amendments ..... 241                      Report of com. ad..... 271                      Amendments ad..... 271                      Passed ..... 271                      House indefinitely postponed ..... 521                      Passed on file ..... 526</p> <p>4—By Van Law. To provide for annual reports with reference to the operation of water, gas, heat, light for power works or plants, to provide for investigations with reference to the operation thereof, and prescribing the procedure therefor.</p> <p>Introduced and referred.. 14                      Reported without recommendation ..... 1191</p> <p>5—By Chapman. To amend the law as the same appears in the laws of the thirty-third general assembly of the state of Iowa, chapter 184, relative to the limit of indebtedness of independent school districts.</p> <p>Introduced and referred.. 14                      Reported unfavorably.... 392                      Indefinitely postponed ... 392</p>	



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6—By Sammis. To amend section four thousand six hundred and twenty-five (4625) of the code relating to the statute of frauds.	
Introduced and referred..	15
Substitute reported.....	184
Report of com. adopted..	189
Substitute adopted.....	189
Amended .....	189
Passed senate .....	189
Motion filed to reconsider.	190
Motion considered.....	413
Consideration resumed ...	422
Motion to reconsider lost.	422
7—By Sammis. To amend section twelve (12) of chapter two (2) of the code, relating to the compensation of the general assembly.	
Introduced and referred..	15
Reported .....	265
Report adopted .....	296
Considered .....	296
Amended .....	296
Passed .....	298
Passed house .....	969
Passed on file.....	969
Enrolled .....	1002
Signed .....	1013
Sent to governor.....	1026
8—By Van Law. To create a state highway department, and to establish a state highway commission and the office of state highway engineer; prescribing the duties of each and fixing the compensation of said state highway engineer; authorizing state aid for the establishment, construction, maintenance and repair of public highways and bridges; creating a fund therefor; authorizing the receipt and application of donations and appropriations for such purpose, and prescribing procedure for counties to secure state aid, and to repeal section twenty-six hundred seventy-four-f (2674-f), supplement to the code, 1907, and to repeal all acts in conflict with this act.	
Introduced and referred..	51
Reported recommending passage and reference to committee on appropriation .....	1263
Report adopted .....	1263
9—By Hammill. To abolish the offices of state printer and state binder, to provide for the state printing and binding by the competitive	

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contract system, to repeal sections one hundred and seventeen (127), one hundred and eighteen (118) and to enact substitutes therefor, and to amend sections one hundred and nineteen (119), one hundred twenty-seven (127), one hundred twenty-nine (129), one hundred thirty (130), one hundred thirty-three (133), one hundred thirty-eight (138), one hundred thirty-nine (139), and one hundred forty-one (141) of the code and the law as it appears in section one hundred sixty-five (165) and one hundred sixty-eight (168), supplement to the code, 1907, relative to state printer and state binder, and state printing and state binding.	
Introduced and referred..	54
Reported unfavorably....	1092
Made special order.....	1221
Indefinitely postponed....	1251
10—By Sammis. Providing limitations for the commencement of actions relative to real property, additional to chapter two (2), title eighteen (XVIII) of the code.	
Introduced and referred..	54
Substitute reported ...	214-215
Indefinitely postponed — identical with House File No. 6 .....	386
11—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 payment therefor.	
Introduced and referred..	56
Amendments reported .....	155
Report adopted .....	167
Amendments reported .....	155
Passed .....	163
House indefinitely postpones .....	618
12—By Sullivan. Repeal section sixteen (16), chapter fourteen (14) of the acts of the thirty-third general assembly, and enact a substitute therefor, relating to the enticing away of children, and providing a penalty for the violation thereof.	
Introduced and referred..	56
Amendments reported ...	184
Report adopted .....	204

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Amendments adopted	204
Passed	204-205
Passed house	957
Passed on file	959
Enrolled	1000
Signed	1013
Sent to governor	1025
13—By Sullivan. To prohibit persons, partnerships, or corporations, owning or operating street car systems, from using or operating any cars with a side running board unless the same shall be provided with a center aisle or passageway of not less than two feet, running the entire length of such car, and fixing a penalty for the violation thereof.	
Introduced and referred	56
Reported unfavorably	935
Indefinitely postponed	935
14—By Sullivan. To amend section 227 of code, relating to the division of the state into judicial districts, and increasing the number of district judges in the ninth district.	
Introduced and referred	56
Reported	156
Report adopted	177
Amended	177
Consideration postponed.	177
Motion to reconsider postponed	178
Re-referred	178
Substitute reported	357
Report adopted	388
Substitute adopted	388
Passed	389-390
Amended by house	662
Passed on file	664
Senate concurs	667
Enrolled	685
Signed	697
Sent to governor	697
Governor requested to return	768
Returned to senate	780
Reconsideration	794
House requests return	803
Request granted	808
House amended	850
Passed on file	851
Senate concurs	851-852
Enrolled	908
Signed	917
Sent to governor	918
15—By Sullivan. To amend the law as the same appears in section 303-a of the supplement to the code of 1907, relating to the appointment and compensation of assistants to the county attorney.	
Introduced and referred	56
Substitute reported	1093

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16—By Sullivan. To amend the law as the same appears in section 303 of the supplement to the code of 1907, relating to the compensation of county attorneys.	
Introduced and referred	56
Reported	786
Report adopted	929
Amended	929
Passed	930
17—By Sullivan. To amend section 2010 of the code relating to the deposit and acceptance of money in case of an award under condemnation proceedings.	
Introduced and referred	57
Reported unfavorably	251
Indefinitely postponed	252
18—By Sullivan. Repealing section 1, chapter 52, of the acts of the thirty-third general assembly, and providing a substitute therefor, requiring any person, partnership, or corporation, owning or operating a street railway in this state, to equip certain cars with brakes and appliances for control and stopping of the same, and fixing a penalty for the violation thereof.	
Introduced and referred	57
Reported unfavorably	732
Re-referred	862
Substitute reported	1047
Report adopted	1078
Substitute adopted	1078
Passed	1079
Motion filed to reconsider	1118
Reconsidered	1238
Amended	1238
Amended	1254
Passed	1255
Passed house	1718
Passed on file	1719
Enrolled	1746
Sent to governor	1746
Signed	1748
19—By Sullivan. To repeal section 4854 of the code, and enact a substitute therefor, relating to the uttering of forged instruments and providing a penalty therefor.	
Introduced and referred	57
Substitute reported	203
Report adopted	217
Substitute adopted	217
Passed	217
20—By Hammill. To provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high	



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Made special order.....	457
Consideration resumed ..	472
Passed .....	472
House amended .....	1147
Passed on file.....	1167
Senate concurs .....	1172-1173
Enrolled .....	1236
Signed .....	1251
Sent to governor .....	1252

28—By Clarkson. To amend 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), ten hundred eighty-seven - a - twenty-seven (1087-a-27), of the supplement of the code, 1907, and sections eleven hundred fifty (1150), eleven hundred fifty-one (1151), eleven hundred fifty-seven (1157), and eleven hundred sixty-two (1162) of the code of 1897, and repealing chapter one (1), acts of the special session of the thirty-second (32d) general assembly and enacting a substitute therefor relative to the nomination of candidates for the office of senator in the congress of the United States and of the canvass of the vote for senator in the congress of the United States.

Introduced .....	131
Referred .....	132
Reported unfavorably .....	1057
Indefinitely postponed .....	1058

29—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 executive council in fixing value.

Introduced and referred..	132
Reported .....	614

30—By Clarkson. To amend section one thousand three hundred nineteen (1319) of the code, 1897, relative to the taxation of corporate property.

Introduced and referred..	132
Amendments reported....	1070
Report adopted .....	1070

31—By Quigley. 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

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property benefited thereby.	
Introduced and referred...	132
Reported unfavorably....	564
Indefinitely postponed....	564

32—By Allen of Jefferson. To amend section twenty-four hundred and forty-eight (2448) of the supplement to the code, 1907, relating to the sale of intoxicating liquors.

Introduced and referred..	132
Reported unfavorably..	467-468
Indefinitely postponed..	468-469

33—By Garrett. Providing for liens upon horses and other animals for the cost of shoeing the same, and upon vehicles and machinery for labor and materials furnished in repairing the same.

Introduced and referred..	132
Reported unfavorably ...	216
Indefinitely postponed....	216

34—By Gilliland. To require persons, companies and corporations engaged in the operation of railroads to stop passenger trains at certain stations, and providing procedure for enforcement, and penalties for violation, additional to chapter six (6), title ten (10) of the code.

Introduced and referred..	133
Amendments reported....	216
Amended .....	260
Passed .....	260-261

35—By Gilliland. To amend chapter four (4), title seven (7), of the code, relating to the collection of a tax upon inheritance.

Introduced and referred..	133
Amendments reported ...	230
Dropped from calendar...	411
Withdrawn .....	1290

36—By Allen of Jefferson. To amend section twenty-four hundred forty-eight (2448) of the supplement to the code, 1907, relating to the sale of intoxicating liquors.

Introduced .....	13
Referred .....	135
Referred to sifting committee .....	1291

37—By Balluff. To repeal paragraph four (4) of section eighteen hundred fifty (1850) of the supplement of the code of 1907, and to enact a substitute therefor, relat-

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		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.	
		Introduced and referred..	139
		Reported .....	429
		Referred .....	429
		Reported .....	1191
38—By Balluff. To amend section eighteen hundred fifty-four (1854) of the code of 1897, relating to deposits in savings banks.		43—By Proudfoot. Repealing section forty-one (41) of the code and providing the manner in which the code and supplement thereto, together with the acts of the general assembly, shall be amended.	
Introduced and referred..	138	Introduced and referred..	140
Reported unfavorably....	567	Reported unfavorably ...	924
Indefinitely postponed....	568	Indefinitely postponed ...	924
39—By Balluff. To amend chapter eighty-one (81) of the acts of the thirty-third general assembly in relation to the classes of property exempt from the assessment of taxes.		44—By Brown. To repeal section two thousand one hundred and fifty-nine (2159) of the code, and to enact a substitute therefor, relating to telephones.	
Introduced and referred...	139	Introduced and referred..	140
Reported unfavorably ...	1070	Substitute reported .....	578
Indefinitely postponed....	1071	Report adopted .....	838
40—By Balluff. To legalize a special election held in the town of Bettendorf, Scott county, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.		Amendment offered .....	838
Introduced and referred..	139	Amendment adopted .....	380
Reported unfavorably....	252	Passed .....	882-883
Indefinitely postponed ...	252		
41—By Schrup. To amend chapter 8 of title XIII of the code as it appears in supplement to the code of 1907, being additional thereto, and providing that females liable to be committed to the state industrial school may be committed to accredited institutions.		45—By Bennett. To amend section three (3), chapter two hundred twenty-three (223) of the thirty-second general assembly, relating to the distribution of roster of Iowa soldiers, sailors and marines.	
Introduced and referred..	139	Introduced and referred..	140
Reported unfavorably ...	510	Substitute reported ...	229-230
Indefinitely postponed ...	510	Referred .....	230
42—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		Reported .....	344
		Report adopted .....	420

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Substitute adopted .....	420
Passed .....	420
Passed house .....	1232
Passed on file.....	1233
Signed .....	1251
Sent to governor.....	1251
Enrolled .....	1252

46—By Smith of Shelby. Cre- ating section four thousand nine hundred and eighteen-a (4918-a) to the code prohibiting candidates for office from giving away, pay- ing for or treating to any drinks, cigars or other refreshments, or paying or providing for the admission to shows, entertainments or other performances and provid- ing a penalty there- for.	
Introduced and referred..	140
Reported unfavorably ...	1056
Indefinitely postponed ...	1057

47—By Hammill. To enjoin and abate gaming, gam- bling and gambling houses; to enjoin the per- son or persons who conduct or maintain the same and the owner or agent of any building used for such pur- poses, and to assess a tax against the person maintaining said nuis- ance and against the building and owner thereof, and provide for the collection thereof.	
Introduced and referred..	140
Reported unfavorably ...	486
Indefinitely postponed ...	486

48—By Chase. To amend sec- tions twenty-seven hun- dred and ninety-four-a (2794-a), supplement to the code, 1907, and twenty-eight hundred and three (2803) and twenty-eight hundred and eighteen (2818), code, 1897, and repeal sections twenty-eight hundred and thirty-one (2831) and twenty-eight hundred and thirty-two (2832), supplement to the code, 1907, and sec- tion twenty-eight hun- dred thirty-five (2835), code, 1897, and enact substitutes therefor, re- lative to the election and organization and duties of the county board of education.	
Introduced and referred..	141
Reported unfavorably....	990
Indefinitely postponed ....	990

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49—By Chase. To amend sec- tion one (1), chapter twenty-two (22) of the acts of the thirty-sec- ond general assembly of the state of Iowa, rel- ating to the compensa- tion of county record- ers.	
Introduced and referred..	141
Substitute reported.....	785-786
Report adopted .....	1072
Substitute adopted .....	1072
Failed to pass.....	1072
Motion filed to reconsider.	1074
Reconsidered .....	1195
Passed .....	1195

50—By Webber. To regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide a pen- alty for the violation thereof.	
Introduced and referred..	141
Reported unfavorably ...	1260

51—By Cowles. Defining the duties of school boards and county boards of education when school buildings are destroyed or are condemned by a local board of health, additional to title thir- teen (XIII), chapter fourteen (14), of the code of 1897.	
Introduced and referred..	141
Reported .....	519-520
Report adopted .....	520
Passed .....	547

52—By Brown. To amend sec- tion four thousand seven hundred sixty-seven (4767) of the code, 1897, of the state of Iowa, relating to the crime of malicious threats to ex- tort.	
Introduced and referred..	141
Substitute reported .....	202
Report adopted .....	205
Substitute adopted .....	205
Passed .....	205
House amended .....	969
Passed on file.....	969
Senate concurs .....	1027
Enrolled .....	1089
Signed .....	1090
Withdrawn from com- mittee on enrolled bills.	1120
Reconsidered .....	1120
Senate refuses to concur.	1120
House insists .....	1272
Conference committee ap- pointed .....	1293
Report of conference committee .....	1575
Senate adopts .....	1576-1577
House adopts .....	1669
Passed on file .....	1670
Enrolled .....	1734
Sent to governor.....	1741
Signed .....	1748

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53—By Brown. To amend section five thousand five hundred eighteen (5518) of the code, 1897, of the state of Iowa, relating to payment of money when forfeited on the undertaking of bail of defendant.	
Introduced and referred..	142
Substitute reported..	215-216
Report adopted .....	218
Substitute adopted .....	219
Passed .....	219
Passed house .....	557
Passed on file.....	559
Enrolled .....	615
Signed .....	632
Sent to governor.....	636
54—By Neal. To amend section twenty-six hundred twenty-six (2626) of the code, and section twenty-seven hundred thirty-eight (2738) of the supplement to the code of 1907, relating to the support of county teachers' institutes.	
Introduced and referred..	142
Reported .....	714
Referred .....	714
Reported unfavorably....	1047
Indefinitely postponed .....	1048
55—By Wilson. Authorizing the giving of pensions to retired public school teachers of all rural and urban public schools, and 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 public school teachers under certain conditions.	
Introduced and referred..	146
Reported unfavorably ...	345
Indefinitely postponed ...	345
56—By Sammis. To amend section two thousand four hundred six (2406) of the code supplement, 1907, relative to the taxing of an attorney's fee in actions brought thereunder.	
Introduced and referred..	146
Amendments reported ...	407
Report adopted .....	672
Passed .....	672
Title amended .....	672
57—By Sammis. To amend section two thousand three hundred eighty-four (2384) of the code relating to the payment	

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of an attorney's fee in actions brought under said section.	
Introduced and referred..	146
Amendments reported ....	407
Report adopted .....	608
Passed .....	671
Motion to reconsider laid on table .....	687
58—By Sammis. To repeal section two thousand four hundred and twenty-nine (2429) of the code relating to attorney's fees allowed in proceedings for contempt for violating injunctions in actions brought to abate nuisances.	
Introduced .....	146
Referred .....	147
Reported .....	407
Report adopted .....	673
Amendment offered .....	690
Consideration resumed ..	716
Passed .....	719
Title amended .....	719
59—By White. To amend the law as it appears in chapter eight (8), title two (2), supplement to the code, 1907, in reference to the census.	
Introduced and referred..	147
Substitute reported...252-	253
Report adopted .....	283
Substitute adopted .....	283
Passed .....	283
Motion to reconsider laid on table .....	687
House indefinitely postpones .....	1247
Passed on file .....	1271
60—By Chapman. To repeal section 3376 of the code supplement of 1897, relating to the election of a surviving spouse to take under the will of the deceased, and to enact a substitute therefor.	
Introduced and referred..	147
Substitute reported ..254-	255
Report adopted .....	683
Made special order .....	694
Substitute adopted .....	711
Failed to pass .....	712
61—By Van Law. To repeal division one (1) of section two thousand four hundred forty-eight (2448) of supplement to the code of 1907, relating to written statement of general consent that intoxicating liquors may be sold, and to enact a substitute therefor.	
Introduced and referred..	147
Referred to sifting committee .....	1291

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62—By Sullivan. To confer additional powers on certain cities having a population of fifty thousand (50,000) and over, relating to the acquisition, construction, purchase, leasing, maintenance and operation by such cities of street railways, interurban railways and telephone systems; and providing the manner in which the same may be acquired and constructed, and the issuing of bonds or certificates, and the methods of payment therefor. Also, providing for the filing of reports by persons, firms or corporations owning, maintaining or operating any public service utility, or any works or plant maintained or operated under a franchise within any such cities; and providing for incurring of indebtedness by such cities in excess of one and one-fourth (1 1-4) per centum of the actual value of the taxable property for the purpose of acquiring such street railways, interurban railways or telephone systems.	
Introduced .....	147
Referred .....	148
Substitute reorted .....	1264
63—By Sullivan. Repealing section 725, and enacting a substitute therefor, relating to the regulation and control of gas, water, light, power, telephones and street railways, and empowering cities to regulate and fix the rent for water, gas, electric light or power, telephone service and street railway fares, and requiring annual reports from individuals or private corporations operating public service utilities.	
Introduced and referred..	148
Reported .....	691
Referred .....	692
Reported .....	1191
64—By Dunnegan. To define who may hold office in the state of Iowa.	
Introduced and referred..	153
Reported unfavorably....	563
Indefinitely postponed ...	754
65—By Cowles. To repeal Chapter 11 of the laws of the thirty-third gen-	

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eral assembly, in relation to holding district courts and assignment of judges therefor.	
Introduced and referred..	153
66—By Cowles. To amend section four hundred and thirty (430) of the code, relative to the dependent soldiers' and sailors' tax.	
Introduced and referred..	154
Reported .....	203
Report adopted .....	203
Referred .....	203
Substitute reported .....	309
Report adopted .....	372
Substitute adopted .....	372
Passed .....	372-373
Passed house .....	686
Passed on file .....	692
Enrolled .....	720
Signed .....	728
Sent to governor .....	748
67—By Allen of Jefferson. To amend section one (1) of chapter thirty-one (31) of the acts of the thirty-third general assembly, relating to the burial of indigent soldiers and sailors and their wives and widows.	
Introduced and referred..	154
Amendment reported....	230
Report adopted .....	386
Amendments adopted ...	386
Passed .....	387
House passed .....	620
Enrolled .....	684
Signed .....	697
Sent to governor.....	697
68—By Bennett. To amend subdivision five (5), section one thousand seven hundred and nine (1709), supplement to the code, 1907, relating to indemnity insurance for owners of automobiles and other motor vehicles.	
Introduced and referred..	154
Amendments reported ....	270
Report adopted .....	371
Amendments adopted..	371-372
Passed .....	372
House indefinitely postponed .....	1520
Passed on file .....	1537
69—By Webber. To repeal section fourteen hundred seven-a (1407-a), fourteen hundred seven-b (1407-b) fourteen hundred seven-c (1407-c), fourteen hundred seven-d (1407-d) and fourteen hundred seven-e (1407-e) of the supplement to the code of Iowa, in relation to employing assistance to dis-	



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		Robert M. Henderson, trustee, dated June 30, 1867, filed for record in the office of the recorder of Pocahontas county, Iowa, on September 13, 1867, and recorded in land deed record "C," beginning at page No. 3 thereof, together with the acts of the said Hezekiah Beecher as such commissioner in making said conveyance.	
		Introduced and referred..	159
		Reported .....	214
		Report adopted .....	284
		Amended .....	284
		Passed .....	284
		Passed house .....	958
		Passed on file .....	960
		Enrolled .....	1000
		Signed .....	1013
		Sent to governor.....	1025
70—By Webber.	Legalizing the action of the city council of Ottumwa, Iowa, in transferring to the water works fund certain money realized from water tax levies and to legalize the levy of a five-mill water tax made by the city in 1910, and to place the money realized therefrom in the water works fund, and to legalize the action of said city council in making said water tax levy a water works levy.		
	Introduced and referred..	156	
	Reported .....	214	
	Report adopted .....	217	
	Passed .....	218	
	Passed house .....	306	
	Enrolled .....	346	
	Signed .....	346	
	Sent to governor.....	358	
71—By Chapman.	To provide for work upon public roads, streets, avenues, boulevards, lanes and alleys not within the territory of incorporated cities or towns; for the incidental establishment of grades thereof; for the construction therein or thereon of sidewalks, sewers, manholes, bridges, cesspools, gutters, tunnels, curbing and crosswalks; 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..	158	
72—By Allen of Pocahontas.	To establish the office of commerce counsel, and defining the powers and duties of the same.		
	Introduced and referred..	159	
73—By Allen of Pocahontas.	Legalizing a certain conveyance which was made by Hezekiah Beecher, commissioner, to		
	74—By DeWolf.	To repeal chapter 216 of the acts of the thirty-second general assembly and to increase the efficiency and enlarge the work of the department of agriculture extension of the state college of agriculture and mechanic arts; to support the work now being carried on by said department and to enable it to enlarge its agricultural correspondence courses, and to increase the number of agricultural short courses, including summer agricultural short courses for teachers, to be held at the state agricultural college, and making appropriation therefor.	
	Introduced and referred..	160	
	75—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..	164	
	Reported .....	185	
	Report adopted .....	219	
	Passed .....	219-220	
	Amended and passed by house .....	663	
	Passed on file .....	664	
	Senate concurs .....	667-668	
	Enrolled .....	685	
	Signed .....	697	
	Sent to governor.....	698	

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 76—By Taylor. To legalize the issuing of certain warrants on the school fund by the board of directors of the independent school district of Centerville, in Appanoose county, state of Iowa.  
 Introduced and referred.. 165  
 Reported .....228- 229  
 Report adopted ..... 224  
 Passed ..... 244  
 Passed house ..... 305  
 Enrolled ..... 345  
 Signed ..... 346  
 Sent to governor..... 358

77—By Cowles. To amend the law as it appears in sections twenty-six thirty-four-d (2634-d), twenty-seven thirty-four-e (2734-e), twenty-seven thirty-four-g (2734-g) and twenty-seven thirty-eight (2738) of the supplement to the code of 1907, to repeal section twenty-six thirty-four-h (2634-h) of the supplement to the code of 1907 and twenty-seven thirty - four-h (2734-h) of the supplement to the code of 1907 as amended by chapter 181, acts of the thirty-third general assembly, and to enact substitutes therefor: to repeal sections twenty-seven thirty-four-i (2734-i) and twenty-seven thirty-four-k (2734-k) of the supplement to the code of 1907, relating to the issuance, validation, registration and renewal of state and county certificates to teachers and enrollment fee in the county normal institutes and to provide for the issuance to teachers of life certificates and diplomas, and for the lapse of such certificates.  
 Introduced and referred.. 166  
 Substitute reported, 775, 776, 777, 778  
 Report adopted ..... 778  
 Substitute adopted ..... 778  
 Passed .....1012  
 Passed house .....1389  
 Passed on file .....1390  
 Enrolled .....1465  
 Sent to governor .....1479  
 Signed .....1489

78—By Balkema. To repeal sections twenty-seven hundred forty-three (2743), twenty - seven hundred forty-five (2745), twenty-seven hundred fifty-one

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 twenty-seven hundred fifty-three (2753), twenty-seven hundred ninety (2790) and twenty-seven hundred ninety - seven (2797) of the code, 1897, and sections twenty-seven hundred forty - four (2744), twenty-seven hundred fifty-two (2752), twenty - eight hundred (2800) and twenty-eight hundred one (2801) of the supplement to the code, 1897, and enact substitutes therefor; and to amend section twenty-seven hundred eighty (2780), code 1897, and sections twenty - seven hundred fifty-four (2754), twenty-seven hundred ninety-four (2794) and twenty - seven hundred ninety - four-a (2794-a), supplement to the code, 1907, relative to the unit of school organization.  
 Introduced ..... 166  
 Referred ..... 167  
 Reported ..... 991  
 Report adopted ..... 991

79—By Smith of Shelby. To repeal sections (1467), (1477-b), (1478-c) of the supplement to the code and sections (1475) of the code, and to enact substitutes therefor, and to amend sections (1467-d), (1475 - a), (1475 - b), (1476), (1476-a), (1477-c), (1477-d), (1477-e), (1478 - a), (1478 - b), (1479-a) of the supplement to the code, and sections (1472), (1473), (1477), (1478), (1479), (1480) and (1481) of the code, pertaining to the assessment and collection of a collateral inheritance tax.  
 Introduced and referred... 168  
 Reported unfavorably ..... 705  
 Indefinitely postponed ..... 705

80—By Balluff. To appropriate for the use of the Iowa soldiers' orphans' home at Davenport, Iowa.  
 Introduced and referred... 168  
 Withdrawn ..... 442

81—By Spaulding. To repeal section fifty-one hundred and sixty-five (5165) of the code and to enact a substitute therefor relating to the time in which indictments may be found for certain public offenses.  
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82—By Taylor. To amend the law as the same appears in chapter one hundred and eighty-four (184) of the acts of the thirty-third general assembly of the state of Iowa, relative to the limit of indebtedness of independent school districts.	
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83—By Balluff. To repeal section twenty-seven hundred twenty - seven-c (2727-c) of the supplement to the code, 1907, relating to the salary of the chief executive of certain state institutions and the qualification of the superintendent of the school for the deaf and to enact a substitute therefor.	
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84—By Brown. To repeal sections two thousand five hundred sixty - four (2564), two thousand five hundred seventy - four (2574), two thousand five hundred seventy-five-a1 (2575-a1), two thousand five hundred seventy-six (2576), chapter sixteen (16), title twelve (XII), relating to the state board of health, and sections two thousand five hundred seventy-six (2576), two thousand five hundred seventy-eight (2578), two thousand five hundred eighty (2580), two thousand five hundred eighty-three (2583), chapter seventeen (17), title twelve (XII), relating to the practice of medicine and providing a substitute therefor.	
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85—By Bennett. To amend the law as it appears in chapter one hundred forty-three (143), acts of the thirty-third general assembly, relating to the sale of intoxicating liquors at retail.	
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86—By Saunders. Amending the law as it appears in chapter forty-five (45) of the acts of the thirty-third (33d) general assembly, entitled, "An act providing for acquailing by condemnation proceedings by cities and towns, of heating plants, water works, gas works, electric lights 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," and relating to the same subject.	
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87—By Francis. To amend section five hundred and eleven (511) of the code, relating to a dwelling for the sheriff.	
Introduced and referred....	186
Reported unfavorably .....	229
Indefinitely postponed .....	229
88—By Francis. To amend section twenty-nine hundred and ninety-three (2993) of the code, relating to the time of enforcing landlord's liens.	
Introduced and referred....	187
Reported unfavorably .....	229
Indefinitely postponed .....	229
89—By Hunter. To amend section two hundred ninety-seven (297) of the code of Iowa, 1897, fixing the salaries of the district courts in certain counties.	
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91—By Allen of Jefferson. To amend section one (1), chapter one hundred and eighty-four (184), laws of the thirty-third general assembly, relating to the limit of indebtedness of independent school districts.	
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92—By Smith of Shelby. To repeal section thirty-three hundred and seventy-six (3376) of the supplement to the code of Iowa, relating to the election of a surviving spouse to take under the will of the deceased, and to enact a substitute therefor.	
Introduced and referred....	195
Reported unfavorably .....	254
Indefinitely postponed .....	254
93—By Gilliland. To repeal sections thirteen hundred five (1305) and thirteen hundred ten (1310) of the code, and to enact substitutes therefor, relating to the assessment of taxes.	
Introduced and referred....	195
Reported unfavorably.....	1241
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94—By Crow. Providing that all common carriers operating trains within the state of Iowa, and conveying live stock, and conveying a car equipped with sleeping berths or bunks for the persons in charge of such live stock.	

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Introduced and referred....	195
Reported unfavorably.....	605
Indefinitely postponed.....	605
95—By Hammill. To amend chapter thirteen (13), title twelve (XII) of the supplement to the code, 1907, and providing for the appointment of dairy commissioner, deputy commissioner and state dairy inspectors, and fixing the salaries of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, repealing all acts or parts of acts in conflict herewith.	
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96—By White. To create a state board of publicity and development, and to provide for the support thereof.	
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97—By Hunter. To amend section seven hundred twenty (720) of the code supplement of 1907, providing for the amending of franchises granted to individuals or private corporations.	
Introduced and referred....	196
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98—By Van Law. To amend division two of section twenty-four hundred forty-eight (2448) of supplement to the code of 1907, relating to the limits within which intoxicating liquors may be sold.	
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99—By Smith of Mitchell. To amend the law as it appears in sections twenty-five hundred and five (2505) and twenty-five hundred and eight (2508) of the supplement to the code, 1907, in reference to the inspection of petroleum products.	
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100—By Mattes. To provide additional funds for the college for the blind for the industrial school for girls, for the Independence	

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101—By Adams. To repeal sections twenty-six hundred and thirty-four-b (2634-b), twenty-six hundred and thirty-four-c (2634-c) and twenty-six hundred and thirty-four-d (2634-d), supplement to the code, 1907, and to enact substitutes therefor, relating to the training of teachers for rural schools and making appropriation therefor.		106—By Hunter. Providing for the licensing of steam engineers.	
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Referred .....	201	Reported unfavorably.....	1131
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Referred .....	527	107—By Proudfoot. To repeal section three hundred thirty-five (335) of the code as amended by chapter twenty (20) of the acts of the thirty-third (33d) general assembly, relating to the selection of jury lists, and to enact a substitute therefor.	
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Signed .....	1593	Report rejected.....	1188
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102—By Dunegan. To amend section two hundred sixty-one (261) of the supplement to the code of Iowa relative to changes of venue from superior courts.		109—By Chase. Relating to the burden of proof as to contributory negligence.	
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103—By Schrup. To amend section thirteen hundred seventy (1370) relative to the time in which township trustees in certain cities acting under special charters may complete equalization of taxes.		110—By Webber. To amend section nine hundred and ten (910) of the code, relating to the sale or exchange of bonds and refunding of same.	
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 112—By Gilliland. To provide for the support of the institution for feeble-minded children at Glenwood and repealing the law as it appears in section 2700, chapter 7, title XIII, supplement to the code, 1907.	
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 113—By Proudfoot. To amend paragraph four (4) of section forty-five hundred and ninety-eight (4598) of the code, relating to the fees of constables.	
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 114—By Gates. To amend section 1, chapter 184 of the acts of the thirty-third general assembly.	
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 115—By Balkema. For the protection of public health and for the prevention of fraud by regulating the sale of eggs for food purposes; providing penalties for the violation thereof, and providing for the enforcement thereof.	
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 116—By Balkema. To revise the road laws to create a plan of township and county road, bridge and culvert work, and weed and brush destruction, to provide for tax levies and funds for carrying on such work, to provide for the manner of expending said funds, to fix the rights, powers, duties, compensation and responsibilities of officers over and pertaining to said work, to create the office of county highway engineer and to provide for his appointment, compensation and duties, to authorize changes in highways and the procedure thereof, to abolish the office of county sur-	

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veyor, and to impose the duties of such office on the county highway engineer, to promote and encourage the use of wide-tired vehicles on the public roads, to provide for a school of highway instruction, to provide for the purchase of condemnation of lands for the purpose of improving and changing the course of highways and securing proper drainage and materials therefor, and to repeal all of chapter two (2) of title VIII (8) of the code, except section one thousand five hundred sixty-nine (1569) thereof, and to repeal all of chapter two (2) of title VIII (8) of the supplement of the code, 1907, and to repeal section two (2) of chapter ninety-three (93) of the acts of the thirty-third (33d) general assembly, and to repeal all of chapters ninety-six (96), ninety-seven (97), ninety-eight (98), ninety-nine (99), one hundred (100) and one hundred one (101) of the acts of the thirty-third (33d) general assembly and to repeal paragraph four (4) of section one thousand three hundred three (1303) of the supplement to the code, 1907, and to repeal section one thousand five hundred twenty-seven-a (1527-a) of the supplement to the code, 1907, and to repeal section two thousand twenty-four-i (2024-i) of the supplement to the code, 1907, and to amend section one thousand seventy - two (1072) of the supplement to the code 1907, relating to the election of county officers.	
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the thirty-third general assembly, relating to the crossing of traction engines over bridges, culverts and crossings, on public highways and streets, by striking out certain words in said section.		130—By Hoyt. Making appropriation to defray the expenses of the inaugural ceremonies.	
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128—By Balkema. Providing for a registration fee on mortgages of real property and for their exemption from taxation after being recorded; regulating the effect of non-payment of registration fees and prohibiting the enforcement of mortgages upon which registration fees have not been paid as herein provided, and repealing all acts and parts of acts in conflict herewith.		131—By Hoyt. To amend section 4604 of the code relating to the examination of witnesses in regard to transactions and communications of a person deceased, insane or a lunatic.	
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135—By Legel. To amend section one thousand six hundred and eleven (1611) of the code relative to the issuance of bonds by railway or street railway companies in aid of their location, construction and equipment.		Signed .....	443
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136—By Legel. To amend section two thousand ninety-one-a of the code supplement, 1907, designating the statutes which are made up under chapter five (5), title ten (10) of the said code supplement, relative to trolley or electric railways.		Substitute reported .....	1096
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147—By McCall. Repealing chapter one hundred thirty-one (131), acts of the thirty-second general assembly and enacting a substitute therefor, relating to exposing and offering for sale of paint, turpentine or luseed oil, and providing a penalty for the mislabeling thereof.	

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Reported unfavorably . . . . .	561
Indefinitely postponed . . . . .	561
148—By Savage. To prevent adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof.	
Introduced and referred . . . . .	269
Reported unfavorably . . . . .	968
Indefinitely postponed . . . . .	968
149—By Savage. To prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil (raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof, and repealing sections in conflict therewith.	
Introduced and referred . . . . .	270
Reported unfavorably . . . . .	968
Indefinitely postponed . . . . .	968
150—By Hoyt. Appropriating eighty-seven dollars and fifty cents (\$87.50) to C. C. Jackson to reimburse him for expenses and services returning fugitives from justice.	
Introduced and referred . . . . .	270
Substitute reported . . . . .	392-393
Report adopted . . . . .	393
Referred . . . . .	393
Reported . . . . .	469
Report adopted . . . . .	597
Substitute adopted . . . . .	597
Passed . . . . .	597-598
House indefinitely postpones . . . . .	1597
Passed on file . . . . .	1600
151—By Bennett. To repeal chapter one hundred ninety-two (192) of the acts of the thirty-third general assembly and to enact a substitute therefor relating to the conveyance of real estate by executor, administrator, trustee, guardian, referee or commissioner.	
Introduced and referred . . . . .	423
Reported . . . . .	421
Report adopted . . . . .	473
Passed . . . . .	473-474

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House amends .....	1147
Passed on file .....	1167
Senate concurs .....	1173
Enrolled .....	1236
Signed .....	1251
Sent to governor .....	1252
152—By Dunnegan. To establish and maintain a second state normal college for the education and preparation of common and high school teachers, and also for the education of commercial and business course students, and providing for the transfer of certain property to said school, and making appropriation therefor.	
Introduced and referred....	277
Substitute reported.....	988-989
Referred .....	970
Reported .....	1436
Report adopted .....	1436
Substitute adopted .....	1500
Passed .....	1501
153—By Smith of Mitchell. To amend the law as it appears in section twenty-four hundred and fifty (2450), supplement to the code, 1907, relating to the canvass and sufficiency of petitions of general consent to keep and sell intoxicating liquors under the mulct law, the number of petitions which may be filed or canvassed within three (3) years, the length of time all petitions shall be in force and effect, and providing the time when the same shall cease to be operative.	
Introduced and referred....	281
Referred to sifting committee .....	1291
154—By Smith of Mitchell. To make uniform the law of bills of lading.	
Introduced and referred....	289
Reported .....	853
Report adopted .....	1233
Passed .....	1234
Passed house .....	1502
Passed on file .....	1537
Enrolled .....	1583
Signed .....	1593
Sent to governor .....	1630
155—By Ames. To amend the law as it appears in section two hundred fifty-four-a-three (254-a3), supplement to the code, 1907, relating to the charges for services for shorthand reporters.	
Introduced and referred....	290
Amendments reported .....	321
Report adopted .....	450
Amendments adopted .....	450
Passed .....	451
House indefinitely postpones .....	759
Passed on file .....	771

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156—By Spaulding. To create a permanent tax commission, to define its powers and duties, to transfer to said commission the power and duties of the executive council relating to taxation, to make an appropriation therefor, and to repeal all acts inconsistent herewith.	
Introduced and referred....	290
Amendments reported.....	764-765
Referred .....	765
Substitute reported.....	1003
Report adopted .....	1008
Substitute adopted .....	1132
Amended .....	1133
Failed to pass .....	1138
157—By Balkema. Providing for the sanitation of bakeries, canneries, packing houses slaughter houses, dairies, creameries, cheese factories, confectioneries, restaurants, hotels, groceries, meat markets, and all other food-producing establishments, manufacturing, or other places where food is prepared, manufactured, packed, stored, sold or distributed, and vehicles in which food is placed for transportation; regulating the health of operatives, employes, clerks, drivers and all other persons working on the premises who handle the material from which food is prepared or the finished product; defining food, regulating the wholesomeness of food manufactured, prepared, packed, stored, sold, distributed or transported; defining the duties of the state food and dairy commissioner in relation thereto; providing penalties for the violation thereof, and repealing acts in conflict therewith.	
Introduced and referred....	290
Reported .....	560
Report adopted .....	734
Amended .....	734-735
Amended .....	742
Amended .....	801
Made special order.....	803
Passed .....	826
158—By Saunders. To amend sections thirteen hundred thirty-four (1334), thirteen hundred thirty-four-a, (1334-a) and thirteen hundred thirty-four-b (1334-b) of the supplement to the code and to repeal sections thirteen hundred thirty-seven (1337) and thirteen hundred thirty-eight (1338) of the code, and to enact substitutes therefor	

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and relating to the assessment and taxation of rail-ways and to requirements of railroad companies and duties of executive council in connection therewith.	
Introduced and referred....	290
Reported .....	864
Report adopted .....	1032
Failed to pass .....	1032-1033
159—By Cowles. Authorizing cities and towns, including cities under special charter, to make publication of official notices, ordinances and other official publications in newspaper printed in a foreign language.	
Introduced and referred....	291
Reported .....	469
Reported adopted .....	541
Passed .....	541-542
Failed to pass house....	1285
Passed on file.....	1286
160—By Balluff. To repeal section three thousand five hundred and forty-one (3541) of the code and to enact a substitute therefor.	
Introduced and referred....	291
Reported .....	729
Report adopted .....	892
Amended .....	892
Passed .....	892-893
Passed House .....	1597
Passed on file.....	1601
Enrolled .....	1742
Sent to governor.....	1743
Signed .....	1733
161—By Balluff. To amend sections seven hundred fifty-seven (757), seven hundred fifty-eight (758) and eight hundred eighty-eight (888) of the code, and sections seven hundred fifty-eight-a (758-a), seven hundred fifty-eight-b (758-b) and seven hundred fifty-eight-c (758-c) of the supplement to the code, 1907, relating to the care, construction and repair of bridges, and providing for a bridge fund, and for a tax levy by cities and towns for bridge fund purposes.	
Introduced and referred....	291
Reported unfavorably....	705
Indefinitely postponed .....	705
162—By Balluff. Authorizing street improvements in certain incorporated towns having a population in excess of eight hundred (800) and providing for the levy of special assessments therefor [additional to title five (V), chapter seven	

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(7) of the code as amended].	
Introduced and referred ..	291
Withdrawn from further consideration .....	837
163—By Webber. Requiring railroad corporations doing business in the state of Iowa to have two regular pay days in each month.	
Introduced and referred....	291
Reported unfavorably.....	1131
Indefinitely postponed .....	1131
164—By Balluff. To amend section 227 of the code relating to the division of the state into judicial districts, and increasing the number of district judges in the seventh district.	
Introduced and referred....	298
Substitute reported ....	477-478
Report adopted .....	542
Substitute adopted .....	542
Amended .....	542
Passed .....	542-543
Passed by house.....	662
Passed on file .....	664
Enrolled .....	685
Signed .....	697
Sent to governor.....	698
165—By Hammill. To amend section four thousand nine hundred fifty-two (4952) of the code, relating to the sale, giving away, or having in one's possession obscene literature and articles of indecent or immoral use.	
Introduced and referred....	298
Amendments reported .....	492
Report adopted .....	507
Amendment adopted .....	507
Passed .....	508
Passed house .....	557
Passed on file.....	559
Enrolled .....	615
Signed .....	632
Sent to governor.....	636
166—By Allen of Jefferson. To amend section four hundred forty-one (441) of the supplement to the code 1907, relating to the selection of official newspapers.	
Introduced and referred....	298
Reported .....	607
Referred .....	607
Reported unfavorably .....	1257
Indefinitely postponed .....	1257
167—By Webber. Amending section seven hundred and ninety-two (792) of the code of 1897, relative to the assessment of the costs of paving streets and alleys.	
Introduced and referred....	299
Reported unfavorably .....	469
Indefinitely postponed .....	469

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168—By Bennett. To amend the law as it appears in chapter sixteen-d (16-d) of the supplement to the code, 1907, relative to graduate and registered nurses.		174—By Jewell. Establishing the state colony for epileptics and making an appropriation for the purchase of land and the erection of buildings for said colony.	
Introduced and referred....	304	Introduced and referred....	306
Reported unfavorably .....	478	Reported .....	395
Indefinitely postponed .....	478	Referred .....	398
169—By Brown. Making appropriation for additional improvements and land at the Iowa state fair and exposition grounds.		175—By Francis. To provide for regulating the amount and cost of printing and binding to be done for the state of Iowa when the same is to be paid for from special appropriations.	
Introduced and referred.....	304	Introduced and referred....	301
Substitute reported .....	561-562	Reported .....	607-608
Report adopted .....	562	Report adopted .....	880
Substitute adopted .....	668	Passed .....	840
Passed .....	668-669		
House indefinitely postponed	1190		
Passed on file.....	1208	176—By Stuckslager. To amend section (1) of chapter sixty-one (61) of the laws of the thirty-third general assembly as an addition to title five (5) of the code and relating to pensions for disabled and retired firemen.	
170—By Garrett. To amend section fifteen hundred and seventy-two (1572) of the code, relating to bridges.		Introduced and referred....	311
Introduced and referred.....	304	Reported unfavorably .....	563
Reported unfavorably .....	1071	Indefinitely postponed.....	563
Indefinitely postponed .....	1071		
171—By Garrett. To amend section fifteen hundred and fifty-six (1556) of the code.		177—By Stuckslager. Amending section six hundred forty-three (643) of the code of 1897 relating to the qualifications of municipal officers.	
Introduced and referred....	304	Introduced and referred....	312
Reported unfavorably .....	1071	Reported unfavorably .....	564
Indefinitely postponed .....	1071	Indefinitely postponed .....	564
172—By McManus. 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.		178—By Stuckslager. Amending section eight hundred ten (810), eight hundred and thirteen (813) and nine hundred and sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used therein.	
Introduced and referred....	304	Introduced and referred....	312
Reported .....	560	Amendments reported .....	563
Reported .....	665	Report adopted .....	669
Passed .....	665	Amendments adopted .....	669
		Passed .....	669-670
173—By Van Law. 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 insecticides fungicides by persons other than registered pharmacists.		Passed house .....	1160
Introduced and referred....	306	Passed on file .....	1166
Reported .....	567	Enrolled .....	1186
Report adopted .....	645	Sent to governor.....	1211
Amended .....	645		
Passed .....	645-646	179—By Stuckslager. To repeal section six hundred and ninety - four-a (694-a), supplement to the code 1907 to enact a substitute therefor, relative to the appropriation by cities and towns, including special charter cities and cities under commission plan.	
House amended .....	1019	Introduced and referred....	312
Passed on file.....	1020	Amendments reported .....	563
Senate concurs .....	1031	Report adopted .....	669
Enrolled .....	1044	Amendments adopted .....	669
Signed .....	1051	Passed .....	669-670
Sent to governor .....	1064	Passed house .....	1160
		Passed on file .....	1166
		Enrolled .....	1186
		Sent to governor.....	1211

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Introduced and referred....	312
Reported unfavorably.....	689
Indefinitely postponed.....	689
 180—By Proudfoot. To repeal paragraph thirteen (13) under section forty-eight (48) of the code and enact a substitute therefor, relating to persons and bodies corporate.	
Introduced and referred....	318
Reported unfavorably.....	318
Indefinitely postponed.....	318
 181—By Webber. Authorizing boards of water works trustees to make and enforce the necessary by-laws and regulations for the operation and protection of such water works.	
Introduced and referred....	318
Reported unfavorably.....	498
Indefinitely postponed.....	498
 182—By Spaulding. To legalize the purchase of lots one (1) and two (2) in block nine (9) in the town of Montezuma, Iowa, and the contract therefor made by the council of said town under date of October 22, 1910, and the warrants issued for payment of the purchase price in the total sum of one thousand seven hundred fifty dollars (\$1,750.00) with interest thereon payable annually at the rate of six per cent.	
Introduced and referred....	318
Reported .....	408
Report adopted .....	437
Passed .....	437
Passed by house.....	662
Passed on file.....	664
Enrolled .....	684
Signed .....	697
Sent to governor.....	698
 183—By DeWolf. 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.	
Introduced and referred....	319
Reported .....	586
Referred .....	586
Amendment reported....	681-682
Report adopted.....	682
Made special order.....	694
Amended .....	735
Passed .....	735-736
House amended .....	1568
Passed on file.....	1570-1571-1572
Senate refuses to concur .....	1570-1571-1572
House insists and asks conference .....	1617
Passed on file .....	1628

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Appoints conference committee .....	1628
House adopts conference report .....	1696
Passed on file .....	1701
Senate adopts conference committee report .....	1713
Enrolled .....	1746
Sent to governor.....	1745
Signed .....	1748
 184—By Malmberg. To repeal section twenty-one hundred and fourteen (2114) of the code, and to enact a substitute therefor, relating to reports by the board of railroad commissioners to the governor of the state.	
Introduced and referred....	319
Reported unfavorably.....	1132
Indefinitely postponed .....	1132
 185—By Malmberg. To amend chapter eleven (11), laws of the thirty-third general assembly and additional to chapter five (5) of title three (III) of the code, relating to holding district courts and assignment of judges therefor.	
Introduced and referred....	319
Reported .....	408
Report adopted .....	473
Passed .....	473
Passed house .....	933
Passed on file.....	949
Enrolled .....	972
Signed .....	975
Sent to governor.....	979
 186—By Malmberg. To amend section three thousand one hundred seventy-three (3173) of the code, relating to the trial of divorce actions.	
Introduced and referred....	319
Reported unfavorably.....	421
Indefinitely postponed.....	421
 187—By Taylor. To repeal section one thousand seventy-two (1072) of the supplement of the code, 1907, relating to the election of county officers and enacting in lieu thereof the following.	
Introduced and referred....	319
Reported unfavorably.....	624
Indefinitely postponed.....	624
 188—By Saunders and Sullivan. To provide for the appointment of a commission to select and draw grand and petit jurors, including talesmen, in all counties having a population of over twenty-five thousand (25,000), and prescribing the duties thereof.	
Introduced and referred....	319

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189—By Sullivan. To prohibit and regulate hospitals, institutions and places created for or maintained, and used as hospitals, sanitariums or places for the reception, care and treatment of persons afflicted with or suffering from cancer. [Additional to chapter sixteen (16) of title twelve (XII) of the code, relating to the state board of health.]	
Introduced and referred....	320
Reported unfavorably.....	728
Indefinitely postponed.....	729
190—By Sullivan. To amend section one thousand seven hundred and twenty-one of the code relating to capital required of foreign insurance companies.	
Introduced and referred....	320
Reported unfavorably.....	1202
Indefinitely postponed.....	1202
191—By Saunders. To amend the law as it appears in paragraph 12 of section one thousand seven hundred and fifty-eight-b (1753-b) of the supplement to the code, 1907, in relation to the standard form of fire insurance policy so as to provide for additional agreements in favor of mortgagees and other persons.	
Introduced and referred....	325
Substitute reported .....	746
Report adopted.....	757
Substitute adopted .....	757
Amended .....	757
Passed .....	758
192—By Francis. Creating a public utilities commission, prescribing its powers and duties, providing for the regulation and control of public utilities, and transferring the powers and duties of the board of railroad commissioners, as prescribed by law, to said commission, and making an appropriation therefor, extending the authority of cities and towns, and cities acting under special charter, and cities acting under the commission plan, to the regulation and fixing of rates and charges of public utilities located therein, and placing the control, regulation and fixing of charges of other utilities with said commission, providing for appeal from the orders and ordinances of said municipalities to the commission,	

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and for instituting complaint against utilities under the jurisdiction of the commission and for appeal from the orders and decrees of said commission to the supreme court of the state.	
Introduced and referred....	325
193—By Webber. Making it necessary to publish notice before selling or exchanging bonds of any county, city (including cities acting under special charter and those acting under title V, chapter 14-c of the code supplement of 1907 and acts amendatory thereto), town or school.	
Introduced and referred....	325
Amendments reported .....	193
Reported .....	798
Amendments adopted .....	798
Passed .....	798-799
194—By Sullivan. Granting additional powers to cities of the first class and cities acting under the commission plan with reference to the adoption and enforcement of rules and regulations governing the construction, reconstruction, repair and maintenance of buildings; providing for building inspection, fees for same and authorizing the fixing of fines and penalties for violation of such rules and regulations.	
Introduced and referred....	325
Reported unfavorably.....	498
Indefinitely postponed.....	498
195—By Sullivan. To legalize acknowledgments of instruments in writing heretofore taken by notaries public. (Additional to section twenty-nine hundred and forty-two (2942) of the code.)	
Introduced and referred....	326
Amendments reported .....	626
Report adopted .....	629
Amendments adopted .....	629
Passed .....	629
Title amended .....	629
Passed house .....	957
Passed on file.....	959
Enrolled .....	1000
Signed .....	1013
Sent to governor.....	1025
196—By Sullivan. To repeal section twenty-eight hundred and thirteen (2813), supplement to the code, 1907, and to enact a substitute therefor, relative to a tax to pay bonds and interest and to create a sinking fund.	

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Introduced and referred....	326
Reported unfavorably.....	345
Indefinitely postponed.....	345
<b>197—By Sullivan.</b> To amend section twenty-eight hundred and sixteen (2816), code, 1897, relative to the title and disposition of real estate acquired by a school corporation.	
Introduced and referred....	327
Reported unfavorably.....	923
Indefinitely postponed.....	923
<b>198—By Allen of Jefferson.</b> Making an appropriation to pay for extra clerical assistance in the office of the state board of health.	
Introduced and referred....	334
Reported.....	435
Report adopted.....	475
Passed.....	475-476
Passed house.....	601
Enrolled.....	615
Signed.....	632
Sent to governor.....	636
<b>199—By Ream.</b> To provide for employment of prisoners in the county jails and for paying their earnings to their families.	
Introduced and referred....	334
Reported.....	729
Report adopted.....	962
Passed.....	962
<b>200—By Sullivan.</b> To provide for paroling certain convicts on first conviction by the presiding judge of the trial court in which such conviction is had.	
Introduced and referred....	334
Substitute reported....	490-491
Report adopted.....	525
Substitute adopted.....	525
Amended.....	525
Passed.....	526
House amended.....	1598
Passed on file.....	1599
Senate concurs.....	1602-1603
Enrolled.....	1724
Sent to governor.....	1731
Signed.....	1733
<b>201—By Wilson.</b> To amend the law as it appears in chapter seventy-eight (78), acts of the thirty-third (33d) general assembly, relating to the removal of officers for misfeasance, malfeasance or nonfeasance in office.	
Introduced and referred....	33b
Reported.....	539
Report adopted.....	584
Amended.....	584
Consideration postponed...	585
Amended.....	599
Passed.....	600
House amended.....	1574
Passed on file.....	1580
Senate concurs.....	1581-1582

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Enrolled.....	1650
Sent to governor.....	1683
Signed.....	1684
<b>202—By Clarkson.</b> Amending section two thousand four hundred eighty - two (2482), supplement to the code, 1907, relating to the expense of mine inspectors.	
Introduced and referred....	342
Reported.....	607
Report adopted.....	635
Amended.....	635
Passed.....	63b
Passed house.....	1019
Passed on file.....	1020
Enrolled.....	1045
Signed.....	1051
Sent to governor.....	1064
<b>203—By Chapman.</b> To regulate the sale of nursery stock, such as fruit trees, shrubs, plants, vines, seeds, etc., to prevent the misrepresentation of the same, the selling of diseased nursery stock, and providing for the inspection of said nursery stock, and providing a penalty for the violation of this act or any section thereof.	
Introduced and referred.....	342
<b>204—By Dunnegan.</b> To establish six (6) miles of macadamized highway for experimental purposes in Fremont county, state of Iowa and providing for an appropriation to cover the expense of same.	
Introduced and referred....	342
Reported unfavorably.....	704
Indefinitely postponed.....	704
<b>205—By Allen of Jefferson.</b> Relating to filling vacancy in the office of senator in congress of the United States and providing for a special primary election to nominate candidates therefor.	
Introduced and referred....	342
<b>206—By Smith of Shelby.</b> To repeal sections nineteen hundred and forty-two (1942), nineteen hundred and forty-three (1943), nineteen hundred and forty-five (1945), nineteen hundred and forty-seven (1947), nineteen hundred and forty-nine (1949), nineteen hundred and fifty (1950), nineteen hundred and fifty - two (1952), nineteen hundred and fifty-three (1953), nineteen hundred and fifty-four (1954) of the code and sections nineteen hundred	



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and forty (1940), nineteen hundred and forty-four (1944), nineteen hundred and forty-six (1946), nineteen hundred and forty-six-a (1946-a), nineteen hundred and forty-six-b (1946-b), nineteen hundred and forty-six-c, nineteen hundred and forty-six-d (1946-d), nineteen hundred and forty-six-e (1946-e), nineteen hundred and forty-eight (1948) and nineteen hundred and fifty-one (1951) of the supplement to the code. Also to amend section nineteen hundred and eighty-nine-a-one (1989-a-1) of the supplement to the code, section nineteen hundred and eighty-nine-a-six (1989-a-6) of the supplement to the code as amended by section six (6) of chapter one hundred and eighteen (118) of the acts of the thirty-third general assembly, section nineteen hundred and eighty-nine-a-fourteen (1989-a14) of the supplement to the code as amended by section thirteen (13) of chapter one hundred and eighteen (118) of the acts of the thirty-third general assembly. Also to repeal sections nineteen hundred and eighty-nine-a-two (1989-a2), nineteen hundred and eighty-nine-a-three (1989-a3) and nineteen hundred and eighty-nine-a-five (1989-a5) of the supplement to the code as amended by chapter one hundred and eighteen (118) of the acts of the thirty-third general assembly and sections nineteen hundred and eighty-nine-a-four (1989-a4) and nineteen hundred and eighty-nine-a-twenty-eight (1989-a28) of the supplement to the code, and to enact substitutes therefor relating to the subject of waters, water courses, ditches, levees, drainage and drainage districts.	342 1261 1321 1322 1360-1361	sale of intoxicating liquors by persons convicted of violating the laws in respect to the sale of intoxicating liquors and those permanently enjoined for such violation, and to enact a substitute therefor.	354 1024 1024
207—By Cowles. To repeal section three (3) of chapter one hundred forty-two (142) of the laws of the thirty-third general assembly relating to the		208—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.	355
		209—By Mattes. Making appropriations for the state university, the Iowa state college of agriculture and mechanic arts, and the Iowa state teachers' college.	355 1475 1477 1525 1526 1661 1666 1685 1699 1712 1735 1735 1736 1742 1743 1748
		210—By Smith of Shelby. To amend section forty-two hundred and ninety-five (4295) of the code, relating to the indexing of marginal releases of mortgages.	355 486 486
		211—By Legel. To amend sections twenty-five hundred thirty-eight-1 (2538-1) and twenty-five hundred thirty-eight-1 (2538-1) of the supplement to the code of 1907, relative to the practice of veterinary medicine.	355 1272
		212—By Crow. To legalize the incorporation of the town of Kiron, Crawford county, Iowa.	

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Introduced and referred....	355
Reported .....	625
Report adopted.....	709
Passed .....	709
Passed house.....	1051
Passed on file.....	1059
Enrolled .....	1073
Sent to governor.....	1089
Signed .....	1090
213—By Van Law. To repeal the law as it appears in section 1661-a of the supplement to the code, 1907, as amended by chapter 108, acts of thirty-third general assembly, relative to state aid to county and district fairs, and enacting a substitute therefor.	
Introduced and referred....	360
Amendments reported .....	732
Report adopted .....	896
Amendment adopted .....	896
Passed .....	896-897
214—By McManus. To appropriate two thousand dollars (\$2,000.00) to assist in the erection of the monument to the unknown soldiers buried in the National cemetery at Keokuk, Iowa.	
Introduced and referred....	361
Substitute reported .....	1375
Report adopted .....	1375
Substitute adopted .....	1424
Amended .....	1424-1425
Passed .....	1425
Passed house .....	1468
Passed on file.....	1470
Enrolled .....	1541
Signed .....	1593
Sent to governor.....	1630
215—By McManus. To amend sections 4582 and 4583 of the code.	
Introduced and referred...	301
Reported unfavorably.....	485
Indefinitely postponed.....	486
216—By McManus. To amend sections 1642 and 1643 of the code.	
Introduced and referred....	361
Reported unfavorably.....	538
Indefinitely postponed.....	538
217—By Cowles. Conferring upon cities and towns the power to regulate the telephone business, and to fix the price or rate of charge for the use of telephones and for telephone service to the same extent as they now have power to regulate the business and fix the price of supplying heat, water, gas, electric light or electric power.	
Introduced and referred....	361
Reported .....	691
Referred .....	691
Reported .....	1192
Reported unfavorably.....	1258
Indefinitely postponed.....	1258

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218—By McColl. To amend chapter 170 of the acts of the thirty-third general assembly in relation to the powers and duties of the state board of education.	
Introduced and referred....	361
Substitute reported .....	499
Report adopted.....	544
Substitute adopted .....	544
Passed .....	544
Passed house .....	1669
Passed on file.....	1670
Enrolled .....	1734
Sent to governor.....	1741
Signed .....	1748
219—By Hoyt. To amend section five thousand seventy-one (5071) of the code, relating to the unlawful wearing of badges.	
Introduced and referred....	362
Reported .....	419
Report adopted .....	476
Passed .....	476
House indefinitely postpones	618
220—By Hoyt. Providing for registration of farm names.	
Introduced and referred....	363
Reported .....	508
Report adopted .....	508
Passed .....	509
House amends and passed..	619
Senate concurs .....	711
Enrolled .....	748
Signed .....	751
Sent to governor .....	752
221—By Francis. Providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts and the state teachers' college.	
Introduced and referred....	363
Reported unfavorably.....	1170
Indefinitely postponed.....	1170
222—By Balluff. To amend subdivision sixteen (16) of section six hundred and sixty-eight (668) of the supplement to the code, 1907, relative to current expenditures of cities.	
Introduced and referred....	363
Reported unfavorably.....	834
Indefinitely postponed.....	834
223—By Quigley. To amend sections two (2), three (3) and four (4) of chapter one hundred and fifty-five (155) of the acts of the thirty-third general assembly, in relation to the care and propagation of fish.	
Introduced and referred....	363
Substitute reported .....	885-886

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224—By Chase. To amend the law as it appears in section two thousand seven- one (2071) of the supplement to the code of 1907, and chapter one hundred twenty-four (124), acts of the thirty-third general assembly, relating to the liability of corporations operating a railway for negligence or wrongs of employes.	Introduced and referred.... 363 Reported unfavorably..... 703 Report rejected .....907- 908 Failed to pass..... 995 Motion filed to reconsider.. 995	of exemption rights in the states of their residence. Introduced and referred.... 370 Reported unfavorably.....1130 Indefinitely postponed.....1130	
225—By Ames. To transfer the control and management of the college for the blind at Vinton from the board of control of state institutions to the state board of education and granting all of the powers held by the board of control of this institution to the state board of education; and amending the law as it appears in section two thousand seven hundred twenty-seven-a-eight (2727-a-8) of the supplement to the code, 1907, and amending chapter one hundred seventy (170) of the law as it appears in the act of the thirty-third general assembly.	Introduced and referred.... 368 Reported ..... 627 Report adopted ..... 651 Passed ..... 651 House amended .....1309 Passed on file.....1314 Senate concurs .....1352-1353 Enrolled .....1399 Signed .....1413 Sent to governor .....1414	228—By Stuckslager. Placing the geological survey under the direction of the state board of education and making an appropriation for the support of said survey and the expenses of the state geologist and his assistants. Introduced and referred.... 370	
226—By McManus. Authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor additional to title V of the code.	Introduced and referred.... 370 Substitute reported .....496- 497 Report adopted ..... 581 Substitute adopted..... 581 Passed ..... 581 Passed house .....1230 Passed on file.....1232 Signed .....1251 Sent to governor.....1251 Enrolled .....1252	229—By Chase. To amend sections 1643 and 1645 of the code, and amendatory of chapter 2 of title IX, of the code, and to provide for the control and disposition of property of extinct religious societies in this state. Introduced and referred.... 370 Amendments reported..... 702 Report adopted..... 841 Amendments adopted ..... 842 Passed ..... 842 House passed .....1308 Passed on file.....1313 Senate concurs .....1425-1426 Enrolled .....1507 Signed .....1539 Sent to governor.....1539	
227—By Larrabee. To prevent oppressive garnishments and the transferring of claims to deprive debtors	Introduced and referred.... 383 Reported ..... 579 Report adopted ..... 754	230—By Cowles. Relating to the sale of intoxicating liquors by wholesale drug companies, additional to chapter six (VI) of title twelve (XII) of the code. Introduced and referred.... 383 Amendments reported..... 661 Report adopted..... 736 Failed to pass..... 738	
		231—By Balluff. To repeal section one thousand three (1003) of the code and enact a substitute therefor, relative to the levy of taxes in special charter cities. Introduced and referred.... 383 Reported ..... 916 Report adopted ..... 969 Passed ..... 970 Passed house .....1313 Enrolled .....1372 Sent to governor.....1415 Signed .....1440	
		232—By Jewell. To amend section forty-nine hundred and ninety-nine-a-10 (4999-a-10), of the supplement to the code, 1907, relating to protection against fire and providing a penalty. Introduced and referred.... 383 Reported ..... 579 Report adopted ..... 754	

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Passed .....	754
Passed house.....	1574
Passed on file.....	1580
Enrolled .....	1650
Sent to governor.....	1664
Signed .....	1664

233—By Hunter. 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.  
 Introduced and referred.... 383  
 Substitute reported .... 973- 974

234—By Hunter. To repeal section eighteen hundred and eighty-one (1881) of the code and to enact a substitute therefor relating to the report by the auditor of state to the governor of the condition of banks.  
 Introduced and referred.... 384  
 Reported .....

235—By Wilson. To require contracts for county bridges, buildings and other improvements to be let to the lowest responsible bidder, and to provide for advertisement for bids.  
 Introduced and referred.... 391  
 Reported .....

236—By Dunnegan. To better railroad passenger service, and defining what passenger service is reasonable.  
 Introduced and referred.... 391  
 Reported unfavorably..... 606  
 Indefinitel ypostponed..... 606

237—By Larrabee (by request). Empowering boards of county supervisors to appropriate money for educational purposes in relation to tuberculosis in man and animals.  
 Introduced and referred.... 391  
 Amendments reported .....

238—By Allen of Jefferson. To repeal the law as it appears in section three thousand four hundred forty-five (3445) of the code relating to actions by or against legal representatives and to enact a substitute therefor.

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Introduced and referred....	391
Amendments reported .....	492
Report adopted .....	543
Amendments adopted .....	543
Passed .....	543- 544
Title amended .....	544
House indefinitely postpones.	1247

239—By McColl. Repealing section fourteen hundred sixty-two (1462) of the code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.  
 Introduced and referred.... 392  
 Reported unfavorably..... 485  
 Indefinitely postponed..... 485

240—By Francis. To amend section nineteen hundred ninety-eight (1998) of the 1907 supplement to the code relating to the condemnation of additional lands for railway purposes.  
 Introduced and referred.... 399  
 Substitute reported..... 1184  
 Report adopted .....

241—By Francis. Providing for an appropriation of fifteen hundred (\$1,500.00) dollars per year for five years, for the maintenance of the Iowa lake-side laboratory on West Okoboji lake, in Dickinson county, Iowa, and placing same under the state board of education.  
 Introduced and referred.... 400  
 Reported unfavorably..... 562  
 Indefinitely postponed..... 562

242—By Dunnegan. To provide for the protection of bridges and drainage ditches and providing a penalty for the violation thereof.  
 Introduced and referred.... 404  
 Reported unfavorably..... 980  
 Indefinitely postponed..... 980

243—By Spaulding. To repeal section twenty-three hundred forty-eight (2348) of the code and to enact a substitute therefor, providing for a bounty on wild animals, and the proof required to secure such bounty and prescribing punishment for the presentation of false or fraudulent claims for such bounty.  
 Introduced and referred.... 404  
 Amendment reported..... 715  
 Report adopted .....

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Amended .....	781
Passed .....	782
House indefinitely postpones.....	1368
Passed on file .....	1378
244—By Legel. To amend section sixteen hundred ten (1610) chapter one (1) title nine (9) of the code relating to filing fees of building and loan associations.	
Introduced and referred....	405
Referred to sifting committee .....	1272.
245—By Legel. To amend section nineteen hundred thirteen (1913) chapter thirteen (13), title (9), relating to filing fees of building and loan associations.	
Introduced and referred....	405
Reported unfavorably.....	924
Referred .....	924
Reported unfavorably.....	1242
Indefinitely postponed.....	1243
246—By Brown (by request). To establish and maintain a state normal school for the education and preparation of common and high school teachers, in connection with Tabor college, and making provision and appropriation therefor.	
Introduced and referred....	405
Reported unfavorably.....	988
Indefinitely postponed.....	988
247—By Hammill. Providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in sections twenty-seven hundred eight (2708) and twenty - seven hundred nine (2709) of the supplement to the code, 1907, and chapter one hundred seventy-four of the acts of the thirty-third (33) general assembly.	
Introduced and referred....	405
Reported .....	511
Report adopted .....	511
Passed .....	524
Motion filed to reconsider..	528
Motion withdrawn .....	546
248—By Hammill. Making all children received in the soldiers' orphans' home wards of the state, and authorizing the placing of them with persons or families under contract for education, maintenance and service, and repealing the law as it appears in section twenty-six hundred ninety-b (2690-b) of the supplement to the code, 1907.	

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Introduced and referred....	405
Reported .....	511
Report adopted .....	511
Passed .....	524-525
Motion filed to reconsider..	528
Motion withdrawn .....	546
Reported .....	593
Passed house .....	1040
Passed on file.....	1042
Sent to governor.....	1088
Signed .....	1090
249—By Hammill. Authorizing the placing with persons or in families and in places of employment and girls committed to the industrial school, under contract for care, education, maintenance and service, and repealing the law as it appears in section twenty-seven hundred four (2704) of the supplement to the code, 1907.	
Introduced and referred....	406
Reported .....	510
Report adopted .....	510
Passed .....	523
Motion filed to reconsider..	528
Motion withdrawn .....	546
House amended .....	1246
Passed on file.....	1270
Senate concurs .....	1331-1332
Enrolled .....	1372
Sent to governor.....	1415
Signed .....	1440
250—By Saunders. To legalize a certain deed executed by Fremont county and its board of supervisors on the 11th day of November 1895, conveying to Mary E. McDonald the west half of the northeast quarter and the northwest quarter of section two, township 70, north range 43, west of the fifth principal meridian, in Fremont county, Iowa.	
Introduced and referred....	416
Amendments reported.....	491-492
Report adopted .....	505
Amendments adopted .....	506
Passed .....	506
Passed house .....	816
Passed on file .....	824
Enrolled .....	864
Signed .....	870
Sent to governor.....	884
251—By Cowles. Concerning the commission plan of government in certain cities, additional to chapter fourteen-C (14-c) of the supplement to the code, 1907, and chapter sixty-four (64) of the laws of the thirty-third general assembly.	
Introduced and referred....	416
Reported .....	498
Indefinitely postponed, identical with H. F. 262.....	855

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252—By Cowles. To repeal section one thousand nine hundred eighty - nine (1989) of the code, 1897, relating to government levees, and to enact a substitute therefor.	
Introduced and referred....	417
Reported .....	451
Report adopted .....	451
Passed .....	541
Passed by house .....	782
Passed on file.....	787
Enrolled .....	794
Signed .....	797
Sent to governor.....	799
253—By Balkema. To regulate the hours of engineers and firemen operating stationary boilers and engines.	
Introduced and referred....	418
Reported unfavorably.....	592
Indefinitely postponed.....	592
254—By Chase. To provide for the support of the industrial school and fixing a minimum monthly allowance for each of its departments, and repealing the law as it appears in section twenty-seven hundred thirteen (2713) of the supplement to the code, 1907.	
Introduced and referred....	421
Amendments reported.....	1436
Report adopted .....	1436
Amendments adopted .....	1499
Passed .....	1500
Passed house .....	1659
Passed on file.....	1667
Enrolled .....	1738
Sent to governor.....	1740
Signed .....	1748
255—By Mattes. Making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.	
Introduced and referred....	422
Reported .....	539-540
Report adopted .....	627
Passed .....	627- 628
Passed house .....	1148
Passed on file .....	1167
Enrolled .....	1186
Sent to governor.....	1211
256—By Jewell. To provide for the taxation of mortgages of real property.	
Introduced and referred....	422
Reported unfavorably.....	1243
Indefinitely postponed.....	1243
257—By Balluff. To legalize an election of Scott county Iowa, held November 8, 1910, for the erection and maintenance of a detention house for dependent, neglected and delinquent	

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children, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds therefor.	
Introduced and referred....	434
Amendments reported .....	626
Report adopted .....	628
Amendments adopted .....	628
Passed .....	628
House amended .....	1460
Passed on file.....	1463
Enrolled .....	1583
Signed .....	1593
Sent to governor .....	1629
258—By Saunders. To amend the law as it appears in section three thousand four hundred and forty-seven-c (3447-c) of the supplement o the code, 1907, relating to the foreclosure of real estate mortgages and fixing the time within which certain actions for the foreclosure of mortgages may be brought.	
Introduced and referred....	442
Report adopted .....	621
Substitute adopted .....	621
Amended .....	621
Passed .....	621- 622
House amended .....	1460
Passed on file.....	1463
Senate concurs.....	1528
Enrolled .....	1583
Signed .....	1593
Sent to governor.....	1630
259—By Balkema. To repeal section four thousand eleven (4011) of the code and to enact a substitute therefor relative to personal incomes.	
Introduced and referred....	442
Substitute reported.....	732
Report adopted.....	1179
Substitute adopted.....	1179
Failed to pass.....	1180
260—By Francis. Creating the offices of fish commissioner and of game commissioner, prescribing their duties, terms of office and salaries, and amending section twenty-five hundred and thirty - nine (2539) of he code, changing and prescribing the ter of office, duties and salary of the state fish and game warden, placing the expenditure of the fish and game protection funds with said officers, to be known as the fish and game council; repealing section nine of chapter one hundred fifty-three, and sections two, four and ten of chapter one hundred fiftv-four of the acts of the thirty-third general assembly, relating	



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eight (5718-a28), chapter two (2), title twenty-six (XXVI) of the supplement to the code, 1907.	
Introduced and referred....	458
Amendments reported .....	1089
Referred .....	1090
 270—By Sullivan. Requiring the owners and operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employes, and providing a penalty for its violation.	
Introduced and referred....	458
Referred to sifting committee .....	1272
 271—By Garrett. To legalize the incorporation of the town of Grandview, Louisa county, Iowa, the election of its officers the passage of its ordinances, and resolutions, and acts done by the town council in the adoption and enforcement of its ordinances and resolutions since its organization in the year nineteen hundred (1900).	
Introduced and referred....	465
Reported .....	576
Report adopted .....	594
Passed .....	595
Passed house .....	805
Passed on file.....	806
Enrolled .....	864
Signed .....	870
Sent to governor.....	884
 272—By Crow. To amend section one thousand three hundred and twenty-six (1326), of the code, relating to domestic local building and loan associations.	
Introduced and referred....	465
Reported .....	487
Referred .....	487
Substitution reported .....	1170
Report adopted .....	1171
Substitution adopted .....	1293
Passed .....	1294
House amended .....	1408
Passed on file .....	1419
Senate concurs.....	1429-1430
Enrolled .....	1509
Signed .....	1539
Sent to governor.....	1541
 273—By White. Prohibiting certain classes of advertisements, providing a penalty for violation thereof, and prescribing rules of evidence in prosecutions for violations thereof.	
Introduced and referred....	476
Reported unfavorably .....	814
Indefinitely postponed .....	814

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274—By McManus. Amending section 227 of the supplement to the code of 1907 and providing for an additional judge of the district court in the first judicial district and for his appointment and election and regulating terms in said district.	
Introduced and referred....	478-
Amendments reported .....	779
Report adopted .....	779-
Amendments adopted .....	861
Passed .....	861
Passed house .....	1013
Passed on file.....	1017
Sent to governor .....	1088
Signed .....	1090.
 275—By Fitchpatrick. To provide for uniformity of accounting of county treasurers and to provide for examination of books and accounts of county treasurers.	
Introduced and referred....	484
Referred to sifting committee .....	1272
 276—By Fitchpatrick. To repeal section 491 of the code providing for the appointment and qualifications of deputies and other assistants to the county treasurer.	
Introduced and referred....	484
Reported unfavorably .....	624
Indefinitely postponed.....	624.
 277—By Fitchpatrick. To repeal section four hundred ninety (490) of the supplement to the code, 1907, and to enact a substitute therefor; providing for the compensation of county treasurers.	
Introduced and referred....	484
 278—By Ames. To amend chapter one hundred thirty-five (135) of the law as it appears in the acts of the thirty-third general assembly relating to the lien upon the progeny of any stallion or jack kept for public service or for sale, exchange or transfer.	
Introduced and referred....	484
Reported .....	1227
Report adopted .....	1294
Passed .....	1295
Reconsidered .....	1300
Amended .....	1300
Passed .....	1300
 279—By Bennett. To amend the law as it appears in section four thousand nine hundred ninety-nine-a-thirty-five (4999-a 35) of chapter ten-b (10-b) of the supplement to the code, 1907, relating to	





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 283—By Chapman. To amend section four thousand nine hundred ninety-nine-a1 (4999-a1) of the supplement to the code 1907, relative to preserving the public health.  
 Introduced and referred.... 503  
 Reported ..... 593  
 Reported adopted ..... 708  
 Passed ..... 708-709

284—By Clarkson. To amend section three (3) of chapter one hundred and twelve (112) of the acts of the thirty-third (33d) general assembly relating to the issuance of policy of insurance by insurance companies.  
 Introduced and referred.... 503  
 Reported ..... 886-887  
 Report adopted ..... 1219  
 Passed ..... 1219  
 Passed house ..... 1598  
 Passed on file..... 1599  
 Enrolled ..... 1725  
 Sent to governor ..... 1732  
 Signed ..... 1733

285—By Hammill. To provide for the paroling of patients in the state hospital for inebriates and certain female patients from state hospitals for the insane and for the return of patients who violate their paroles, and repealing the law as it appears in section twenty-three hundred ten-a-nineteen (2310-a-19) of the supplement to the code, 1907.  
 Introduced and referred.... 511  
 Amendments reported ..... 1090

286—By Mattes. To provide for the support of the state hospitals for the insane and repealing the law as it appears in section 2291-b, chapter 2, title XII, supplement to the code, 1907.  
 Introduced and referred.... 516  
 Amendments reported ..... 1376  
 Report adopted ..... 1377  
 \*Passed ..... 1489  
 Passed house ..... 1659  
 Passed on file ..... 1667  
 Enrolled ..... 1734  
 Sent to governor ..... 1741  
 Signed ..... 1748  
 \*Reported in journal as No. 296.

287—By Garrett. Empowering the governor and secretary of state to execute quit-claim deed conveying to the grantees of Christian Flitch al of the right, title and interest of the state of Iowa in lot five

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 (5) of section one (1), township seventy-three (73), north of range two (2), west of the fifth (5th) P. M.  
 Introduced and referred.... 516  
 Reported ..... 592  
 Reported adopted ..... 630  
 Passed ..... 630-631  
 Passed house ..... 1209  
 Passed on file ..... 1209  
 Signed ..... 1251  
 Sent to governor ..... 1251  
 Enrolled ..... 1252

288—By Wilson. Legalizing and curing the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection maintenance and extension of a system of water works in said town, and the issuance of warrants of 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 said warrants.  
 Introduced and referred.... 517  
 Reported ..... 576-577  
 House file No. 331 substituted for ..... 594  
 Indefinitely postponed ..... 604

289—By Van Law. To amend the law as it appears in section twenty-six hundred four (2604) of supplement to the code, 1907, relative to the salary of the commandant of the Iowa soldiers' home.  
 Introduced and referred.... 519  
 Reported ..... 992  
 Referred ..... 992  
 Amendments reported ..... 1095  
 Report adopted ..... 1390  
 Amended ..... 1391  
 Passed ..... 1391

290—By Bennett. To legalize the ordinances and rules of health of the incorporated town of Lenox, Taylor county, Iowa.  
 Introduced and referred.. 527  
 Reported ..... 538  
 Report adopted ..... 549  
 Passed ..... 549-550  
 Passed house ..... 815  
 Passed on file ..... 823  
 Enrolled ..... 865  
 Signed ..... 870  
 Sent to governor ..... 884

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291—By Chapman. To provide additional support for the wardens of the reformatory at Anamosa and the state penitentiary at Fort Madison, to furnish each deputy warden with house water, heat and lights, to fix the compensation of certain officers and employes and to enlarge the support fund of said institutions, repealing section fifty-seven hundred seventeen (5717) and fifty-seven hundred eighteen (5718) of the code and the law as found in sections fifty-six hundred sixty-nine-a (5669-a), fifty-seven hundred sixteen (5716) and fifty-seven hundred eighteen-a twenty-eight (5718-a28) of the supplement to the code, 1907.		Introduced and referred....	535
		Reported .....	836
		Report adopted .....	836
		Passed .....	1334-1335
		Passed house .....	1574
		Passed on file .....	1580
		Enrolled .....	1650
		Sent to governor .....	1663
		Signed .....	1664
		294—By Allen of Pocahontas. Providing for a librarian of state institutions, defining the duties of the office and making an appropriation for salary and expenses.	
		Introduced and referred....	535
		Reported unfavorably .....	1024
		Indefinitely postponed .....	1024
		295—By Allen of Pocahontas. To provide for the payment of traveling expenses of members of the board of control of state institutions, its secretary and other employes and agents, and repealing the law as it appears in section twenty-seven hundred twenty-seven-a-five (2727-a5) of the supplement to the code, 1907.	
		Introduced and referred ..	535
		Reported unfavorably .....	1025
		Indefinitely postponed .....	1025
		296—By Balluff. To legalize an election of Scott county, Iowa, held November 8, 1910, for the construction and maintenance of a county hospital, the acts and resolutions of the board of supervisors, and authorizing the issuance of bonds, therefor.	
		Introduced and referred....	535
		Report adopted .....	1488
		Amendments adopted .....	1488
		Passed .....	1488-1489
		House amended .....	1663
		Senate concurs .....	1664-1665
		Enrolled .....	1738
		Sent to governor .....	1740
		Signed .....	1748
		297—By Neal. 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.	
		Introduced and referred....	545
		Amendments reported ..	604-605
		Report adopted .....	605
		Amendments adopted .....	649
		Passed .....	649-650
		Passed house .....	958
		Passed on file .....	960
		Enrolled .....	973
		Signed .....	975
		Sent to governor .....	979
292—By Taylor. To appropriate the sum of one hundred sixty-four and 22-100 dollars for the use and benefit of Mrs. Ellen Clarke Moore, on account of compensation due her husband, Captain Samuel A. Moore, late of Davis county, Iowa, deceased, for military service performed by him as captain of company D, forty-fifth regiment, Iowa volunteers infantry, in the month of May, A. D. eighteen hundred and sixty-four.		Introduced and referred....	534
		Reported .....	731
		Report adopted .....	895
		Passed .....	895
		House amended .....	1388
		Passed on file .....	1389
		Senate concurs .....	1523
		Enrolled .....	1583
		Signed .....	1593
		Sent to governor .....	1629
293—By Allen of Pocahontas. making an appropriation for the salaries and expenses of state agents and repealing section two (2) of chapter one hundred seventy-two (172) of the acts of the thirty-third general assembly and the law as it appears in section twenty-six hundred ninety-two-c (2692-c) of the supplement to the code 1907, as amended.			

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298—By Brown. To authorize the removal of the soldiers' and sailor's monument in Des Moines, Iowa, and the erection of the same upon the site provided by the city of Des Moines adjacent to the east bank of Des Moines river between Locust and Walnut streets in said city and making an appropriation to defray the expenses thereof.	
Introduced and referred..	545
Amendments reported .....	913
Referred .....	913
Substitute reported .....	1477
Report adopted .....	1479
Considered .....	1502
Passed .....	1512
299—By Cowles. To legalize certain warrants of the city of Burlington.	
Introduced and referred....	545
Reported .....	598
Report adopted .....	598-599
Passed house with amendments .....	765
Passed on file .....	770
Senate concurs .....	771-772
Enrolled .....	794
Signed .....	797
Sent to governor.....	799
300—By Van Law. To repeal section thirteen hundred ten (1310) of the code, relating to assessment for taxation of moneys, credits annuities, bank notes and stock, and to enact a substitute therefor, and to repeal all acts or parts of acts in conflict herewith.	
Introduced and referred....	550
Reported unfavorably .....	1069
Indefinitely postponed .....	1069
301—By Van Law. To amend section three thousand thirty-eight (3038) of the code, relative to care and propagation of fish.	
Introduced and referred....	550
Reported .....	703
Referred .....	703
Reported unfavorably .....	1069
Indefinitely postponed .....	1070
302—By Jewell. To amend the law as it appears in chapter one hundred fifty-five (155) of the laws of the thirty-third (33) general assembly, relative to care and propagation of fish.	
Introduced and referred....	51
Reported .....	1206
Report adopted .....	1206
Amended .....	1536
Passed .....	1536-1537
303—By Mattes. Repealing section one hundred twenty-five (125) of the supplement to the code, 1907	

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relating to the printing and binding of the reports of state departments and enacting a substitute therefor.	
Introduced and referred....	551
Passed .....	1607-1608
304—By Van Law (By request). Making an appropriation for Beulah Straub, on account of injuries received by her at the Iowa soldiers' home at Marshalltown.	
Introduced and referred....	555
305—By Van Law (By request). Creating the office of juvenile commissioner, defining his duties and powers providing for a deputy and providing for publication and reports, the examination of probation officers, and the listing of those who have passed examination satisfactorily, and appointment of probation officers.	
Introduced and referred....	556
Reported unfavorably .....	1257
Indefinitely postponed .....	1257
306—By Neal. Making an appropriation for the railroad commission on account of deficit in the traveling and expense fund.	
Introduced and referred....	556
Reported .....	1196
Report adopted .....	1196
Passed .....	1297
Passed house .....	1568
Passed on file .....	1580
Enrolled .....	1651
Sent to governor .....	1663
Signed .....	1664
307—By Neal. Making an appropriation to enable the state railroad commission to prosecute interstate rate cases before the interstate commerce commission.	
Introduced and referred....	556
Reported .....	1196
Report adopted .....	1196
Passed .....	1297-1298
Passed house .....	1649
Enrolled .....	1742
Sent to governor .....	1743
Signed .....	1733
308—By Neal. To make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa railroad commission in the cases before the interstate commerce commission involving general advance in rates.	
Introduced and referred....	556
Referred to sifting committee.	

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309—By Neal. Making an appropriation to enable the state railroad commission to investigate and prepare cases affecting Iowa intrastate rates.		314—By Francis. To authorize cities and towns to levy a tax to improve public waters and the public banks and shores thereof.	
Introduced and referred....	556	Introduced and referred....	569
Reported .....	1377	Referred to sifting committee.	
Report adopted .....	1377		
Passed .....	1518-1519	315—By Francis. To permit township trustees, city and town councils and boards of directors of incorporated cemetery associations, having the custody and control of any cemetery in the state, to levy a tax on cemetery lots, and providing for the collection of the tax and for the sale of lots upon which the tax has not been paid, and for the control of cemetery funds.	
Passed house .....	1735	Introduced and referred....	569
Passed on file .....	1735	Reported unfavorably .....	1070
Enrolled .....	1738	Indefinitely postponed .....	1070
Sent to governor .....	1743		
Signed .....	1748		
		316—By Francis. Amending the law as it appears in section two thousand seven hundred and twenty-seven a-fifty-nine (2727-a-59), a-sixty-two (a-62) and a-sixty-six (a-66), of the supplement to the code, 1907, relating to the care and control by the board of control of private hospitals and patients therein.	
310—By Brown (By request). To create a legislative commission to examine the subject of the administration of the public health of the state and the expediency of revising and amending the laws relating thereto and making an appropriation therefor.		Introduced and referred....	369
Introduced and referred....	556	Amendments reported .....	821-822
		Report adopted .....	822
311—By Sullivan. Amending section two hundred fifty-four-a-18 (254-a18) of the supplement to the code, 1907, relating to probation officers.		Passed .....	1317
Introduced and referred....	568		
Reported .....	625	317—By Chase. Relating to the regulation of the methods of procedure in the superior and district courts of the state of Iowa and in the supreme court of the state.	
Report adopted .....	650	Introduced and referred....	570
Passed .....	650	Reported unfavorably .....	1022
House amended .....	1232	Indefinitely postponed .....	1022
Passed on file .....	1233		
Senate concurs .....	1284	318—By Allen of Jefferson. To provide for the commission for of school government of certain school districts and the adoption thereof by special election.	
Enrolled .....	1319	Introduced and referred....	573
Sent to governor .....	1372	Reported unfavorably .....	990
Signed .....		Indefinitely postponed .....	990
312—By Francis. Amending the law as it appears in section four hundred seventy-nine (479) of the supplement to the code, 1907 relating to the salary of county auditors.		319—By Dunnegan. Repeal chapter ninety-three (93) of the acts of the thirty-third general assembly, relating to road districts and restoring the law as it existed prior to the enactment of said chapter.	
Introduced and referred....	568	Introduced and referred....	574
Reported unfavorably .....	1094		
Indefinitely postponed .....	1095		
313—By Francis. Amending chapter two hundred and fifty-eight (258) of the acts of the thirty-third general assembly relating to an appropriation of one thousand dollars (\$1,000.00), to aid in the construction of a dam in Dickinson county, Iowa.			
Introduced and referred....	568		
Reported .....	731		
Report adopted .....	893		
Passed .....	893		
House indefinitely postpones .....	1190		
Passed on file .....	1205		

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320—By Smith of Shelby. Authorizing the curator of historical collections to collect and disseminate information regarding birds, fish and other wild animal life in Iowa, and appropriating five thousand dollars (\$5,000.00) annually out of the fish and game protection fund therefor.	
Introduced and referred....	575
Reported unfavorably .....	866
Indefinitely postponed .....	866
Reconsidered .....	909
Indefinitely postponed .....	1072
321—By Hunter. To repeal section twenty-two (22) of chapter one hundred eighteen (118) acts of the thirty-third general assembly, and to enact a substitute therefor, relating to the subject of waters, water courses, levees, drains and drainage districts.	
Introduced and referred....	575
Reported unfavorably .....	1100
Indefinitely postponed .....	1100
322—By White. To amend section thirteen hundred thirty-three-d (1333-d) of the supplement to the code relating to taxing of insurance corporations.	
Introduced and referred....	591
Withdrawn .....	1249
323—By Dunnegan. To make appropriation for the purpose of improving certain roads leading to the state hospitals for the insane at Clarinda, Iowa, Mount Pleasant, Iowa, and Independence, Iowa.	
Introduced and referred....	591
324—By Ream. To provide for the appointment of additional election boards in certain election precincts.	
Introduced and referred....	591
Referred to sifting committee.	
325—By Proudfoot. Amending section fifty-seven hundred eighteen-a-fourteen (5718-a14) of the supplement to the code, 1907, relating to the time of employment and compensation of the members of the board of parole.	
Introduced and referred....	595
Substitute reported .....	1121
Report adopted .....	1222
Substitute adopted .....	1222
Passed .....	1222
Passed house .....	1717
Passed on file .....	1719
Enrolled .....	1738
Sent to governor .....	1743
Signed .....	1748

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326—By Spaulding. To amend the law as it appears in chapter seventeen-a (17-a), title XIII of the supplement to the code, 1907, relative to salaries and appropriations for the state library and historical department.	
Introduced and referred....	598
327—By Allen of Jefferson. To amend section twenty-five hundred seventy-four (2574) of the code relating to the compensation of the secretary of the state board of health.	
Introduced and referred....	604
Substitute reported .....	1121
Report adopted .....	1392
Substitute adopted .....	1392
Amended .....	1393
Consideration postponed .....	1393
Amended .....	1406
Passed .....	1406-1407
Passed house .....	1699
Passed on file .....	1712
Enrolled .....	1733
Sent to governor.....	1740
Signed .....	1748
328—By Brown. Requiring the labeling of all packages, barrels or casks in which gasoline is sold, and providing a penalty for the violation thereof.	
Introduced and referred....	607
Reported .....	632
Report adopted .....	652
Passed .....	652-653
329—By Sammis (By request). To authorize the conveyance of land to the city of Cherokee for cemetery purposes.	
Introduced and referred....	615
Reported unfavorably .....	922
Indefinitely postponed .....	922
330—By Chase. Providing that contributory negligence shall not operate as a bar to a recovery in negligence cases.	
Introduced and referred....	615
Reported unfavorably .....	704
331—By Francis (by request). Making an appropriation to 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.	
Introduced and referred....	616
Reported unfavorably .....	730
Indefinitely postponed .....	731
332—By Saunders. Providing for the protection and safety of persons employed in or being about the construction, repairing, alteration or removal of buildings, bridges, viaducts, and other structures, providing means for the enforcement of said act, for recovery of damages by per-	

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sons injured by a failure to comply with its provisions and providing penalties for violations of its provisions.		Passed on file .....	1683
Introduced and referred....	630	Senate concurs .....	1684
Referred to sifting committee .....	1279	Enrolled .....	1738
Amended .....	1564	Sent to governor .....	1740
Passed .....	1565	Signed .....	1748
333—By Gilliland. To amend the law as it appears in section two thousand, eight hundred eighty-one-L (2881-1) of the supplement to the code, 1907, relating to the public archives, authorizing the curator of the historical collections to make and certify copies of records and documents in the public archives.		336—By Gilliland. Relating to the assessment and collection of a tax upon collateral estates, annuities, legacies, bequests, gifts, transfers, and inheritances, both collateral and direct, and repealing the law as it appears in chapter four (4), of title seven (7) of the supplement to the code, 1907 and chapter ninety-two (92) of the acts of the thirty-third (33) general assembly and to enact a substitute therefor.	
Introduced and referred....	632	Introduced and referred....	635
Reported .....	730	Amendments reported .....	1069
Report adopted .....	762	Report adopted .....	1139
Passed .....	762-763	Amendments adopted .....	1139
Passed house .....	1148	Passed .....	1140
Passed on file .....	1167	House amended .....	1520
Enrolled .....	1186	Passed on file .....	1521
Sent to governor.....	1211	Senate concurs .....	1522
		Enrolled .....	1651
		Sent to governor .....	1663
		Signed .....	1664
334—By Gilliland. To repeal sections one hundred ninety-three (193) and one hundred ninety-four (194) of the code, and to enact a substitute therefor, providing for an increase in the number of judges in the supreme court of Iowa and providing for a division of said court into sections and to amend section ten hundred sixty-six (1066) of the supplement to the code, 1907, in reference to the selection of the chief justice of said court.		337—By Sullivan, by request. To enable miners between the ages of sixteen (16) and twenty-one (21) years to contract for life, health or accident insurance.	
Introduced and referred....	632	Introduced and referred....	639
Substitute reported .....	1149	Reported unfavorably .....	1048
		Indefinitely postponed .....	1049
335—By McColl. Defining duties of the state food and dairy commissioner under the pure food law, regulating appointment of assistants, providing for compensation and expenses of assistants, defining food and the term "misbranded," and making appropriation therefor, and repealing acts and parts of acts in conflict therewith.		338—By Allen of Jefferson. To define and punish contributory delinquency.	
Introduced and referred....	634	Introduced and referred....	643
Substitute reported .....	1268	Amendments reported .....	925
Report adopted .....	1270	Report adopted .....	1081
Amendment offered .....	1381	Amendments adopted .....	1082
Substitute adopted .....	1547	Passed .....	1082
Amended .....	1547		
Passed .....	1548	339—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 at railway stations.	
House amended .....	1682	Introduced and referred....	644
		Reported .....	1131
		340—By Sullivan. To amend section two thousand and seventy-one (2071) of the supplement to the code, 1907, relating to the liability of railways for negligence or wrongs of employees.	
		Introduced and referred....	644
		Reported .....	728
		Referred .....	728
		Reported unfavorably .....	1150
		Indefinitely postponed .....	1150

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341—By Gilliland. To amend section two thousand three hundred forty-eight-a (2348-a) of the supplement to the code, 1907, relating to bounties.	
Introduced and referred....	644
Reported .....	817
Report adopted .....	942
Passed .....	942
Passed house .....	1276
Passed on file .....	1278
Enrolled .....	1319
Sent to governor .....	1372
Signed .....	
342—By Gilliland, (by request). To provide for the reorganization of the supreme court of Iowa, for the appointment and election of additional judges, and other purposes.	
Introduced and referred....	644
Reported unfavorably .....	923
Indefinitely postponed .....	923
343—By Balluff. To repeal section nine hundred and sixteen (916) of chapter thirteen (13), title five (5), of the code relating to the approval of plats of additions to cities or towns, by city and town councils.	
Introduced and referred....	655
Reported .....	834
Report adopted .....	944
Passed .....	944-945
Passed house .....	1469
Passed on file.....	1469
Enrolled .....	1509
Signed .....	1539
Sent to governor .....	1541
House requests return.....	1588
Request granted .....	1594
House amended .....	1611
Passed on file .....	1613
Senate concurs .....	1613-1614
Enrolled .....	1725
Sent to governor .....	1733
Signed .....	1733
344—By Clarkson. To repeal section twenty-eight hundred two (2802) supplement to the code, 1907, and enact a substitute therefor relative to the adjustment of the assets and liabilities between school corporations.	
Introduced and referred....	655
Reported .....	775
Report adopted .....	862
Passed .....	862
345—By Hammill. Amending section twenty-five hundred thirty-eight-b (2538-b) of the supplement to the code, 1907, relating to the practice of veterinary medicine, surgery and dentistry.	

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Introduced and referred....	660
Reported .....	714
Report adopted .....	844
Passed .....	844
House indefinite postpones.	958
Passed on file.....	960
House requests return.....	983
Request granted .....	981
House indefinitely postpones.	1177
Passed on file.....	1181
346—By Hammill. Authorizing the executive council to pay costs taxed to or incurred by the state in any suit or proceeding instituted by any of the state departments as by law provided.	
Introduced and referred....	660
Reported .....	701
Report adopted .....	762
Amended .....	795
Passed .....	795-796
Passed house.....	1356
Passed on file.....	1358
Enrolled .....	1399
Signed .....	1413
Sent to governor.....	1414
347—By Schrup. Making it unlawful to obstruct public highways and defining such obstructions, and providing for the removal thereof.	
Introduced and referred....	660
348—By Hunter. In relation to fences and other structures created to annoy, and provide for the abatement thereof as nuisances.	
Introduced and referred....	675
Reported unfavorably.....	702
Indefinitely postponed.....	702
349—By Adams. To amend chapter two hundred twenty-seven (227) of the acts of the thirty-third general assembly, amendatory of section five thousand two hundred eighty-nine (5289) of the code, relating to the sufficiency of indictments and the waiver of objections there-to.	
Introduced and referred....	676
Reported .....	701
Report adopted .....	755
Passed .....	755
350—By Van Law. To fix the place for bringing actions for the recovery of any premium, assessment or rates for insurance, or upon any note or other written evidence or obligation for the payment thereof.	
Introduced and referred....	676
Reported .....	1126



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351—By Allen of Jefferson. To amend section two hundred fifty-four-a (254-a 14) of the supplement to the code, 1907, relating to the age of persons subject to the provisions of the law administered by juvenile courts.		the town council of said town, and all the official acts of the town officers of said town, since the passage of an act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly; and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.	
Introduced and referred....	676	Introduced and referred....	679
Reported .....	1127	Reported unfavorably.....	1139
Report adopted .....	1224	Indefinitely postponed.....	1131
Passed .....	1225		
House indefinitely postpones.....	1367	357—By Cowles. 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.	
Passed on file .....	1378	Introduced and referred....	681
352—By Chase. To amend section 1087-a1 of the supplement of 1907 to the code, relating to the nomination of officers by primary election.			
Introduced and referred....	678	358—By Cowles. To amend the law as it appears in section eight hundred twenty-five (825) of the code of 1897.	
Reported unfavorably.....	1057	Introduced and referred....	681
Indefinitely postponed.....	1057	Substitute reported .....	729-730
		Report adopted .....	761
353—By Chase. To amend chapter two-a (2-a) of the supplement to the code, sections nineteen hundred eighty-nine-a3 (1980-a3) and nineteen hundred eighty-nine-a6 (1989-a6) by providing for a personal notice and additional appeals in drainage cases.		Substitute adopted .....	761
Introduced and referred....	678	Passed .....	761-762
Returned by committee.....	1274		
Referred .....	1274	359—By Adams. To amend the law as it appears in section two hundred eighty (280) of the code, relating to the compensation of marshal in superior court.	
		Introduced and referred....	681
354—By Dunnegan. Authorizing and directing the board of railroad commissioners to show on all official railroad maps issued by them certain established and defined river to river highways extending across the state of Iowa from east to west; further designating them on said maps by their accepted names.		Reported .....	703
Introduced and referred....	679	Report adopted .....	763
Reported unfavorably.....	1055	Passed .....	763-764
Indefinitely postponed.....	1056	Passed house .....	1308
		Passed on file.....	1313
355—By Ames. To amend the law as it appears in section twenty-three hundred forty-one-a (2341-a) of the supplement to the code, 1907 relating to the registration of stallions.		Enrolled .....	1372
Introduced and referred....	679	Sent to governor.....	1415
Reported .....	1085	Signed .....	1440
Report adopted .....	1141		
Passed .....	1142	360—By Proudfoot. To repeal sections 1822, 1823, 1824 and 1825 of the code, to enact substitutes therefor, and to amend chapter nine (9), title nine (9) of the code as amended, relating to fraternal beneficiary societies, orders and associations.	
		Introduced and referred....	688
356—By Legel. To legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by		Referred to sifting committee .....	1272
		Amended .....	1324-1325
		Consideration resumed .....	1332
		Passed .....	1332-1333
		361—By Crow. To establish and maintain a state normal school at Denton, Iowa, for the education and preparation of teachers for the common schools of	

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Iowa, and providing for the transfer of certain property to the state of Iowa for the use of said school.	
Introduced and referred....	688
Reported unfavorably.....	988
Indefinitely postponed.....	988
362—By DeWolf. To provide for examination and license of plumbers and the regulating of installation and enforcement thereof.	
Introduced and referred....	688
Referred to sifting committee .....	1323
363—By Savage. To amend section eighteen hundred eighty-nine (1889) of the supplement to the code, 1907, enlarging the powers of trust companies.	
Introduced and referred....	692
Reported unfavorably.....	702
Indefinitely postponed.....	702
364—By Adams. For the relief of the grantee of Jacob Hoover, and for the purpose of having a patent issued in the name of Jacob W. Hoover, for a certain tract of land.	
Introduced and referred....	692
Amendment reported .....	818
Report adopted .....	915
Amendments adopted .....	915
Passed .....	915- 916
Passed house .....	1356
Passed on file.....	1358
Enrolled .....	1465
Sent to governor.....	1479
Signed .....	1489
365—By Fitchpatrick. To amend the law as it appears in section nineteen hundred eightv-nine-a9 (1989-a9) of the supplement to the code, 1907, relating to interest on warrants drawn upon drainage funds.	
Introduced and referred....	700
Substitute reported .....	819- 820
Report adopted .....	1075
Substitute adopted .....	1075
Passed .....	1075
366—By Cowles. To amend section four thousand eight hundred twenty - three (4823) of the code, 1907, pertaining to malicious mischief and trespass.	
Introduced and referred....	700
Substitute reported .....	820
Report adopted .....	941
Substitute adopted .....	941
Passed .....	941- 942
367—By Neal. To amend section two hundred and ninety-seven (297), of the code, relating to the salaries of clerks of the district courts, in counties having	

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a population between fifteen thousand and twenty-five thousand.	
Introduced and referred....	700
Substitute reported .....	1095
368—By Taylor. To repeal the law as it appears in section fourteen hundred and eighty-three (1483) of the supplement to the code of 1907, relative to establishment and width of roads.	
Introduced and referred....	700
Reported unfavorably.....	980
Indefinitely postponed.....	980
369—By Francis. Amending section two thousand one hundred and fifty-eight (2158) of the code, relating to the use of public roads by telegraph or telephone lines.	
Introduced and referred....	719
Referred to sifting committee .....	1279
370—By Francis. Amendatory and additional to paragraph three (3) of section three thousand five hundred and five (3505) of the code, providing for change of place of trial in civil actions.	
Introduced and referred....	719
Reported unfavorably.....	923
Indefinitely postponed.....	923
371—By Van Law. To appropriate money for the use of the Iowa soldiers home at Marshalltown, Iowa.	
Introduced and referred....	719
372—By Van Law. To amend section twenty-four hundred and sixty-nine (2469) supplement to the code, 1907.	
Introduced and referred....	720
Amendments reported .....	917
Report adopted .....	1318
Amendments adopted .....	1318
Passed .....	1318-1319
373—By Webber (by request). Creating the title of "certified public accountant," and to regulate the practice of the profession of such accountants in the state of Iowa, and providing penalties for the violations of the provisions of this act.	
Introduced and referred....	725
Reported infavorably.....	816
Indefinitely postponed.....	816
374—By Malmberg. To amend the law as it appears in section twenty-five hundred and sixty-five (2565) of the code relating to power and authority of the state board of health	

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	to subpoena witnesses in any part of the state and investing said board with authority and jurisdiction to administer oaths to said witnesses and to require any person to give testimony, documentary or otherwise, in any hearing, investigation or proceeding concerning any matter under the jurisdiction of said board, to provide immunity for the person so testifying, and prescribing the punishment for a violation thereof.		
	Introduced and referred.... 725		
	Reported unfavorably.....1259		
	Indefinitely postponed.....1259		
375—By Taylor (by request). To establish a department of horticulture and forestry, and to make an appropriation therefor.			
	Introduced and referred.... 726		
	Amendments reported..... 927		
	Referred ..... 927		
376—By Spaulding. To amend the law as it appears in chapter sixty-four (64) acts of the thirty-third general assembly, relating to the government of certain cities.			
	Introduce and referred.... 726		
	Reported ..... 834		
	Report adopted ..... 971		
	Passed ..... 972		
377—By Bennett. To establish an antitoxin department under the control and direction of the state board of health for the purpose of aiding in the distribution of antitoxin to the people of the state of Iowa, and making an appropriation therefor.			
	Introduced and referred.... 726		
	Reported ..... 1230		
	Report adopted ..... 1230		
	Passed ..... 1379		
	Passed house ..... 1424		
	Passed on file..... 1439		
	Enrolled ..... 1509		
	Signed ..... 1539		
	Sent to governor..... 1541		
378—By Saunders. To amend the law as it appears in section 2727-a1 of the supplement to the code, 1907, relating to the term of office of the members of the board of control of state institutions.			
	Introduced and referred.... 726		
	Reported ..... 1274		
	Referred ..... 1274		
	Indefinitely postponed as being identical with H. F. No. 355 ..... 1349		
		379—By Chase. To recover damage for anyone injured or killed while working in, around and about the mines where owner, operator or persons in charge fall to comply with the mining laws.	
		Introduced and referred.... 738	
		Referred to sifting committee ..... 1272	
		380—By DeWolf. To encourage the business of manufacturing in Iowa, and providing for an official trademark for Iowa manufactured products.	
		Introduced and referred.... 744	
		Amendments reported ..... 1036	
		Report adopted ..... 1174	
		Amendments adopted..... 1174	
		Passed ..... 1175	
		Passed house..... 1573	
		Passed on file..... 1581	
		Enrolled ..... 1651	
		Sent to governor..... 1664	
		Signed ..... 1664	
		381—By Van Law. To legalize decrees obtained prior to January 1st, 1907, based on notice of publication, where affidavit of non-residence was not filed as by law provided.	
		Introduced and referred.... 745	
		Reported ..... 817	
		Report adopted ..... 943	
		Passed ..... 943	
		Passed house ..... 1454	
		Passed on file..... 1458	
		Enrolled ..... 1507	
		Signed ..... 1539	
		Sent to governor ..... 1540	
		382—By Clarkson. To legalize the acts of the treasurer of Monroe county, Iowa, relating to the transferring of funds from the district school fund to the county fund.	
		Introduced and referred.... 747	
		Reported ..... 926	
		Report adopted ..... 947	
		Passed ..... 948	
		Passed house ..... 1409	
		Passed on file..... 1419	
		Enrolled ..... 1508	
		Signed ..... 1539	
		Sent to governor..... 1540	
		383—By Saunders. To amend section one thousand eight hundred and forty-three (1843) of the code, and fixing the capitalization of savings banks in cities having a population of more than twenty-five thousand (25,000).	
		Introduced and referred.... 747	
		Reported unfavorably..... 1206	
		Indefinitely postponed..... 1206	

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384—By Larrabee. Defining paint, regulating the labeling thereof, defining the duties of the state food and dairy commissioner thereto, and fixing penalties for the violation thereof, and repealing acts or parts of acts in conflict therewith. Introduced and referred....	751	Introduced and referred....	766
Amendments reported .....	1169	Reported unfavorably.....	935
		Indefinitely postponed.....	936
385—By Hammill. To amend section twenty-seven hundred and sixty - eight (2768), supplement to the code, 1907, relative to the liability of school treasurer. Introduced and referred....	753	389—By White. Amending section 3447 of the code and relating to making sewer and street improvements. Introduced and referred....	766
Reported .....	990	Reported unfavorably.....	936
Report adopted .....	990	Indefinitely postponed.....	936
386—By Gilliland. To amend the law as it appears in section twenty-seven hundred twenty-seven-a-three (2727-a3) of the supplement to the code, 1907, fixing the salary of the secretary of the board of control of state institutions. Introduced and referred....	754	390—By White. Amending section 782 of the code and relating to making sewer and street improvements. Introduced and referred....	766
Substitute reported.....	785	Reported unfavorably.....	936
Report adopted .....	939	Indefinitely postponed.....	936
Substitute adopted .....	940	391—By White. Amending section 823 of the supplement to the code and relating to making sewer and street improvements. Introduced and referred....	766
Passed .....	940	Reported unfavorably.....	936
House indefinitely postponed .....	1247	Indefinitely postponed.....	937
Passed on file.....	1271	392—By White. Amending section 825 of the code and relating to making sewer and street improvements. Introduced and referred....	766
387—By committee on ways and means. Amending section thirteen hundred and ten (1310), and thirteen hundred and eleven (1311) of the code, and the law as it appears in section thirteen hundred and twenty-one (1321), of the supplement to the code, 1907, relating to the taxation of moneys and credits, and private banks. Introduced and referred....	766	Reported unfavorably.....	934
Amended ...1037-1038-1039-1062	1062	Indefinitely postponed.....	934
Passed .....	1063	393—By Larrabee. To amend section 1319 of the code of 1897, and to enlarge the same, so as to apply the exemptions provided for therein to the owners of stock in corporations incorporated under the laws of other states, subject to certain provisions. Introduced and referred....	774
Passed house .....	1137	Referred to sifting committee .....	1271
Passed on file.....	1145	394—By Jewell. To create a commission to investigate the causes of insanity, epilepsy, delinquency and criminality, and to recommend to the thirty-fifth general assembly measures calculated to prevent the spread of these diseases and moral failures, also to provide for the necessary expenses of said commission. Introduced and referred....	774
Enrolled .....	1211	395—By Cowles. To amend section seven hundred (700) of the supplement to the code, 1907, relating to licenses. Introduced and referred....	774
Signed .....	1222	396—By Dunneegan. To establish a department in connection with the soldiers' orphans' home, for the	
Sent to governor.....	1281		
Recalled from governor....	1281		
House requests return.....	1284		
Request granted .....	1284		
House amended .....	1325		
Passed on file.....	1326		
Senate concurs .....	1326-1327		
Enrolled .....	1372		
Sent to governor.....	1414		
Signed .....	1440		
388—By White. Amending section 810 of the code and relating to making sewer and street improvements.			

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		education and treatment of dependent, deformed and crippled children and youth of Iowa.	
Introduced and referred....	774	Introduced and referred....	807
Reported .....	999	Reported unfavorably .....	814
Referred .....	999	Indefinitely postponed.....	814
		Reconsidered .....	843
397—By White. Amending section 683, paragraph 3 of section 684, section 793, of the code, and relating to making sewer and street improvements.		Re-referred .....	843
Introduced and referred....	788	Reported unfavorably .....	1023
Reported unfavorably.....	935	Indefinitely postponed. ....	1023
Indefinitely postponed.....	935		
398—By Smith of Mitchell. To legalize conveyances of real property of executors or trustees under foreign wills where the provisions of section thirty-two hundred and ninety-five (3295) of the code were not observed or complied with.		402—By Francis. Legalizing instruments relating to real estate executed by corporations prior to October 1st, 1897, where the seal of such corporations was omitted therefrom.	
Introduced and referred....	793	Introduced and referred....	807
Substitute reported ....	817-818	Reported unfavorably.....	813
Report adopted .....	939	Indefinitely postponed.....	814
Substitute adopted .....	939		
Passed .....	939	403—By Smith of Shelby. To aid indigent members of the families of male prisoners in the state penitentiary and reformatory.	
Passed house .....	1313	Introduced and referred....	812
Passed on file .....	1314	Amendments reported.....	1130
Enrolled .....	1372	Report adopted .....	1185
Sent to governor.....	1415	Amendments adopted .....	1185
Signed .....	1440	Failed to pass.....	1186
		Motion to reconsider.....	1223
399—By Hunter. To amend section two thousand six hundred thirty-four-f (2634-f) of the supplement to the code, 1907, relating to the granting of state certificates to teachers.		404—By Gates. To amend section twenty-seven hundred and thirty-four-b (2734-b) of the supplement to the code of 1907, relating to the qualifications of the county superintendents.	
Introduced and referred....	800	Introduced and referred....	812
Reported .....	1084	Passed .....	1392
Report adopted .....	1155		
Passed .....	1156	405—By Chase. To pension the survivors of the Iowa frontier guard.	
400—By Francis. To amend the law as it appears in sections nineteen hundred and eighty-nine-a-five (1985-a5) a-eight (1989-a8), a-twelve (1989-a12), and a-twenty-two (1989-a22), supplement to the code, 1907, relating to the establishment of drainage districts, the assessment of benefits, and supervision over the work of construction.		Introduced and referred....	813
Introduced and referred....	807	Reported unfavorably.....	993
Reported unfavorably.....	817	Indefinitely postponed.....	994
Indefinitely postponed .....	817		
401—By Francis. Making it criminal to receive payment for laying tile, knowing that such tile is laid contrary to the survey and plans and specifications furnished, and concealing such fact.		406—By Van Law. To amend the law as it appears in sections three hundred sixty (360), seventeen hundred eleven (1711), seventeen hundred twenty-one (1721), seventeen hundred twenty-eight (1728), seventeen hundred forty-five (1745), seventeen hundred eighty-seven (1787), seventeen hundred ninety-eight (1798) of the code, and to amend the law as it appears in sections thirteen hundred thirty-three (1333), seventeen hundred nine (1709) (division 1), seventeen hundred fifty-eight-b (1758-b), seventeen hundred eighty-two (1782), seventeen hundred fifty-nine-b (1759-b), seventeen hundred fifty-nine-f (1759-f), seventeen hundred ninety-eight-a (1798-a) seventeen hundred ninety-eight-b (1798-	

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b), eighteen hundred thirty-nine-j (1839-j) of the supplement to the code 1907, and to amend the law as it appears in section ninety-seven (97), chapter one hundred five (105), and section one of chapter one hundred eleven (111) of the acts of the thirty-third general assembly, and to enact a section as section eighteen hundred twenty-d (1820-d) to chapter eight (8), title nine (9) of the code, all relating to insurance.	
Introduced and referred....	813
Referred to sifting committee .....	1279
 407—By Webber. To make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa railroad commission, and the printing of briefs and the traveling expenses of one of the railroad commissioners, Clifford Thorne, while in attendance at the final hearing in the case before the interstate commerce commission involving general advances in rates.	
Introduced and referred....	823
Reported .....	992
Referred .....	992
Referred to sifting committee .....	1332
 408—By Stuckslager. Amendatory to chapter six (6) title three (3) of the code, providing for trial by jury in superior courts in cities which are not county seats, and which have now or may hereafter have a population of twenty-five thousand (25,000) or more; providing for the number of jurors in such courts in such cities and the manner of their selection; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing that this act shall apply to cities under the commission form of government.	
Introduced and referred....	839
Reported .....	1023
House File 409 substituted for .....	1154

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409—By Adams. To legalize the issuing of certain warrants drawn on the waterworks fund by the town council of the incorporated town of Fayette, Fayette county, state of Iowa, and regulating the payment thereof.	
Introduced and referred....	846
Reported .....	926
Report adopted .....	1031
Passed .....	1031-1032
Passed house .....	1408
Passed on file .....	1420
Enrolled .....	1507
Sent to governor.....	1539
Signed .....	1539
 410—By Wilson. To amend paragraph two (2) of section two thousand four hundred and forty-eight (2448) of the supplement to the code, 1907, relating to the sale of intoxicating liquors.	
Introduced and referred....	863
Referred to sifting committee .....	1291
 411—By Van Law. To amend the law as it appears in sections ten hundred fifty-six-a-twenty-five and ten hundred fifty-six-a-twenty-six (1056-a25 and 1056-a26) of the supplement to the code, 1907, as amended, and to provide for the appointment and powers of library trustees in certain cities.	
Introduced and referred....	863
Referred to sifting committee .....	1320
Report adopted .....	1447
Substitute adopted .....	1448
Passed .....	1449
 412—By Cowles. 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 and eleven (1611) of the code relating to corporations.	
Introduced and referred....	863
Reported .....	1206
 413—By Hunter. To amend the law as it appears in section two thousand one hundred forty-five (2145) relating to the regulation of common carriers.	
Introduced and referred....	863
Substitute reported.....	1183
Report adopted .....	1290
Substitute adopted .....	1290
Passed .....	1291

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414—By Hunter. To amend section two (2) of chapter one hundred fifty-five (155) of the acts of the thirty-third general assembly, striking out the words "Big Sioux."	
Introduced and referred....	883
Reported unfavorably.....	1256
Indefinitely postponed.....	1257
415—By Saunders. To empower border counties to erect and maintain bridges across the border streams of the state, and fixing the terms and conditions under which the funds for the same may be provided.	
Introduced and referred....	886
Reported .....	925
Report adopted .....	1099
Amended .....	1099
Passed .....	1099
House amended .....	1595
Senate concurs .....	1605-1606
Enrolled .....	1724
Sent to governor.....	1731
Signed .....	1733
416—By Committee on Public Health. To repeal the law as it appears in section twenty-five hundred sixty-four (2564) of the supplement to the code, 1907, and to enact a substitute therefor, relative to the state board of health.	
Introduced and referred....	895
Amended .....	1534
Passed .....	1534-1535
417—By Bennett. To amend section nine (9) of chapter one hundred sixty-eight (168) of the acts of the thirty-third general assembly.	
Introduced and referred....	896
Reported .....	999
Report adopted .....	1535
Passed .....	1535
418—By Clarkson. To amend section four thousand two hundred sixty-eight (4268) of the code in relation to the disposition of the proceeds of real estate sold in actions of partition.	
Introduced and referred....	896
Amendments reported .....	925
Report adopted .....	1077
Amendments adopted .....	1077
Passed .....	1078
Passed house .....	1356
Passed on file.....	1358
Enrolled .....	1399
Signed .....	1413
Sent to governor.....	1414
419—By Gilliland. To provide for the nomination of candidates for the office of	

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senator in the congress of the United States.	
Introduced and referred....	913
Referred to sifting committee .....	1279
420—By Hunter. To abolish the practice of making and noting exceptions to the rulings, decisions, judgments and decrees of courts and to provide a method to obtain the review of same by the supreme court.	
Introduced and referred....	913
Reported unfavorably.....	1257
Indefinitely postponed.....	1258
421—By Committee on Highways. To amend sections one thousand seventy-two (1072), four hundred twenty-two (422) and one thousand three hundred three (1303) of the supplement to the code, 1907, and to repeal section one thousand five hundred twenty-eight (1528) of the supplement to the code, 1907, and to enact a substitute therefor, relating to election of officers, of the powers of the board of supervisors, levying of taxes and powers and duties of the township trustees.	
Introduced and referred....	913
Amended .....	1217
Passed .....	1218
House amended .....	1414
Passed on file.....	1419
Senate concurs .....	1426-1427
Enrolled .....	1507
Signed .....	1539
Sent to governor.....	1539
422—By McColl. To amend chapter ninety-six (96) of the acts of the thirty-third general assembly, and to create the office of county weed commissioner, to provide for his appointment and duties.	
Introduced and referred....	914
423—By Francis. To repeal the law as it appears in section two hundred eleven (211) of the code, and the law as it appears in section two hundred twelve (212), supplement to the code, 1907, and to enact a substitute therefor relating to the salary of the attorney general, and the appointment and salary of his assistant and special counsel.	
Introduced and referred....	914
Reported .....	991
Referred .....	992

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424—By Gilliland. Amending the law as it appears in paragraph nine (9) of section four hundred and twenty-two (422), supplement to the code, 1907, relating to the powers of boards of supervisors.	
Introduced and referred....	917
Reported .....	925
House File 387 substituted for .....	1167
Indefinitely postponed, identical with H. F. 387....	1215
425—By Committee on Banks. To amend the law as it appears in section eighteen hundred seventy - two (1872) of the code.	
Introduced .....	922
Passed .....	1083
426—By Committee on Banks. To amend the law as it appears in section eighteen hundred and seventy-three (1873) of the supplement to the code, 1907.	
Introduced .....	922
Passed .....	1098
427—By DeWolf. Amending section thirteen hundred and nine (1309) of the code, relating to the defining of credits for the purpose of taxation.	
Introduced and referred....	922
Amendments reported.....	1243
Report adopted .....	1243
Amendments adopted .....	1298
Passed .....	1299
428—By DeWolf. Amending section thirteen hundred and eleven (1311) of the code, relating to defining debts for the purpose of taxation.	
Introduced and referred....	922
Amendments reported .....	1241
Report adopted .....	1241
Amendments adopted .....	1299
Passed .....	1299
429—By Chapman. To abolish the drinking cup.	
Introduced and referred....	922
Reported .....	999
Failed to pass .....	1714-1715
430—By Allen of Jefferson. To repeal section twenty-seven hundred forty - seven (2747) of the code and to enact a substitute therefor relating to the right to vote at school meetings and elections.	
Introduced and referred....	933
Reported unfavorably.....	1169
Indefinitely postponed.....	1169
431—By Allen of Jefferson. In relation to the running of passenger trains over railroads.	
Introduced and referred....	933

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432—By Allen of Jefferson. To amend section eleven hundred thirty-one (1131) of the code in relation to voting by women.	
Introduced and referred....	933
Referred to sifting committee .....	1272
433—By Francis. To amend the law as it appears in section four hundred (400) of the supplement to the code, 1907, relating to the removal of county seats and county records.	
Introduced and referred....	965
Referred to sifting committee .....	1272
434—By Francis. To amend the law as it appears in sections nineteen hundred and eighty - nine-a-five (1989-a5), nineteen hundred eighty-nine-a-eight (1989-a8), nineteen hundred and eighty-nine-a-twelve (1989-a12), and nineteen hundred and eighty - nine-a-twenty-two (1989-a22), supplement to the code, 1907, relating to the establishment of drainage districts, the assessment of benefits, and supervision over the work of construction.	
Introduced and referred....	965
Referred to sifting committee .....	1274
435—By DeWolf. To provide for the registration of labels, trade marks and forms of advertisement.	
Introduced and referred....	967
Referred to sifting committee .....	1274
436—By Committee on Ways and Means. To amend section sixteen hundred and thirty-seven (1637), of the code, with reference to the incorporation fee to be paid by foreign corporations.	
Introduced .....	974
Passed .....	1213
House amended .....	1595
Senate concurs .....	1604-1605
Enrolled .....	1725
Sent to governor.....	1731
Signed .....	1733
437—By Larrabee. To repeal section seven hundred forty-one-d (741-d), supplement to the code, 1907, and to enact a substitute therefor, relating to the erection of a city hall and the purchase of ground therefor in cities of the first class.	
Introduced and referred....	974
Reported unfavorably.....	1264
Indefinitely postponed.....	1264



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438—By Saunders. To fix the standard of measure for buying and selling strawberries and other small fruits and providing for the labeling of packages containing small fruit when the same is sold in packages, and providing penalties for the violation of this act.	979	special election held in said town on September 6th, 1907, the levy of a tax for a lighting plant fund and the transferring of said fund to the general fund of said town.	
Introduced and referred...	979	Introduced and referred ...	1016
Substitute reported .....	1229	Reported .....	1129
439—By DeWolf. Providing for reciprocal relations with other states upon the subject of insurance.		Report adopted .....	1249
Introduced and referred....	1002	Passed .....	1250
Reported unfavorably.....	1202	Passed house .....	1409
Indefinitely postponed.....	1202	Passed on file .....	1419
440—By Taylor. Relating to the rendering of verdicts by juries in civil actions in courts of record, additional to chapter nine of title eighteen of the code.		Enrolled .....	1508
Introduced and referred....	1002	Signed .....	1539
Reported unfavorably.....	1022	Sent to governor .....	1540
Indefinitely postponed.....	1022	445—By Neal. Amend the law as it appears in section seventeen hundred and fifty-nine-h (1759-h) of the supplement of the code, 1907, and to provide additional requirements, supplemental and amendatory to, title nine (9) chapter five (5), all relating to mutual hail insurance companies doing business in Iowa.	
441—By Wilson. Creating a state teachers' board of retirement, and authorizing the creation of a state teachers' retirement fund and the retirement of teachers on life annuities.		Introduced and referred....	1036
Introduced and referred....	1009	Reported unfavorably .....	1201
Reported .....	1168	Indefinitely postponed .....	1202
Report adopted .....	1289	446—By Committee on Banks. To confer additional powers upon trust companies and to prescribe the conditions under which they may transact business.	
Passed .....	1290	Introduced .....	1043
442—By Ream. To amend the law as it appears in section fifteen hundred seventy-one-k (1571-k) supplement to the code, 1907, and section seven hundred fifty-five (755) of the code, relating to the authority of cities and towns to pass and enforce ordinances regulating the speed of motor vehicles.		Substitute offered .....	1410
Introduced and referred....	1009	Consideration postponed .....	1413
Referred to sifting committee .....	1279	Consideration resumed .....	1461
443—By Sullivan. Granting additional powers to cities of the first class, including government, relating to ing cities acting under the commission plan of the granting of franchises.		Substitute adopted .....	1467
Introduced and referred....	1015	Rejected .....	1468
Referred to sifting committee .....	1279	447—By Jewell. To amend the law as it appears in section twenty-four hundred and fifty (2450) of the supplement to the code 1907, relating to the canvass of statements of general consent to sell intoxicating liquors under the mulct law.	
444—By Malmberg. To legalize certain acts and proceedings of the council of the incorporated town of Prairie City, Jasper county, Iowa, relating to the		Introduced and referred....	1043
Introduced and referred....	1015	Referred to sifting committee .....	1272
Referred to sifting committee .....	1279	448—By Allen of Jefferson. To amend section thirteen hundred twenty-four (1324) of the code relating to the assessment and valuation of corporate stock.	
449—By Balkema. To repeal sections two thousand five hundred three (2503), two thousand five hundred four (2504), two thousand five hundred five (2505),		Introduced and referred....	1044
Introduced and referred....	1015	Referred to sifting committee .....	1271

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two thousand five hundred six (2506), two thousand five hundred seven (2507) two thousand five hundred eight (2508), two thousand five hundred eight-a (2508-a), two thousand five hundred nine (2509), two thousand five hundred nine-a (2509-a) and two thousand five hundred ten (2510) of the supplement to the code, 1907, relating to the test of illuminating oil and inspection of petroleum products and enacting substitutes therefor.	
Introduced and referred.....	1044
Substitute offered .....	1486
Substitute adopted .....	1498
Passed .....	1499
Passed house .....	1672
Enrolled .....	1734
Sent to governor .....	1741
Signed .....	1748
 450—By Balkema. To amend the law as it appears in chapter one hundred fifty-six (156) section one (1) of the laws of the thirty-third general assembly, relating to quarantine and fumigation.	
Introduced and referred.....	1044
Referred to sifting committee .....	1500
 451—By Chase. To require all persons, partnerships, companies or corporations owning or operating a railway in this state to equip the cab of all locomotive engines with frost glass in front of the seat of the engineer and fireman of said engine, and providing a penalty for the violation thereof.	
Introduced and referred.....	1054
Reported unfavorably .....	1260
Indefinitely postponed .....	1260
Withdrawn .....	1214
 452—By Francis. Legalizing the acts, resolutions ordinances and proceedings of the council of the incorporated town of Royal, Clay county, Iowa.	
Introduced and referred.....	1054
Reported .....	1126
Report adopted .....	1288
Passed .....	1289
Passed house .....	1408
Passed on file .....	1420
Enrolled .....	1508
Signed .....	1539
Sent to governor .....	1540
 453—By Saunders. To repeal section three thousand five hundred and sixty-four (3564) of the code, relat-	

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ing to the demurrer pleadings and enacting a substitute therefor.	
Introduced and referred ...	1055
Reported unfavorably .....	1258
Indefinitely postponed .....	1259
 454—By Stuckslager. Act to legalize the action of the board of directors of the independent school district of Walker, Linn county, Iowa, in the levying and collection of certain taxes and to authorize the expenditure of the funds derived from said taxes.	
Introduced and referred.....	1058
Substitute reported .....	1151
Report adopted .....	1225
Substitute adopted .....	1225
Passed .....	1226
Passed house .....	1408
Passed on file .....	1420
Enrolled .....	1508
Signed .....	1539
Sent to governor .....	1540
 455—By Crow. To amend section one (1) of chapter one hundred twenty-one (121) acts of the thirty-third general assembly relative to additional help for county auditors in levee or drainage districts; drainage record.	
Introduced and referred.....	1066
Reported unfavorably. ....	1130
 456—By Francis (by request). To amend section twenty-five hundred and eighty-five (2585) of the supplement to the code, 1907, to repeal section twenty-five hundred and eighty-nine-a (2589-a) of the supplement to the code, 1907, and enact a substitute therefor, and to amend section twenty-five hundred and eighty-seven of the code, all relating to the practice of pharmacy.	
Introduced and referred.....	1092
Reported .....	1170
Report adopted .....	1157
Passed .....	1288
Passed House .....	1598
Passed on file .....	1599
Enrolled .....	1725
Sent to governor .....	1732
Signed .....	1733
 457—By Allen of Pocahontas. To repeal section forty-six hundred eighty-five (4685) of the code relating to the taking of depositions and to enact a substitute therefor.	
Introduced and referred.....	1097
Reported unfavorably .....	1260
Indefinitely postponed .....	1260

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458—By Clarkson. To amend the law as it appears in section twenty-five hundred and thirty-nine (2539) of the supplement to the code, 1907, as amended by chapter one hundred fifty-two (152) acts of the thirty-third general assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.		Introduced and referred....	1111
Introduced and referred....	1098	Reported .....	1150
Reported unfavorably .....	1256	Passed house .....	1453
Indefinitely postponed .....	1256	Passed on file .....	1458
		Signed .....	1539
		Sent to governor .....	1540
459—By Webber. To legalize certain warrants of the city of Ottumwa, Iowa.		464—By Francis. To preserve the right of appeal from a judgment or order dissolving a temporary injunction.	
Introduced and referred....	1103	Introduced and referred....	1112
Reported .....	1126	Reported unfavorably .....	1258
Report adopted .....	1157	Indefinitely postponed .....	1258
Passed .....	1157		
Passed house .....	1409	465—By Saunders. To amend section seven hundred and seventy-nine (779) of the supplement to the code, 1907 and providing for the construction, reconstruction and repair of fixtures and apparatus for lighting streets and highways in cities and towns and providing for the assessment of the expense thereof for the abutting property owners.	
Passed on file .....	1419	Introduced and referred....	1112
Enrolled .....	1509	Reported .....	1265
Signed .....	1539	Report adopted .....	1286
Sent to governor .....	1541	Passed .....	1287
		Passed .....	1393-1394
460—By Chapman. To legalize the action of the independent school district of Bennett, Cedar county, Iowa, in voting bonds at an election held on the 14th day of March, 1910, and legalizing the bonds issued by said district under said election.		466—By Allen of Jefferson. To amend section sixteen hundred ten (1610) of the supplement to the code, 1907, relating to the adoption and recording of articles of incorporation of corporations for pecuniary profit.	
Introduced and referred....	1104	Introduced and referred....	1136
Reported .....	1127	Referred to sifting committee .....	1272
Report adopted .....	1155		
Passed .....	1155	467—By Saunders. To require the state board of health to examine and approve the plans and specifications for contemplated public water supplies and sewer systems.	
Passed house .....	1408	Introduced and referred....	1142
Passed on file .....	1420	Reported unfavorably....	1265
Enrolled .....	1508	Indefinitely postponed .....	1265
Signed .....	1539		
Sent to governor .....	1540	468—By Cowles. To amend section thirteen hundred and twenty-six (1326) of the code relating to domestic and domestic local building and loan associations.	
461—By Committee on Banks. To amend the law as it appears in section eighteen hundred seventy-one (1871) of the supplement of the code, 1907, relating to examinations of savings and state banks, and reports of same to the state auditor, and providing a penalty for failure to file such reports.		Introduced and referred....	1146
Introduced .....	1105	Reported .....	1152
		Referred .....	1152
462—By Allen of Jefferson. Relating to mutual insurance companies.		Referred to sifting committee .....	1271
Introduced and referred....	1111		
Reported unfavorably .....	1202	469—By Chapman. To legalize the action of the town council of the town of Wyoming, Iowa, in the issuance of bonds and re-funding bonds for the	
Indefinitely postponed....	1203		
463—By Francis. To legalize a certain school election held in the independent school district of Emmetsburg, Palo Alto county, Iowa, on the thirteenth day of March, 1911.			

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building of a town hall, and all ordinances pertaining thereto.	
Introduced and referred....	1161
Reported .....	1261
Report adopted .....	1296
Passed .....	1296
Passed house .....	1454
Passed on file .....	1458
Enrolled .....	1508
Signed .....	1539
Sent to governor .....	1541
470—By Saunders. To amend section two thousand one hundred and twenty-one (2121) of the supplement to the code, 1907, relating to the salaries of railroad commissioners and secretary.	
Introduced and referred....	1162
Referred to sifting committee .....	1272
471—By Dufnegan. To regulate the location of cemeteries, crematories, mausoleums and burying places (additional to title XII, chapter 16 of the code).	
Introduced and referred....	1162
Referred to sifting committee .....	1279
472—By Van Law. To amend section twenty-six hundred six (2606) of the supplement to the code, 1907, relating to admission to the Iowa soldiers' home.	
Introduced and referred ...	1162
Referred to sifting committee .....	1272
473—By Taylor. To amend section one thousand seventy-two (1072) of the supplement to the code, 1907, relating to the election and term of county officers and enacting in lieu thereof the following.	
Introduced and referred....	1182
Withdrawn .....	1215
474—By Taylor (by request). To provide for cheaper text books and for district ownership of the same.	
Introduced and referred....	1182
Referred to sifting committee .....	1272
475—By Adams. Legalizing the acts, resolutions, ordinances and proceedings of the city council of the city of Oelwein, Iowa.	
Introduced and referred....	1207
Reported .....	1261
Report adopted .....	1296
Passed .....	1296

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476—By Savage. To amend section (5), chapter sixty-nine (69) of the acts of the thirty-third general assembly, relating to the publication of the primary ballot.	
Introduced and referred....	1226
Referred to sifting committee .....	1272
477—By Balluff. To amend section eight hundred and ten (810), of the code, in relation to publication of preliminary notice of street improvements in towns.	
Introduced and referred....	1313
Passed .....	1348
Passed house .....	1409
Passed on file .....	1420
Enrolled .....	1507
Signed .....	1539
Sent to governor.....	1539
478—By Saunders. Repealing the law as it appears in section one hundred fifty-six (156) of the supplement to the code, 1907, providing for the appointment of a secretary of the executive council and fixing his salary, and authorizing the payment of the necessary expenses of the members of the executive council and its employes.	
Introduced and referred....	1353
Amended .....	1639
Passed .....	1639
479—By Legel. To repeal section twenty-five hundred thirty-eight-b (2538-b) of the supplement to the code, 1907, and to enact a substitute therefor and to amend sections twenty-five hundred thirty-eight-a (2538-a) twenty-five hundred thirty-eight-c (2538-c) and twenty-five hundred thirty-eight-l (2538-l) of the supplement to the code, 1907, all relating to the practice of veterinary medicine, surgery and dentistry.	
Introduced and referred....	1353
480—By Allen of Jefferson: To amend section thirteen hundred and seventy-four (1374) of the code relating to the taxation of property withheld or omitted from assessment.	
Introduced and referred....	1400
481—By Webber. To amend section six hundred seventy-nine-h (679-h) of the supplement of the code in relation to removals and discharges of police offi-	

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cers and policemen, except the chief of police, and firemen, including the chief of the fire department.	
Introduced and referred.....	1430
Substitute offered for.....	1439
Substitute adopted .....	1532
Amended .....	1532
Passed .....	1533
Passed house .....	1574
Passed on file.....	1581
Enrolled .....	1725
Sent to governor .....	1732
Signed .....	1733
482—By Ames. Legalizing certain acts and proceedings of the city council of the city of Toledo, Tama county, Iowa.	
Introduced and referred....	1431
Passed .....	1481
House amended .....	1596
Senate concurs .....	1612
Enrolled .....	1724
Sent to governor .....	1731
Signed .....	1733
483—By Ames. To amend the law as it appears in section twelve hundred and seventy-two (1272), supplement to the code, 1907, relating to the filling of vacancies in the office of councilman or mayor of any city, and all other elective city officers.	
Introduced and referred ...	1432
Passed .....	1486-1487
484—By Van Law. To legalize certain warrants of the city of Marshalltown, Iowa.	
Introduced and referred....	1445
Passed .....	1449-1450
Passed house .....	1598
Passed on file .....	1601
Enrolled .....	1651
Sent to governor.....	1664
Signed .....	1664
485—By White. To legalize deed of Iowa county, Iowa, to Ithamar Cheney for lot one as shown by plat recorded at Book 21, page 325, land deed records of the office of the recorder of Iowa county, Iowa, the same being the north fifteen acres of the northwest quarter of the southwest quarter of section twenty-one, township seventy-eight, north range eleven west of the fifth P. M., in Iowa county, Iowa.	
Introduced and referred....	1529
Passed .....	1548-1529
Passed house .....	1718
Passed on file .....	1719
Sent to governor .....	1741
Signed .....	1748

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486—By Francis. To amend the law as it appears in section nine (9) of chapter one hundred fifty-three (153) of the acts of the thirty-third general assembly, relating to the compensation of deputy game wardens.	
Introduced and referred....	1531
487—By Hammill, by request. To amend section one thousand nine hundred and eighty-nine-a8 (1989-a-8) of the supplement to the code, 1907, and section three (3) of chapter one hundred eighteen (118) acts of the thirty-third general assembly relative to the publication of notice of establishment of levy or drainage districts and notice of letting of same.	
Introduced and referred....	1531
488—By Mattes. To legalize the official acts of the officers and the ordinances and resolutions of the town council of the incorporated town of Wall Lake, Sac county, Iowa, and appointing officers and councilmen for said town.	
Introduced and referred....	1546
Passed .....	1545-1546
Passed house .....	1597
Passed on file.....	1601
Enrolled .....	1724
Sent to governor .....	1731
Signed .....	1733
489—By DeWolf. To legalize certain warrants of the city of Waterloo, Iowa.	
Introduced and referred....	1546
Passed .....	1546-1547
Passed house .....	1597
Passed on file .....	1601
Enrolled .....	1742
Sent to governor .....	1743
Signed .....	1733
490—By Committee on Representative and Senatorial Districts. Fixing the number of senators in the general assembly, apportioning them among the several counties according to the number of inhabitants in each, and dividing the state into senatorial districts.	
Introduced and referred....	1665
Passed .....	1640
House amended .....	1717
Passed on file .....	1719
Senate concurs .....	1721-1722
Enrolled .....	1742
Sent to governor .....	1743
Signed .....	1748

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491—By Committee on Ways and Means. Making appropriation for the payment of state and other officers, state and judicial officers,	
Introduced and referred.....	1704
Amended .....	1711
Passed .....	1711
House amended .....	1728
Passed on file .....	1730
Senate concurs .....	1730
Enrolled .....	1742
Sent to governor .....	1743
Signed .....	1748

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492—By Committee on Ways and Means. To provide for the general levy for state purposes, for the years 1911 and 1912.	
Introduced and referred....	1728
Passed .....	1729-1730
Passed house .....	1735
Passed on file .....	1735
Enrolled .....	1746
Sent to governor .....	1747
Signed .....	1748
*(Reported as 392.)	

## SENATE JOINT RESOLUTIONS

### RECEPTION AND ACTION.

No.	Page.
1—By Parshall. Ratifying the sixteenth amendment to the constitution of the United States.	
Introduced and referred....	49
Reported .....	202
Report adopted .....	202
Indefinitely postponed. ....	727
2—By Bennett. Relating to additional employes of thirty-fourth general assembly, fixing compensation, etc.	
Introduced and referred....	52
Passed .....	53
Amended and passed house. ....	60
Senate concurs .....	82
House requests return....	243
Returned to house .....	244
House amended and passed .....	272
Senate concurs in house amendments .....	293
Enrolled .....	312
Sent to governor.....	320
3—By Allen of Pocahontas. Proposing amendment to constitution of United States relating to right of suffrage.	
Introduced and referred....	3460
Passed on file .....	727
Made special order for....	830
Report adopted .....	975
Failed to pass .....	976
4—By Proudfoot. Proposing amendment to constitution to prohibit the manufacture and sale of intoxicating liquors.	
Introduced and referred....	419
Reported unfavorably .....	727
Made special order.....	727
Indefinitely postponed .....	827

5—By Smith of Mitchell. Approving estimate of cost, plans and specifications for an addition to hospital at state university.	
Introduced and referred....	693
Reported .....	806
Passed .....	838
House amended .....	1367
Senate concurs .....	1422
Enrolled .....	1510
Signed .....	1539
6—By Garrett. Empowering the governor to issue Colonel Benjamin F. Beach a brevet brigadier general's commission.	
Introduced and referred....	902
7—By Smith of Mitchell. Approving estimates of cost, plans and specifications for buildings at agricultural college, state university and state teachers' college.	
Introduced and referred....	1370
Passed .....	1462
House amended .....	1501
Senate concurs .....	1539
Enrolled .....	1585
Sent to governor .....	1593
8—By Committee on Retrenchment and Reform. Fixing the number and compensation of employes in department of state at the seat of government.	
Introduced and referred....	1588
Passed .....	1674
Passed house .....	1700
Enrolled .....	1738
Sent to governor.....	1748

## SENATE CONCURRENT RESOLUTIONS

## INTRODUCTION AND ACTION.

- | No.  | No.  |
|--|--|
| By Bennett. Appointment of joint committee to nominate additional employes. Offered and adopted 7; house concurs 12; passed on file 13.  | By Adams. Memorializing Iowa delegation in congress to use their efforts to prevent ratification of reciprocity treaty. Offered 392; laid over 392.  |
| By Van Law. Requesting secretary of state to furnish code, code supplement, etc., to each member of thirty-fourth general assembly. Offered and adopted 7; house concurs, 12; passed on file 13. | By Hammill. Adjournment February 3d to February 7th. Offered 307; laid over 307; house concurs 332; passed on file 332.  |
| By Sullivan. Appointment of joint committee on inauguration. Offered and adopted 7; house concurs 12; passed on file 13.   | By Proudfoot. Inviting general conference of Methodist Episcopal church to hold quadriennial session for 1912 in Des Moines. Offered and adopted 324; house concurs 331; passed on file 332.   |
| By Francis. Holding joint convention to hear message of Governor Carroll and to canvass vote on governor and lieutenant governor. Offered and adopted 9; house concurs 11; passed on file 13.    | By Ames. Memorial to the honorable secretary of interior department regarding the management of Yellowstone national park. Offered 362; laid over 362.   |
| By Stuckslager. Adjournment January 12th to January 17, 1911. Offered and adopted 14; house concurs 50; passed on file 51.   | By Brown. Approving of granting pensions to certain enlisted men, soldiers and officers who served in civil war and Mexican war. Offered and adopted 384; house concurs 389; passed on file 400.   |
| By Francis. Holding of joint convention for purpose of holding memorial service for Hon. J. P. Dolliver. Offered and adopted 133; house concurs 158; passed on file 158.                         | By Sullivan. Relative to appointment by governor of an honorary commission to investigate nature and scope of Panama exposition to be held in San Francisco. Offered 608; laid over 608; house concurs 878; passed on file 879.  |
| By Mattes. Holding joint convention for purpose of electing United States senator. Offered and adopted 135.  | By Larrabee. Holding of joint convention Thursday, March 16th, at 2 p. m. to participate in memorial ceremonies on life of J. P. Dolliver. Offered 741; house concurs 759; passed on file 771.   |
| By Allen of Jefferson. Authorizing custodian to tender use of hall for program in honor of anniversary of birth of President McKinley. Offered and adopted 213.                                  | By Proudfoot. Inviting pioneer law makers to be guests of general assembly at Dolliver memorial. Offered and adopted 744; house concurs 879; passed on file 879.   |
| By Ames. Authorizing state historical department to return to Vinton Eagle volume one of said publication. Offered and adopted 218; house concurs 246; passed on file 246.                       | By Chapman. Adjournment sine die April 7th. Offered 808; laid over 808.  |
| By Chapman. Adjournment January 27th to January 31st. Offered 237; laid over 237.  | By Proudfoot. Appointment of joint committee to invite pioneer law makers association to attend memorial services in honor of late Senator Dolliver and provide association with tickets of admission. Offered and adopted 826; house concurs 878; passed on file 879. |
| By Neal. Memorializing Iowa members of congress to use their influence in relation to employes in railway mail service. Offered 238; referred 238.   |  |

- No.  
 By Proudfoot. Requesting governor to appoint committee on anniversary of peace. Offered and adopted 837.
- By Smith of Mitchell. Holding of joint convention on Thursday, April 6th for electing state printer and state binder. Offered 1112; laid over 1113; adopted 1180; concurs 1333.
- By Parshall. Appointment of committee to investigate fire protection of capitol building. Offered 1226; laid over 1227; house concurs 1275; passed on file 1278.
- By Larrabee. Relative to printing additional copies of the report of state veterinary surgeon. Offered 1421; laid over 1421.
- By Van Law. Requesting committee on appropriations to offer resolution authorizing appointment of committee to investigate public service corporations. Offered 1505; substitute offered 1505; laid over 1506; substitute adopted 1573.

- No.  
 By Balkema. Instructing secretary of state to have printed 10,000 copies of house file 46. Offered and adopted 1568; house concurs 1660; passed on file 1667.
- By Adams. Authorizing custodian to ship books and supplies to members. Offered and adopted 1663; house concurs 1674; passed on file 1675.
- By Mattes. Requiring certain officers of house and senate to remain after adjournment and complete the work of their respective offices. Offered and adopted 1674; house concurs 1696; passed on file 1696.

HOUSE BILLS

RECEPTION AND ACTION

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1—To amend the law as it appears in section 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-tewnty-seven (1087-a-27), of the supplement to the code, 1907, as amended by chapter sixty-nine (69) of the acts of the thirty-third (33d) general assembly, and section eleven hundred fifty (1150), eleven hundred fifty-one (1151), eleven hundred fifty-seven (1157), and eleven hundred sixty-two (1162) of the code, and repealing chapter one (1) of the special session of the thirty-second (32d) general assembly, and enacting a substitute therefor, all relating to the nomination of candidates for the office of senator in the congress of the United States and providing for the vote for senator in the congress of the United

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states and providing for nominations for such office in case of vacancy.

Received ..... 337  
 Referred ..... 344  
 Amendment reported ..... 375  
 Report adopted ..... 375  
 Amendments adopted ..... 376  
 Made special order ..... 379  
 Passed ..... 427  
 House concurred ..... 470  
 Enrolled ..... 500  
 Signed by president ..... 502

6—To repeal section three thousand four hundred forty-seven-B (3447-b) of the supplement to the code, 1907, relative to the recovery of interest in real estate when spouse failed to join in conveyance, and to enact a substitute therefor.

Received ..... 239  
 Referred ..... 241  
 Reported ..... 321  
 Report adopted ..... 385  
 Amendment adopted ..... 385  
 Passed ..... 386  
 Returned by house ..... 534  
 Re-referred ..... 540



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Amendment reported .....	625	imprisonment for thirty days and to provide the procedure when so prosecuted on information.	
Report adopted .....	710	Received .....	816
Com. amendment adopted..	710	Referred .....	824
Passed .....	710	Reported .....	926
Enrolled .....	800	Report adopted .....	1143
Passed on file .....	805	Amended .....	1143
9—To amend section five (5) of chapter sixty-one (61) of the acts of the thirty-third general assembly of Iowa, relating to pensions for disabled and retired firemen.		Amendment adopted .....	1143
Received .....	278	Passed .....	1144
Referred .....	281	House concurs .....	1177
Substitute reported .....	835	Enrolled .....	1212
Report adopted .....	943	Signed by president .....	1222
Substitute adopted .....	943	14—To repeal section one thousand five hundred sixty-nine (1569) of the code, 1907, and to enact a substitute therefor, relating to passing of vehicles, including automobiles on the public highway.	
Passed .....	944	Received .....	324
House refused to concur..	984	Referred .....	329
Senate receded from amendment .....	1014	Reported .....	704
Amendment adopted .....	1014	Passed .....	911
Passed .....	1015	Enrolled .....	1001
Reconsidered .....	1083	Signed by the president .....	1013
Passed .....	1084	16—To repeal section four hundred and ninety-one (491) of the code, relative to the compensation of deputy county treasurer, and to enact a substitute therefor.	
House concurs .....	1123	Received .....	1044
Enrolled .....	1146	Referred .....	1049
Signed by president .....	1146	17—To repeal section four hundred eighty-one (481) of the code, relative to the compensation of deputy county auditor, and to enact a substitute therefor.	
10—To amend the law as it appears in section two hundred ninety-six (296) of the supplement to the code, 1907, relating to the fees collected and paid to the county by the clerk of the district court.		Received .....	1067
Received .....	226	Referred .....	1068
Referred .....	226	20—To repeal section two hundred ninety-eight (298) of the supplement to the code, 1907 and chapter sixteen (16) of the acts of the thirty-third general assembly, relative to the compensation of deputy clerk of the district court and to enact a substitute therefor.	
Substitute reported .....	408	Received .....	1067
Report adopted .....	423	Referred .....	1068
Substitute adopted .....	423	25—To amend section one thousand six hundred forty-one b (1641-b) of the supplement to the code relating to the issuance of capital stock of railway manufacturing corporations.	
Passed .....	423	Received .....	816
House concurs .....	493	Referred .....	824
Enrolled .....	564	Passed .....	1333
Signed by president .....	567	Enrolled .....	1631
11—To amend section one (1) of chapter one hundred eighty-four (184), laws of the thirty-third general assembly, relative to the limit of indebtedness of independent school corporations.		Signed by president .....	1664
Received .....	389		
Referred .....	400		
Substitute reported .....	712		
Report adopted .....	829		
Substitute adopted .....	829		
Passed .....	829		
Enrolled .....	909		
Signed by the president .....	917		
12—To provide for prosecuting criminal offenses to final judgment on information to be filed by the county attorney, and without the intervention of the grand jury, in all cases in which the punishment exceeds a fine of one hundred dollars, or exceeds			

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26—To amend section four thousand and two hundred ninety-nine (4299) of the code, relating to the declaration of forfeiture of contract and the service of notice thereto, and to amend section four thousand and three hundred (4300) of the code relating to the recording of notice of forfeiture of contracts.	
Received .....	272
Referred .....	272
Returned .....	1272
Referred to sifting committee .....	1272
Passed .....	1380
Enrolled .....	1466
Signed by president .....	1489
27—To repeal chapter two-a (2-a), title eight (VIII), being sections fifteen hundred seventy-one-a (1571-a) to fifteen hundred seventy-one-l (1571-l), both inclusive, of the supplement to the code, 1907, and to enact a substitute therefor, relating to registration of motor vehicles, regulating their use upon streets and highways, fixing penalties for violation thereof, and providing for expenditure of license fees and fines.	
Received .....	759
Referred .....	771
Reported .....	980
Report adopted .....	980
Amendments adopted .....	1365
Passed .....	1366
Motion to reconsider .....	1372
Motion withdrawn .....	1391
Enrolled .....	1542
Returned from house .....	1650
Motion to reconsider .....	1660
Amendment adopted .....	1660
House concurs .....	1673
Enrolled .....	1702
Signed by president .....	1562
28—To provide for the payment of tuition of pupils residing in school corporations which do not offer instruction equivalent to the accredited high schools of Iowa.	
Received .....	452
Referred .....	467
Reported .....	519
Report adopted .....	527
Amendment adopted .....	582
Title amended .....	583
Passed .....	583
Enrolled .....	685
House concurs .....	759
29—To amend section five thousand one hundred nineteen (5119) of the code of Iowa, 1897, relative to the punishment of the crime of vagrancy and defining the same.	

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Received .....	662
Referred .....	664
Reported .....	703
Report adopted .....	842
Passed .....	843
Enrolled .....	908
Signed by president .....	917
30—To repeal section two thousand three hundred eighty-three (2383) of the code of Iowa, and to enact a substitute therefor, relative to the penalty for the violation of the laws relating to the sale or keeping for sale of intoxicating liquors.	
Received .....	620
Referred .....	634
Returned from committee .....	1291
Referred to sifting committee .....	1291
Passed .....	1569
Enrolled .....	1632
Signed by president .....	1664
32—To amend section five (5) of chapter one hundred fifty-four (154) of the acts of the thirty-third general assembly relating to fees for fish and game licenses.	
Received .....	359
Referred .....	359
Amendments reported .....	885
Report adopted .....	960
Amendments adopted .....	960
Substitute adopted .....	981
Bill was lost .....	982
33—To amend section two thousand seven hundred ninety-four-a (2794-a) of the supplement to the code, 1907, relating to the organization of consolidated independent school districts.	
Received .....	452
Referred .....	467
Amendment reported .....	713
Report adopted .....	890
Amendment adopted .....	891
Amendment adopted .....	937
Passed .....	937
House concurs .....	983
Enrolled .....	1045
Signed by president .....	1051
34—To amend the law as it appears in section sixteen (16) of chapter one hundred eighteen (118) of the acts of the thirty-third general assembly of Iowa relating to levees, ditches, drains, water courses and drainage ditches, and to amend the law as it appears in section one thousand five hundred twenty-eight (1528) of the supplement to the code, 1907, and all acts amendatory thereto relating to the powers and	

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duties of township trustees.		Substitute reported .....	1401
Received .....	601	Report adopted .....	1405
Referred .....	610	Substitute adopted .....	1406
Returned from committee..	1274	Consideration resumed .....	1450
Referred to sifting committee .....	1274	Amendments adopted .....	1451
		Passed .....	1452
		House concurs .....	1493
		Enrolled .....	1542
		Signed by president.....	1562
37—To prohibit the possession of roulette wheels, klondyke tables, poker tables, poker chips, faro and keno layouts, and to provide for the seizure and destruction thereof.		42—To amend section seven hundred twenty (720) of the code supplement of 1907 providing for the amending of franchises granted to individuals or private corporations.	
Received .....	1183	Received .....	278
Referred .....	1209	Referred .....	280
Reported .....	1262	Amendment adopted .....	1551
Report adopted .....	1363	Passed .....	1552
Passed .....	1364	House concurs .....	1574
Enrolled .....	1467	Enrolled .....	1632
Signed by president.....	1489	Signed by president.....	1664
38—To amend section three thousand four hundred thirty-nine (3439) of the supplement to the code, 1907, relating to the time when actions may be brought on judgments in courts of record.		44—To amend the law as the same appears in section 303-a of the supplement to the code of 1907, relating to the appointment and compensation of assistants to the county attorney.	
Received .....	558	Received .....	1106
Referred .....	559	Referred .....	1219
Reported .....	625	Returned from committee..	1272
Report adopted .....	767	Referred to sifting committee .....	1272
Passed .....	767	Passed .....	1471
Enrolled .....	866	Enrolled .....	1543
Signed by president.....	870	Signed by president.....	1562
40—To grant power to cities having a population of thirty thousand or over and organized under chapter fourteen-c (14-c), of title five (5), of the supplement to the code, 1907, and amendments thereto, to assume exclusive charge, custody, and control of all trees and shrubbery and the planting and maintenance thereof on the public streets and to provide for the payment of the costs thereof.		46—To repeal chapter one hundred one (101) of the laws of the thirty-third general assembly and to enact a substitute therefor relative to the dragging of public highways and providing a penalty for failure to perform such duties.	
Received .....	602	Received .....	759
Referred .....	610	Referred .....	771
Reported .....	934	Reported .....	979
Report adopted.....	934	Report adopted .....	1350
Indefinitely postponed.....	934	Amendment adopted .....	1350
		Passed .....	1351
		House concurs .....	1367
		Enrolled .....	1416
		Signed by president.....	1430
41—Creating the office of state fire marshal and deputy fire marshal, prescribing their duties and providing for their compensation and for the maintenance of the state fire marshal's office.		47—To amend the law as it appears in chapter eight (8), title two (II) of the supplement to the code, 1907, in reference to the census.	
Received .....	849	Received .....	278
Referred .....	850	Referred .....	281
Substitute reported .....	1197	Reported .....	579
Re-referred .....	1201	Report adopted .....	579
Reported .....	1272	Passed .....	596
Referred to sifting committee .....	1273	Enrolled .....	640
		Signed by president.....	639

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50—Amending section eighteen hundred thirty - nine-1 (1839-1) of the supplement to the code of 1907, relating to the investment of funds and depositing of securities of fraternal beneficiary societies.	
Received .....	424
Referred .....	434
Reported .....	469
Report adopted .....	504
Passed .....	504
Enrolled .....	365
Signed by president.....	567
52—To amend the law as it appears in section thirteen hundred forty - seven-a (1347-a) and thirteen hundred forty - eight (1348) of the supplement to the code, 1907, relating to peddlers' tax.	
Received .....	521
Referred .....	527
Reported .....	967
Report adopted .....	968
Indefinitely postponed.....	968
53—To amend section eighteen hundred fifty-four (1854) of the code of 1897, relating to deposits in savings banks.	
Received .....	410
Referred .....	412
Reported .....	568
Report adopted .....	646
Passed .....	796
Enrolled .....	866
Signed by president.....	870
56—To regulate the sale or disposal of stocks of goods, wares or merchandise in bulk, and to provide a penalty for the violation thereof.	
Received .....	848
Referred .....	850
Withdrawn from committee and re-referred.....	998
Reported .....	1129
Report adopted .....	1335
Passed .....	1336
Enrolled .....	1466
Signed by president.....	1489
59—To legalize a certain special election held in the town of Bettendorf, Scott county, Iowa, on October 15, 1909, and to legalize certain franchises granted and adopted by the town council of said town of Bettendorf pursuant to a favorable vote thereon by the electors of said town at said special election.	
Received .....	196
Referred .....	196
Reported .....	252
Report adopted .....	262
Passed .....	262
Enrolled .....	295
Signed by president.....	299

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61—To amend section one thousand nine hundred ninety-five (1995) of the code, relative to taking private property for works of internal improvement and to prohibit the condemnation of cemeteries or any portion thereof.	
Received .....	239
Referred .....	240
Reported .....	310
Report adopted .....	390
Passed .....	391
Enrolled .....	436
Signed by president.....	443
64—To amend section four thousand seven hundred seventy-five-c (4775-c) of the supplement to the code, 1907, relating to the neglect or refusal to support wife or children or deserting the same.	
Received .....	815
Referred .....	823
Amendment reported .....	927
65—To amend section two thousand four hundred forty-eight (2448) of the supplement to the code, 1907, relating to the sale of intoxicating liquors.	
Received .....	574
Returned from committee.....	1291
Referred to sifting committee .....	1291
67—To prohibit the exhibition of deformed, idiotic or abnormal persons.	
Received .....	306
Referred .....	308
Reported .....	408
Report adopted .....	474
Passed .....	475
Enrolled .....	565
Signed by president.....	567
71—To repeal sections fourteen hundred seven-a (1407-a), fourteen hundred seven-b (1407-b), fourteen hundred seven-c (1407-c), fourteen hundred seven-d (1407-d) and fourteen hundred seven-e (1407-e) of the supplement to the code of Iowa, 1907, in relation to employing assistance to discover property not listed or assessed by law, and making it unlawful for cities and towns or counties to make tax ferret contracts.	
Received .....	246
Referred .....	246
Reported .....	309
Report adopted .....	309
Substitute amendment adopted .....	430
Passed .....	457
House concurs .....	492
Enrolled .....	565
Signed by president.....	567

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73—To legalize the acts of the directors of school township of Pleasant in the county of Monroe and state of Iowa, in contracting for the erection of an addition to school house in the village of Lockman in subdistrict No. 11 of said township, and levying a tax therefor.	
Received .....	239
Referred .....	241
Reported .....	252
Report adopted .....	263
Passed .....	264
Enrolled .....	295
Signed by president.....	299
75—To amend the law as the same appears in section four hundred sixteen (416) of the code, relating to county supervisor districts.	
Received .....	239
Referred .....	240
Substitute reported .....	254
Report adopted .....	262
Substitute adopted .....	263
Passed .....	263
House concurs .....	305
Enrolled .....	295
Signed by president.....	299
76—To amend section 1400-f of the supplement to the code, 1907, and providing for additional forest trees.	
Received .....	620
Referred .....	634
Reported .....	728
Report adopted .....	891
Passed .....	892
Enrolled .....	956
80—Providing for the place of trial in actions against companies or corporations authorized to furnish bonds in Iowa.	
Received .....	279
Referred .....	280
Substitute reported .....	495
Report adopted .....	522
Substitute adopted .....	522
Passed .....	523
House concurs .....	558
Enrolled .....	580
Enrolled .....	380
Signed by president.....	586
81—To amend the law as it appears in subdivision nine (9) of section twenty-four hundred forty-eight (2448) of the supplement to the code, 1907, relating to the time in which intoxicating liquors may be sold.	
Received .....	359
Referred .....	360
Returned from committee.....	1291
Referred to sifting committee .....	1291

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85—To repeal section one thousand three hundred and twenty-two (1322) of the supplement to the code, 1907, and to enact a substitute therefor relating to the taxation of national, state and savings banks, and loan and trust companies.	
Received .....	620
Referred .....	634
Reported .....	863
89—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 in chapter 71, acts of the thirty-third general assembly of Iowa, in so far as they relate to the public service commission, and the powers and duties of the railroad commissioners as prescribed by law, to said commissioners; also repealing the powers heretofore granted to cities and towns and cities acting under a special charter 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 and other utilities.	
Received .....	1334
Referred .....	1354
Laid on table.....	1473
96—To repeal section twenty-five hundred ninety - six-a (2596-a) of the 1907 supplement to the code as amended by chapter one hundred sixty-three (163) of the acts of the thirty-third general assembly, relating to the sale of cocaine and certain other drugs.	
Received .....	278
Referred .....	281
Amendments reported.....	450
Report adopted .....	548
Amendment adopted .....	548
Passed .....	548
House concurs .....	600
Enrolled .....	616
Signed by president .....	632
97—To amend section twenty-five hundred eighty - nine-b (2589-b) of the supplement to the code of 1907, relating to the practice of pharmacy.	
Received .....	321
Referred .....	329

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Reported .....	450
Report adopted .....	509
Passed .....	510
Enrolled .....	565
Signed by president.....	567
98—To repeal section two thousand six hundred twenty-eight (2628) of the code, relating to the board of educational examiners, and to enact a substitute therefor.	
Received .....	557
Referred .....	559
Reported .....	730
Re-referred .....	730
Substitute reported.....	1168
99—Requiring physicians and osteopaths to report all cases of tuberculosis to the secretary of the state board of health, and fixing a penalty for the violation thereof.	
Received .....	306
Referred .....	308
Returned .....	1272
Referred to sifting committee .....	1272
100—To repeal sections twenty-seven hundred thirty-four-d (2734-d) and twenty-six hundred twenty-nine (2629) of the supplement to the code, 1907, and to enact substitutes therefor: to repeal section twenty - seven hundred seventy - five (2775) of the code and enact a substitute therefor, relating to subjects of examination of teachers and providing instruction in certain branches in the public schools, including agriculture and home economics.	
Received .....	493
Referred .....	501
Reported .....	775
101—Authorizing street improvements in incorporated towns and providing for the levy of special assessments therefor, and repeal chapter fifty-three (53) of the acts of the thirty-third general assembly.	
Received .....	378
Referred .....	384
Reported .....	564
Report adopted .....	733
Passed .....	734
Enrolled .....	779
Signed by the president....	788
102—To amend the law as it appears in section fourteen hundred seventy - five	

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(1475) of the code of 1897, relating to the assessment and collection of the collateral inheritance tax.	
103—To establish the office of commerce counsel, and defining the powers and duties of the same.	
Received .....	1041
Referred .....	1042
Reported .....	1056
Report adopted .....	1056
Made special order.....	1157
Amendment adopted .....	1158
Amendment adopted .....	1175
Amendment adopted .....	1176
Passed .....	1176
House concurs in one amendment and refuses to in the other.....	1221
Senate refused to recede...	1224
Senate receded from amendments .....	1617
Enrolled .....	1651
Signed by president.....	1653
108—To define employment agencies, to place such agencies under the jurisdiction and control of the commissioner of the bureau of labor statistics, to require a license before engaging in such business to regulate and control such business, to prescribe the duty of the said commissioner with reference to such business and to repeal lines fourteen (14), fifteen (15), and sixteen (16), and seventeen (17) of section seven hundred (700) of the supplement to the code, 1907, and to repeal sections two thousand four hundred seventy-seven-h (2477-h) to two thousand four hundred seventy - seven-l (2447-l), inclusive, of the supplement to the code, 1907, and to enact substitute therefor.	
Received .....	1231
Referred .....	1233
111—Conferring additional powers on certain cities organized under chapter fourteen-c (14-c) of title five (5) of the supplement to the code, 1907, and amendments thereto providing for the levy of special taxes for the benefit of the police and fire departments.	
Received .....	494
Referred .....	502
Reported .....	835
Re-referred .....	991
Substitute reported .....	1267

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113—Authorizing the issue of bridge bonds of cities of the first class.	
Received .....	238
Referred .....	240
Reported .....	296
Report adopted .....	384
Passed .....	385
Enrolled .....	436
Signed by president .....	443
115—Making appropriation to the state histoical society of Iowa.	
Received .....	1424
Referred .....	1439
Reported .....	1640
Report adopted .....	1640
Passed .....	1670
Enrolled .....	1744
Signed by president .....	1748
116—To amend the law as it appears in section four hundred seventy-eight (478) of the code of 1897, relative to fees collected by the county auditor.	
Received .....	494
Referred .....	502
Reported .....	538
Report adopted .....	548
Passed .....	549
Enrolled .....	617
Signed by president .....	609
120—Providing that undertakers shall report to the mayor of a city or town or to the township clerk, the name and residence of any person dying of tuberculosis and providing for the disinfection of the premises and a penalty for a failure to comply with the provisions of this act.	
Received .....	782
Referred .....	786
Substitute reported .....	1020
Report adopted .....	1215
Amendment adopted .....	1216
Passed .....	1216
House concurred .....	1246
Enrolled .....	1254
Signed by president .....	1251
121—Providing that all common carriers operating trains within the state of Iowa, and conveying live stock, shall provide a car equipped with sleeping berths or bunks, for the persons in charge of such live stock.	
Received .....	1118
Referred .....	1119
128—To amend section one thousand nine hundred eighty-six (1986) as it appears in the supplement to the code, 1907, relating to the maintaining of levees, ditches and drains.	
Received .....	601
Referred .....	610

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Reported .....	998
Report adopted .....	1336
Amendment adopted .....	1336
Passed .....	1337
House concurs .....	1455
Enrolled .....	1543
Signed by president .....	1562
129—To amend chapter thirteen (13) title twelve (XXII) of the supplement to the code, 1907, and providing for the appointment of dalry inspector, and fixing ty commissioner and state dairly inspector, and fixing the salary of said officers and regulating the sale of milk and cream, and providing penalties for violation thereof, and repealing all acts or parts of acts in conflict herewith.	
Received .....	932
Referred .....	950
Amendment reported .....	1377
Report adopted .....	1437
Amendment adopted .....	1438
Passed .....	1521
House concurs .....	1575
Enrolled .....	1632
Signed by president .....	1664
132—To amend the law as it appears in section six hundred fifty-two (652) supplement to the code, 1907, relating to the appointment of a health physician by the mayors of cities and towns.	
Received .....	648
Referred .....	654
Reported .....	833
Report adopted .....	833
Indefinitely postponed .....	833
139—To repeal section four hundred ninety-six (496) of the supplement to the code, 1907, relative to the compensation of deputy county recorders and to enact a substitute therefor.	
Received .....	1019
Referred .....	1020
140—To amend section twenty-seven hundred thirty-four-u (2734-u), supplement to the code, 1907, relative to the revocation of teachers' certificates.	
Received .....	900
Referred .....	901
Returned from Com. ....	1274
Referred to sifting Com. ....	1274
141—To repeal section three hundred thirty-five of the code as amended by chapter twenty of the acts of the twenty-third general assembly, relating to the selection of jury lists, and to enact a substitute therefor.	

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Received .....	557
Referred .....	559
Reported .....	1127
Report adopted .....	1579
Passed .....	1579
Enrolled .....	1701

143—To repeal section sixteen hundred and fifty-seven-n (1657-n), supplement to the code, 1907, and to enact a substitute therefor relating to the office of the department of agriculture and the salary of the secretary.	
Received .....	661
Referred .....	663
Reported .....	714
Re-referred .....	733
Substitute reported .....	1128

153—To amend the law as it appears in section six hundred seventy-four (674) of the supplement to the code, 1907, relating to the compensation of assessors and deputies.	
Received .....	932
Referred .....	950

155—To amend section forty-nine hundred and ninety-nine-a1 (4999-a-1) of the supplement to the code of 1907, relative to water closets or privies.	
Received .....	602
Referred .....	610
Reported .....	701
Report adopted .....	839
Passed .....	840
Enrolled .....	909
Returned from House .....	1160
Reconsidered .....	1213
Amendment adopted .....	1214
Passed .....	1214
House concurs .....	1246
Enrolled .....	1254
Signed by president .....	917

156—To provide for the commitment of females to certain benevolent or charitable institutions, in certain cases, for the violation of laws, ordinances or police regulations and to require work from such persons so committed, and to provide for the supervision of such institutions by the board of control.	
Received .....	423
Referred .....	435
Reported .....	806
Report adopted .....	961
Passed .....	962
Enrolled .....	1046
Signed by president .....	1051

158—To legalize the passage, adoption and publication of the ordinances, resolutions and rules of health of the incorporated town of Akron, Iowa.	
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Received .....	305
Referred .....	308
Reported .....	321
Report Adopted .....	387
Passed .....	388
Enrolled .....	436
Signed by president .....	443

162—Relating to security for cost in justice courts.	
Received .....	411
Referred .....	412
Amendment reported .....	818
Report adopted .....	948
Amendments adopted .....	948
Passed .....	984
House concurs .....	984
Enrolled .....	1045
Signed by president .....	1051

164—To amend section one thousand nine hundred eighty-nine-a8 (1989-a8) of the supplement to the code 1907, relating to the letting of contracts for levees and ditches.	
Received .....	1040
Referred .....	1041
Reported .....	1084
Report adopted .....	1563
Passed .....	1563
Enrolled .....	1632
Signed by president .....	1664

167—To amend chapter forty-two (42) of the acts of the thirty-third (33d) general assembly relating to the publication of the proceedings of city and town councils.	
Received .....	521
Referred .....	526
Reported .....	934
Report adopted .....	935
Indefinitely postponed .....	935

177—To amend section twenty-eight hundred and sixteen (2816), code, 1897, relative to the title and disposition of real estate acquired by a school corporation.	
Received .....	471
Referred .....	479
Substitute reported .....	820
Report adopted .....	940
Substitute adopted .....	940
Passed .....	941
House refused to concur .....	983
Amendments by conference committee concurred in .....	1572
Enrolled .....	1726
Signed by president .....	1733

180—Amending chapter eight (8) of title thirteen (XIII) of the supplement to the code, 1907, and being additional thereto and providing that females liable to be committed to the state industrial school may be committed to accredited institutions.	
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Received .....	1312
Referred .....	1316
Passed .....	1381
Enrolled .....	1415
Returned from House.....	1588
Reconsidered .....	1609
Substitute adopted .....	1610
Passed .....	1611
House concurred .....	1649
Enrolled .....	1702
Signed by president .....	1430

183—To amend the law relating to fraternal beneficiary associations, additional to chapter nine (9) of title nine (IX) of the code.

Received .....	534
Referred .....	537
Referred to sifting Com.....	1272
Reported .....	1272

186—To amend the law as it appears in section twenty-one hundred fifty-seven-g (2157-g), supplement to the code, 1907, in relation to the issuance, furnishing and giving of free tickets, free passes and free transportation to certain classes of persons.

Received .....	1384
Referred .....	1387
Passed .....	1654
Enrolled .....	1631
Signed by president.....	1664

189—To amend section two thousand seven hundred ninety-three-a (2793-a) of the supplement to the code, 1907, relative to the boundary lines between a school township and an independent city or town district.

Received .....	899
Referred .....	901
Returned from committee.....	1274
Referred to sifting Com.....	1274

197—To amend the law as it appears in section five hundred sixty-four (564) of the code, relating to the appearance by the county attorney for township trustees.

Received .....	849
Referred .....	850
Substitute reported .....	1266
Report adopted .....	1301
Passed .....	1301
House concurs .....	1357
Enrolled .....	1374
Signed by president .....	1413

198—To prevent the adulteration of and deception in the sale of raw linseed oil and boiled linseed oil; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for linseed oil

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(raw or boiled); defining the duties of the state food and dairy commissioner in relation thereto; fixing penalties for the violation thereof; and repealing sections in conflict therewith.	
Received .....	493
Referred .....	501
Amendment reported .....	752
Report adopted .....	929
Amendments adopted .....	929
Passed .....	930
House concurs .....	933
Enrolled .....	1046
Signed by president.....	1051

199—To prevent the adulteration of and deception in the sale of oil of turpentine; setting standards for the same; regulating the sale of compounds, mixtures and substitutes for oil of turpentine; defining the duties of the state food and dairy commissioner in relation thereto; and fixing penalties for the violation thereof.

Received .....	493
Referred .....	501
Amendment reported .....	752
Report adopted .....	928
Amendments adopted .....	928
Passed .....	929
House concurs .....	982
Enrolled .....	1046
Signed by president.....	1051

200—To amend section one thousand seven hundred fifty-nine-a (1759-a) of the supplement to the code, 1907, relative to insurance of mutual fire, tornado, and hailstorm assessment insurance associations.

Received .....	956
Referred .....	959
Reported .....	1048

210—To regulate the size and construction of caboose cars, and providing penalties for the violation thereof.

Received .....	1496
Referred .....	1496
Amendments adopted .....	1648
Passed .....	1648
House concurs .....	1659
Enrolled .....	1726

211—To confirm the title of John A. Jasinski to the southeast quarter of the southwest quarter of section No. 14, township No. 84 North, range No. 29, West 5th P. M., Greene county, Iowa, and authorizing the issuance of a patent therefor.

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Received .....	452
Referred .....	467
Reported .....	496
Report adopted .....	505
Passed .....	505
Enrolled .....	565
Signed by president.....	567

214—To amend section one (1) of chapter one hundred thirty-nine (139) of the laws of the thirty-third general assembly relating to the intoxicating liquors by permit holders.

Received .....	558
Referred .....	559
Reported .....	661
Passed .....	1682
Enrolled .....	1727
Signed by president .....	1733

217—Authorizing cities and towns and cities acting under special charter to change the names of streets and provide for the filing of the same with the county officers.

Received .....	452
Referred .....	467
Amendment reported .....	688
Report adopted .....	706
Amendments adopted .....	706
Passed .....	706
Enrolled .....	800

218—Legalizing the acts of cities and towns whereby ordinances of said cities or towns have heretofore changed the name or names of certain platted streets.

Received .....	411
Referred .....	412
Substitute reported.....	494
Report adopted .....	506
Substitute adopted .....	506
Passed .....	507
House concurs .....	534
Returned from House.....	1018
Amendment adopted .....	1029
Passed .....	1029
House concurs .....	1068
Enrolled .....	1073
Signed by president.....	1090

219—Repeal section six hundred seventy-nine-h (679-h) of chapter Two-a (2-a), title five (V) of the supplement to the Code of 1907, relative to the board of police commissioners in certain cities of the first class.

Received .....	647
Referred .....	654
Amendment reported .....	833
Report adopted .....	938
Amendment adopted .....	938
Passed .....	938
House concurs .....	983
Enrolled .....	1046

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Returned from House.....	1123
Reconsidered .....	1152
Amendment adopted .....	1153
Passed .....	1153
Title amended .....	1153
House concurs .....	1177
Enrolled .....	1212
Signed by president .....	1051

220—To amend the law as it appears in chapter sixty (60) of the laws of the thirty-third general assembly, relating to the improvement of water fronts in special charter cities, and conferring additional powers upon such cities. Additional to chapter fourteen (14) of title five (V) of the code, relating to cities under special charter.)

Received .....	602
Referred .....	611
Substitute reported .....	689
Report adopted .....	753
Substitute adopted .....	753
Passed .....	754
Enrolled .....	799
Returned from House.....	902
Reconsidered .....	905
Amended .....	905
Passed .....	906
Enrolled .....	1001
Signed by president.....	1013

221—Making appropriation for additional improvements and land at the Iowa state fair and exposition grounds.

Received .....	900
Referred .....	901
Report adopted .....	1048
Passed .....	1156
Enrolled .....	1212
Signed by president .....	1222

228—Amending sections eight hundred and ten (810), eight hundred and thirteen (813) and nine hundred and sixty-five (965) and relating to making sewer and street improvements, and the kinds of materials to be used therein.

Received .....	661
Referred .....	663
Reported .....	1266
Report adopted .....	1266
Indefinitely postponed .....	1266

235—To repeal section number two (2) of chapter one hundred two, laws of the thirty-third general assembly, and to enact a substitute in lieu thereof, relating to traction engines on public roads.

Received .....	899
Referred .....	900

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238—Relating to the exemption from taxation of the property used by a militia company and of all evidences of indebtedness against the property so used including stocks and bonds.		Passed .....	1248
Received .....	1389	Title amended .....	1249
Referred .....	1389	House concurs .....	1275
241—To provide for a direct inheritance tax.		Enrolled .....	1374
242—Providing that any national or state banking corporation located in this state, which shall be approved by the executive council, may upon filing bond or depositing security as hereinafter provided, and upon the compliance with all other requirements of law, become a state depository.		Signed by president.....	1413
Received .....	805	251—Providing for the levy of special taxes upon the assessed valuation of the taxable property of the state for the erection, repair, improvement and equipment of buildings for the state university of Iowa, the state college of agriculture and mechanic arts and the state teachers college.	
Referred .....	806	Receiver .....	574
Amendment reported .....	1227	Referred .....	576
243—To amend title twelve (XII), chapter twelve (12) of the law as it appears in 1907 supplement to the code, relative to the inspection of passenger boats and requiring all such boats to be provided with life preservers.		Reported .....	916
Received .....	1039	Report adopted .....	1076
Referred .....	1041	Passed .....	1077
Reported .....	1206	Enrolled .....	1145
Report adopted .....	1206	Signed by President.....	1146
Amendment adopted .....	1398	253—Amending the law as it appears in section seven hundred and twenty (720) of the supplement to the code 1907, as amended by the laws of the thirty-third (33rd) general assembly making said statute applicable to city and town halls and fire stations.	
Passed .....	1398	Received .....	1106
Enrolled .....	1584	Referred .....	1118
Signed by president.....	1653	Reported .....	1265
247—To amend 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.		Report adopted .....	1265
Received .....	619	Indefinitely postponed.....	1265
Referred .....	633	262—Regulating the commission plan of government in certain cities, addition al to charter fourteen-c (14-c) of the supplement to the code and chapter sixty-four (64) of the laws of the thirty-third general assembly.	
Reported .....	807	Received .....	601
Report adopted .....	945	Referred .....	610
Passed .....	945	Reported .....	833
Enrolled .....	1001	Report adopted.....	854
Signed by president.....	1013	Passed .....	855
248—To amend the law as it appears in chapter sixteen-d (16-d) of the supplement to the code, 1907, relative to graduate and registered nurses.		Enrolled .....	956
Received .....	494	266—To amend section nineteen hundred eighty-nine-a2 (1989-a2), section nineteen hundred eighty-nine-a4 (1989-a4), section nineteen hundred eighty-nine-a5 (1989-a5), and sections nineteen hundred eighty-nine-a6 (1989-a6) of the code relating to securing right of way for levees, drains and ditches.	
Referred .....	501	Received .....	1231
Reported .....	593	Referred .....	1232
Report adopted .....	653	Reported .....	1262
Amendment adopted .....	653	Report adopted .....	1323
Passed .....	654	Passed .....	1324
Reconsidered .....	1247	Enrolled .....	1374
Amendment adopted .....	1248	Signed by president.....	1413

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267—To amend chapter 62 of the acts of the thirty-third general assembly relating to pensions to be paid to policemen.	
Received .....	662
Referred .....	664
Reported .....	834
Report adopted .....	945
Passed .....	945
Enrolled .....	1001
Signed by president .....	1013
269—To indemnify Miss E. M. Ames for personal injury sustained by her while employed as laundress at Vinton State Hospital, Vinton, Iowa.	
Received .....	1310
Referred .....	1315
Returned by sifting com. . .	1364
Referred to com. on appropriations .....	1364
Reported .....	1477
Report adopted .....	1477
Passed .....	1558
Enrolled .....	1632
Signed by president .....	1664
270—Authorizing cities to establish by ordinance, upon the approval of the voters thereof, a department of publicity, development and general welfare, and to levy a tax therefor. Additional to title five (V) of the code.	
271—To amend section three (3), chapter one hundred four (104) acts of the thirty-third general assembly, relating to corporations for pecuniary profit.	
Received .....	1311
Referred .....	1315
Passed .....	1386
Enrolled .....	1543
Signed by president .....	1562
274—Repealing section twenty-three hundred and forty-eight (2348) of the code, and enacting a substitute therefor providing for a bounty on wild animals, and the proof necessary to secure such bounty.	
Received .....	987
Referred .....	987
Reported .....	1084
275—To amend chapter two hundred (200), laws of the thirty-third general assembly, relating to estates of absentees.	
Received .....	932
Referred .....	949
Returned .....	1272
Referred to sifting com. . .	1272
278—Relating to the sale of intoxicating liquors by wholesale drug corporations, additional to chapter six (6), of title twelve (XII) of the code.	

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Received .....	1013
Referred .....	1018
Amendment reported .....	1169
Report adopted .....	1327
Passed .....	1328
Enrolled .....	1374
Signed by president .....	1413
280—To amend section forty-nine hundred and ninety-nine-a5 (499-a5), supplement to the code, 1907, and section forty-nine hundred and ninety-nine-a-10 (4999-a10), supplement to the code, 1907, relating to the penalty for failure to provide safeguards for machinery and equipment and fire escapes and to provide penalty for removing such safeguards.	
Received .....	931
Referred .....	950
Amendment reported .....	1266
Amendment adopted .....	1717
Passed .....	1717
Enrolled .....	1744
Signed by president .....	1748
281—To amend title five (V), chapter fourteen (14), of the code and amendments thereto relating to park commissioners in special charter cities (repealing sections none hundred ninety-one (991) to nine hundred ninety-six (996) inclusive of the code and amendments thereto, and enacting substitute therefor.	
Received .....	647
Referred .....	654
Reported .....	691
Passed .....	798
Enrolled .....	866
Returned from house .....	902
Reconsidered .....	906
Passed .....	907
Title amended .....	907
Enrolled .....	1001
Signed by president .....	1013
283—To amend the law as the same appears in section one (1), of chapter fifty-seven (57), acts of the thirty-third general assembly of Iowa, relating to tax levy for park purposes.	
Received .....	620
Referred .....	634
Reported .....	835
Report adopted .....	964
Passed .....	965
Enrolled .....	1046
Returned from house .....	1160
Reconsidered .....	1171
Amendment adopted .....	1172
Passed .....	1172
House concurs .....	1190
Enrolled .....	1253
Signed by president .....	1051

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284—Repealing section fourteen hundred sixty-two (1462), of the Code of 1897, and enacting a substitute therefor, relating to the keeping of and accounting for public funds in the state and county treasuries.	
Received .....	618
Referred .....	632
Reported .....	701
Report adopted .....	756
Passed .....	756
Enrolled .....	780
Signed by president .....	788

289—To invest the district courts of the state of Iowa with jurisdiction and authority to restrain violations of any law heretofore or hereafter enacted to protect the public and trade and commerce against unlawful restraints, trusts, conspiracies, combinations and monopolies, or unfair discrimination between different sections, communities or localities, or cause any person within the state of Iowa to be made party to an action pending in any court in this state, and to require any person, firm, association or corporation to respond to a subpoena in any court in this state, and to give testimony and produce any books, papers or documents in any hearing, investigation, proceeding or prosecution for the violation of any laws relating to pools, trusts, conspiracies, combinations or monopolies, or prohibiting unfair discrimination between different sections, communities or localities; and to provide immunity to the persons so testifying; and to make an appropriation for the purpose of enforcing the provisions of this act and all laws passed to protect trade and commerce against unlawful restraints, trusts, conspiracies, combinations, and monopolies, and all laws relating to the fixing of prices and charges or designed to prohibit unfair discrimination between different sections, communities or localities.	
Received .....	1357
Referred .....	1359
Amendments reported .....	1723
Amendments adopted .....	1723
Failed to pass .....	1724

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294—To make an appropriation for the farmer's institute of Benton county, Iowa, under the provisions of section sixteen hundred seventy-five (1675) of the supplement to the code, 1907.	
Received .....	849
Referred .....	851

295—Defining the terms "gold," "alloy of gold," "silver," "alloy of silver," "sterling silver," or "sterling" as applied to any article of merchandise made in whole or in part of gold or silver or any alloy of gold or silver, and made for sale or offered for sale or disposition and also providing a means of making tests thereof, and also defining the terms "rolled gold plate," "gold plate," "gold filled," and "gold electro-plate," and the words "silver plate," and "silver electro-plate," and "sterling," and "coin," as applied to any article of merchandise made in whole or part of any inferior metal manufactured for sale, sold or kept for sale or disposition or offered for sale and disposition, and prohibiting the false marking of such merchandise, and providing a penalty for the violation thereof.	
Received .....	1276
Referred .....	1278
Passed .....	1551
Enrolled .....	1631
Signed by president .....	1664

297—To amend sections four hundred (400) and four hundred two (402) of the code, relating to the removal of county seats and the county records.	
Received .....	522
Referred .....	527
Amendments reported .....	577
Report adopted .....	603
Amendments adopted .....	603
Passed .....	604
Enrolled .....	616
House concurred .....	618
Signed by president .....	632

298—To provide for an annual exhibition of the cereal crops of the state of Iowa, and making an appropriation therefor.	
Received .....	1633
Referred .....	1633

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300—To repeal section one thousand eight hundred seventy-three (1873) of the code and section one thousand eight hundred and seventy-three (1873) of the supplement to the code, 1907, and to enact a substitute therefor relating to the examination of savings banks and state banks by the auditor and to the publication of the statements thereof in some newspaper.	
Received .....	783
Referred .....	787
Reported .....	1205
Report adopted .....	1294
Passed .....	1294
Enrolled .....	1374
Signed by president.....	1413
312—Authorizing the levy of a tax for the purpose of defraying the expense of prospecting for coal.	
Received .....	1040
Referred .....	1041
Returned from com.....	1272
Referred to sifting com....	1272
Passed .....	1350
Enrolled .....	1467
Signed by president.....	1489
313—Requiring the owners or operators of coal mines and other employers of labor to erect and maintain wash houses at certain places where laborers are employed, for the protection of the health of the employees, and provide a penalty for its violation.	
Received .....	1067
Referred .....	1068
Reported .....	1272
Referred to sifting com....	1272
317—To prevent procreation of habitual criminals, idiots, feeble-minded and imbeciles.	
Received .....	1118
Referred .....	1120
Reported .....	1263
Report adopted .....	1437
Passed .....	1437
Enrolled .....	1542
Signed by president.....	1562
318—To repeal paragraph sixteen (16) of section five hundred eleven (511) of the supplement to the code, 1907, as amended by chapter thirty-six (36) of the acts of the thirty-third general assembly relating to the boarding and lodging of prisoners.	
Received .....	1209
Referred .....	1210
Reported .....	1262

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319—To amend section eleven hundred thirty-seven-a1 (1137-a1) of the supplement to the code, 1907, relating to the making of sworn statements of expenses by candidates for certain offices.	
Received .....	1275
Referred .....	1278
321—To authorize the governor of the state to execute to Joseph Tucker a patent, conveying to him the southwest quarter (S. W. 1-4) of the southeast quarter (S. E. 1-4) of section five (5), township eighty-seven (87) north, range one (1), west of the 5th P. M., in Dubuque county, Iowa.	
Received .....	1312
Referred .....	1316
Passed .....	1360
Enrolled .....	1416
Signed by president.....	1430
325—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 assessment of taxes.	
Received .....	1230
Referred .....	1232
Returned .....	1271
Referred to sifting com....	1271
329—To abolish the state board of veterinary medical examiners, to transfer the powers and duties of said boards to the state veterinary surgeon and to establish a commission of animal health.	
Received .....	1012
Referred .....	1018
Reported .....	1227
Passed .....	1602
Reconsidered .....	1606
Amendment adopted .....	1606
Passed .....	1607
House concurred.....	1649
Enrolled .....	1726
831—Legalizing and curing the the acts and proceedings of the incorporated town of Charlotte and the town council of said incorporated town, in the county of Clinton and state of Iowa, in relation to the establishment, erection, maintenance and extension of a system of waterworks in said town, and the issuance of warrants of said town and in the payment therefor, and authorizing the town council of said town to issue bonds for the purpose of taking up and paying	

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its floating indebtedness represented by said warrants.	
Received .....	558
Referred .....	560
Substituted for S. F. No. 238 .....	594
Passed .....	594
Enrolled .....	616
Signed by president.....	632
 335—To amend section one thousand seven hundred forty-six (1746) of the code of Iowa, relating to co-insurance clauses in policies of fire insurance companies.	
Received .....	1013
Referred .....	1018
Reported .....	1048
Report adopted.....	1552
Amendment adopted.....	1570
Passed .....	1570
House concurred .....	1611
Enrolled .....	1701
 336—To amend chapter seventy-five (75) of the acts of the thirty-third general assembly, relating to officers' bonds.	
Received .....	1231
Referred .....	1233
Returned .....	1272
Referred to sifting com.....	1272
Failed to pass.....	1722
 337—To amend section eight (8) chapter sixty-four (64) of the acts of the thirty-third general assembly, and to repeal subdivision B, subdivision C, and subdivision D of section one thousand fifty-six-a-thirty-two (1056-a32) supplement to the code, 1907, and to enact a substitute therefor relating to the civil service commissioners, their duties and powers under commission form of government.	
Received .....	1105
Referred .....	1118
Reported .....	1262
Amended .....	1432
Amendment adopted.....	1434
Title amended.....	1435
Passed .....	1435
House concurred .....	1454
Enrolled .....	1543
Signed by president.....	1562
 342—To repeal section 1067 of the code, 1897, and enact a substitute therefor relating to the election of the clerk and reporter of the supreme court, and relating to their removal from office.	
Received .....	1012
Referred .....	1018
Reported .....	1057
Report adopted .....	1057

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346—To authorize the conveyance of land to the city of Cherokee for cemetery purposes.	
Received .....	849
Referred .....	850
Reported .....	926
Report adopted .....	1027
Passed .....	1027
Enrolled .....	1073
Signed by president .....	1090
 352—To amend section five thousand two hundred fifty-six (5256) of the supplement to the code, 1907, relating to the appointment and compensation of the clerks of the grand jury.	
Received .....	1148
Referred .....	1168
Reported .....	1263
Report adopted .....	1263
Indefinitely postponed .....	1263
 353—To amend sections one thousand eighty-seven-a4 (1087-a4) and one thousand eighty-seven-a19 (1087-a19) of the supplement to the code, 1907, as amended, relating to the holding of primary elections by political parties.	
Received .....	1013
Referred .....	1018
Reported .....	1056
Report adopted .....	1097
Passed .....	1097
Enrolled .....	1145
Signed by president .....	1146
 354—To amend the law as it appears in section twenty-seven hundred and fifty-four (2754) of the supplement to the code, 1907, relating to the election of officers in independent school districts in towns and cities.	
Received .....	1311
Referred .....	1315
 355—To amend the law as it appears in section twenty-seven hundred twenty-seven-a1 (2727-a1) of the supplement to the code, 1907, relating to the terms of office of the members of the board of control of state institutions.	
Received .....	849
Referred .....	850
Returned from committee.....	1274
Referred to sifting committee .....	1274
Amendment adopted .....	1349
Passed .....	1349
House concurred .....	1367
Enrolled .....	1466
Signed by president .....	1489

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356—Establishing the state colony for epileptics and making an appropriation for the purchase of land and the erection of buildings for said colony.	
Received .....	1520
Referred .....	1537
364—To provide for making an appropriation for the railroad commission on account of deficit in traveling and expense fund.	
Received .....	1474
Referred .....	1480
365—To make an appropriation for the payment of the bill of Hulse & Allen for transcript of testimony furnished the Iowa railroad commission in the cases before the interstate commerce commission involving general advance in rates.	
Received .....	1474
Referred .....	1480
367—To amend the law as it appears in chapter seventeen-a (17-a) title XIII of the supplement to the code 1907, relative to salaries and appropriations for the state library and the historical department.	
Received .....	1573
Referred .....	1581
Passed .....	1681
Enrolled .....	1744
Signed by president .....	1748
369—To amend the law as it appears in section nineteen hundred eighty-nine-a14 (1989-a14) as amended, and nineteen hundred eighty-nine-a21 (1989-a-21) of the supplement to the code, 1907, and section ten (10) chapter one hundred eighteen (118), laws of the thirty-third general assembly, relating to the subject of waters, water courses, levees, drains, drainage districts, and the taking of appeals and giving of notices in connection therewith.	
Received .....	1495
Referred .....	1496
Amendments adopted .....	1656
Failed to pass .....	1658
Motion to reconsider .....	1658
Amendment adopted .....	1679
Passed .....	1679
Title amended .....	1679
House concurred .....	1696
Enrolled .....	1745
Signed by president .....	1748
371—To legalize the acts of the town council of the town of Blanchard, in the county of Page, and state of	

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Iowa; appointing certain persons as members of said town council and empowering them to hold and exercise the duties of said office.	
Received .....	957
Referred .....	959
Amendment reported .....	1023
Report adopted .....	1075
Amendments adopted .....	1075
Passed .....	1076
House concurred .....	1117
Enrolled .....	1146
Signed by president .....	1146
372—To amend section one (1) of chapter one hundred fifty-one (151) of the acts of the thirty-third general assembly, relating to the manufacture and distribution of hog cholera serum, and providing for an appropriation of five thousand dollars (\$5,000.00) for the maintenance of the laboratory for the manufacture of such serum.	
Received .....	1312
Referred .....	1316
Reported .....	1376
Report adopted .....	1376
Passed .....	1549
Enrolled .....	1632
Signed by president .....	1664
375—Legalizing the acts of the stockholders and officers of the Boone county agricultural society of Boone county, Iowa, relating to the transaction of business under its former articles of incorporation and amendments thereto and its reincorporation.	
Received .....	647
Referred .....	654
Reported .....	701
Report adopted .....	808
Passed .....	809
Enrolled .....	866
Signed by president .....	870
377—To amend section thirteen hundred thirty-three-d (1333-d) of the supplement to the code, 1907, relating to the taxing of insurance corporations.	
Received .....	1311
Referred .....	1315
383—To legalize a special election of the independent school district of Paton, in the county of Greene, and state of Iowa, and all proceedings precedent thereto and to authorize the issue of bonds.	
Received .....	899
Referred .....	901
Reported .....	927
Report adopted .....	1028
Passed .....	1028
Enrolled .....	1073
Signed by president .....	1090



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384—To make an appropriation for the purpose of improving and protecting the reservation known as the "Whitestone Hills Battlefield" in North Dakota.		Report adopted .....	1245
Received .....	1231	Passed .....	1245
Referred .....	1233	Enrolled .....	1374
		Signed by president .....	1413
387—Amending the law as it appears in paragraph nine (9) of section four hundred and twenty-two (422) supplement to the code, 1907, relating to the powers of boards of supervisors.		403—To amend the law as it appears in section two hundred and fifty-four-a2 (254-a2) of the supplement to the code, 1907, and section one (1), of chapter 12 of the acts of the thirty-third general assembly, relating to the compensation of short-hand reporters.	
Received .....	1148	Received .....	1285
Placed on calendar .....	1167	Referred .....	1286
Substituted for senate file No. 424 .....	1167	Passed .....	1678
Passed .....	1215	Enrolled .....	1744
Enrolled .....	1254	Signed by president .....	1748
Signed by president .....	1251		
389—To indemnify H. C. Jackson for personal injury sustained by him while employed as head farmer at the state hospital at Mt. Pleasant, Iowa.		406—Making it unlawful to obstruct public highways and defining such obstructions and providing for the removal thereof.	
Received .....	1501	Received .....	1357
Passed on file .....	1538	Referred .....	1359
		Amendments adopted .....	1530
390—To declare certain diseases contagious and infectious, and to provide rules and regulations for the control of the same, and to fix the punishment for violation thereof.		Passed .....	1531
Received .....	1148	House concurred .....	1649
Referred .....	1167	Enrolled .....	1726
Reported .....	1207	Signed by president .....	1733
Report adopted .....	1207		
Failed to pass .....	1615	408—To legalize all the elections of the town of Floyd, in the county of Floyd, state of Iowa, and all acts performed and proceedings held or undertaken, and all ordinances and resolutions, or amendments thereto, passed by the town council of said, and all of the official acts of the town officers of said town, since the passage of the act relating to the organization of cities and towns and known as chapter twenty-six of the acts of the thirty-second general assembly, and defining the terms of office of the councilmen and officers of said town, and providing for future elections therein.	
Motion to reconsider .....	1638	Received .....	933
		Referred .....	949
392—Amending the law as it appears in section two thousand, five hundred thirty-nine (2539) of the supplement to the code, 1907, as amended by chapter one hundred fifty-two (152), acts of the thirty-third general assembly, fixing the salary of the fish and game warden and providing for the payment of his expenses.		Reported .....	1127
Received .....	1494	Report adopted .....	1320
Referred .....	1497	Passed .....	1321
Passed .....	1681	Enrolled .....	1466
Enrolled .....	1745	Signed by president .....	1489
Signed by president .....	1748		
402—To amend section one thousand five (1005), of the supplement to the code, 1907, with additional provisions in regard to the fire fund.		409—Amendatory to chapter six (6), title three (III) of the code, extending the jurisdiction of superior courts in cities which are not county seats, and which may now, or may hereafter have, a population of twenty-five thousand (25,000) or more; providing for trial by jury	
Received .....	899		
Referred .....	901		
Reported .....	1046		

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in such superior courts in such cities; providing for the number of jurors in such courts in such cities and the manner of their selection; providing the manner of making certain judgments of courts in such cities liens upon real estate; providing that the filing of petitions in such courts in such cities which affect real estate shall charge third persons with notice of the pendency of the action upon filing of a notice of pendency; providing for the salary of the judge of the superior court in such cities; providing for the compensation of the shorthand reporter of such court in such cities; providing for a deputy clerk of such court in such cities; and providing that the act shall apply to cities acting under the commission form of government.	
Received .....	1136
Placed on calendar .....	1144
Substituted for Senate File No. 408 .....	1154
Passed .....	1154
Enrolled .....	1211
Signed by president .....	1222
410—To amend section thirteen hundred nineteen (1319) of the code, and to enlarge the same so as to apply the exemptions provided for therein to the owners of stock in corporations incorporated under the laws of other states, subject to certain provisions.	
Received .....	1438
Referred .....	1439
411—Legalizing assignments of mortgages and other recorded lien made upon the margin of the records and making such assignments admissible in evidence.	
Received .....	932
Referred .....	950
Reported .....	1128
Report adopted .....	1210
Passed .....	1210
Enrolled .....	1254
Signed by president .....	1251
415—For the purpose of having a patent issued in the name of O. D. McGeorge for a certain tract of land.	
Received .....	1106
Referred .....	1119
Reported .....	1129
Report adopted .....	1280
Passed .....	1281
Returned from house .....	1334
Referred to sifting committee .....	1354

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Reconsidered .....	1355
Amendment adopted .....	1355
Passed .....	1355
House concurred .....	1366
Enrolled .....	1467
Signed by president .....	1489
417—To authorize the filing in the office of county recorder of copies of the tract books of land patents now on deposit in the office of the secretary of state, and making such copies presumptive evidence. (Additional to section 75 of the code.)	
Received .....	1461
Referred .....	1463
423—To amend section eighteen hundred twenty - two (1822) of the code, relating to beneficiary associations composed of the members of any one religious denomination and permitting any corporation heretofore organized, whose membership and plan of business permits, to bring its business under chapter nine, title nine, of the code.	
Received .....	1051
Referred .....	1059
Reported .....	1272
Referred to sifting committee .....	1272
Passed .....	1363
Enrolled .....	1415
Signed by president .....	1489
432—To protect the public health of domestic animals by providing for the inspection of live stock imported into the state of Iowa for dairy, work or feeding purposes .	
Received .....	1595
Referred .....	1599
435—To amend section seven hundred eleven (711), title five (V), chapter four (4), of the code, relating to fire limits.	
Received .....	1177
Referred .....	1181
Reported .....	1264
436—Authorizing and directing county attorneys to secure from the federal internal revenue collectors for Iowa certified copies of the names of all persons holding receipts or stamps showing payment to the federal government of the special tax imposed upon the business of selling intoxicating liquors within their respective counties other than registered pharmacists holding valid permits to keep and	



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476—To repeal the law as it appears in section two hundred eleven (211) of the code and section two hundred twelve (212) supplement to the code, 1907, and to enact a substitute therefor relating to the salary of the attorney general, his assistant and special counsel.	
Received .....	1285
Referred .....	1286
477—Authorizing the governor of the state of Iowa to issue patent, attested by the secretary of state, to lot six (6) in block ninety-six (96) of Iowa City, Iowa, in accordance with the recorded plat thereof, to John A. Reed.	
Received .....	1438
Referred .....	1439
Passed .....	1484
Enrolled .....	1584
Signed by president .....	1653
479—To amend section one (1), chapter one hundred twenty-six (126) of the acts of the thirty-third general assembly, providing a limit on the time for which switching engines may be used.	
Received .....	1495
Referred .....	1496
482—To amend section 592-a of the supplement to the code, 1907, relative to township use of public libraries, and limiting period of contract and levy of tax.	
Received .....	1311
Referred .....	1315
484—Making the estates of non-resident insane patients and persons legally bound for their support liable for the care and treatment of such patients in the state hospitals.	
Received .....	1040
Referred .....	1042
Reported .....	1129
Recalled by house .....	1147
485—Providing for the commitment of boys and girls to the industrial school and repealing the law as it appears in sections twenty-seven hundred eight (2708) and twenty-seven hundred nine (2709) of the supplement to the code, 1907, and chapter one hundred seventy-four of the acts of the thirty-third (33d) general assembly.	
Received .....	1117
Referred .....	1119
Passed .....	1588
Enrolled .....	1701

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486—To repeal the law as it appears in sections sixty-five (65) and twenty-six hundred twenty-seven (2627) of the supplement to the code, 1907, and to repeal sections eighty-six (86), ninety-eight (98), and one hundred fifteen (115) of the code, in reference to the salaries of the governor and his secretary, secretary of state, auditor of state, treasurer of state and superintendent of public instruction and his deputy, and allowance for his traveling expenses, and enact substitutes therefor.	
Received .....	1453
Referred .....	1458
488—To amend section seven hundred twenty-eight (728) of the code and supplement, relating to vacancies in office of library trustees.	
Received .....	1309
Referred .....	1314
Passed .....	1641
Enrolled .....	1727
Signed by President .....	1733
490—Providing for limitations for the commencement of actions, relative to real property, additional to chapter two (2), title eighteen (18), of the Code.	
Received .....	1453
Referred .....	1458
491—For the encouragement of manufacturing by authorizing and empowering boards of supervisors, councils of cities and towns, and cities acting under a special charter and under a commission, to exempt property of manufacturing plants from taxation and limiting the time.	
Received .....	1658
Referred .....	1666
492—To legalize and validate the acts of the city council of the city of Osceola, Iowa, in varying from and constructing paving and curbing on portions of Washington and Webster streets in said city on grades different from the established grades.	
Received .....	961
Referred .....	965
Reported .....	1024
Report adopted .....	1074
Passed .....	1074
Enrolled .....	1145
Signed by president .....	1146

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506—To amend the law as it appears in sections three hundred sixty (360), seventeen hundred eleven (1711), seventeen hundred twenty-one (1721), seventeen hundred twenty-eight (1728), seventeen hundred forty-five (1745), seventeen hundred eighty-seven (1787), seventeen hundred ninety-eight (1798), of the code, and to amend the law as it appears in sections thirteen hundred thirty-three (1333), seventeen hundred nine (1709), (division 1), seventeen hundred fifty-eight-b (1758-b), seventeen hundred eighty-two (1782), seventeen hundred fifty-nine-b (1759-b), seventeen hundred fifty-nine-f (1759-f), seventeen hundred ninety-eight-a (1798-a), seventeen hundred ninety-eight-b (1798-b), eighteen hundred thirty-nine-j (1839-j) of the supplement to the code, 1907, and to amend the law as it appears in section seven (7), chapter one hundred five (105), and section one (1), of chapter one hundred eleven (111) of the acts of the thirty-third general assembly; and to enact a section as section eight-hundred twenty-d (1820-d) to chapter eight (8), title nine (9) of the code, all relating to insurance.	<p>Received .....1617  Passed on file .....1629  Passed .....1672  Enrolled .....1727  Signed by president .....1733</p>	513—To amend section two (2) of chapter one hundred fifty-five (155) of the acts of the thirty-third general assembly, striking out the words "Big Sioux."	<p>Received .....1182  Referred .....1208  Amendments adopted .....1545  Passed .....1545  House refused to concur.1611  Senate receded .....1646  Passed .....1647  Enrolled .....1727  Signed by president .....1733</p>
507—To repeal chapter one hundred fifteen (115), laws of the thirty-third general assembly, and enact a substitute therefor, relating to banks and banking.	<p>Received .....1520  Referred .....1537</p>	515—In relation to the submission to a vote of a county of a proposition to remove or re-locate a county seat.	<p>Received .....1293  Referred .....1301</p>
512—To amend section 1056-a-nineteen (1056-a19) of chapter fourteen-c (14-c) of the supplement to the code, 1907, relating to the government of certain cities and acts amendatory thereof.	<p>Received .....1177  Referred .....1181  Reported .....1264  Passed .....1447  Enrolled .....1543  Signed by president .....1562</p>	523—To amend section twenty-one hundred twenty-five (2125) of the code, and section twenty-one hundred forty-five (2145) of the code, defining switching service by railway carriers and giving the railroad commissioners certain powers therein.	<p>Received .....1310  Referred .....1314  Passed .....1362  Enrolled .....1466  Signed by president .....1489</p>
		531—Providing for the production of books, papers and documents of corporations, partnerships, associations and individuals and to compel attendance and testimony of witnesses in proceedings relating to pools, trusts, combinations and monopolies, and in proceedings relating to unfair discrimination between different sections, communities, localities, cities and towns; providing immunity to persons so testifying; providing for proceedings upon failure of witness to so testify or so produce books, papers and documents.	<p>Received .....1357  Referred .....1359</p>
		540—Providing for the paroling of patients in the state hospital for inebriates and certain female patients from state hospitals for the insane, and for the return of patients who violate their paroles, and repealing the law as it appears in section twenty-three hundred ten-a-nineteen (2310-a19) of the supplement to the code, 1907.	<p>Received .....1310  Referred .....1315</p>

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542—To provide for the inspection of weights and measures, and to punish the keeping of false weights and measures.		559—To punish the crime of compounding misdemeanors and to declare the elements of such offense and to provide for the punishment therefor.	
Received .....1461		Received .....1438	
Referred .....1464		Referred .....1439	
Passed .....1671			
Enrolled .....1744		560—To license real estate brokers to provide for the expenditure of the license fees and fixing penalties for violation thereof.	
Signed by persident .....1748		Received .....1568	
		Referred .....1580	
543—To amend house file number six (6) of the thirty-fourth general assembly relating to the recovery of interest in real estate when spouse failed to join in conveyance .		561—To amend Section Twenty-three hundred ten-a21 (2310-a21) of the Supplement to the Code, 1907, relating to the regulation and control of the inmates to the hospital for the treatment of dipsomaniacs, inebriates, and those addicted to the excessive use of narcotics.	
Received .....1312		Received .....1310	
Referred .....1316		Referred .....131b	
Passed .....1680		Passed .....1587	
Enrolled .....1728		Enrolled .....1702	
Signed by president .....1733			
547—To amend the law as it appears in section twenty-one hundred thirteen (2113) of the supplement to the code, 1907, as amended by the acts of the thirty-third (33d) general assembly relating to the power of the board of railroad commissioners.		562—To create a commission to investigate the causes of insanity, epilepsy, mental deficiency, delinquency and criminality, and to recommend to the Thirty-fifth General Assembly measures calculated to prevent the spread of these diseases, defects and moral failures.	
Received .....1310		Received .....1595	
Referred .....1314		Referred .....1599	
551—To amend chapter nineteen-a (19-a) of title twelve (XII) of the supplement to the code, relating to the practice of dentistry.		565—To amend the law as it appears in section fifteen hundred and twenty-nine (1529) of the code and section one (1), chapter seventy-five (75) of the acts of the thirty-third general assembly, relating to the bond of township trustees.	
Received .....1311		Received .....1461	
Referred .....1315		Referred .....1463	
555—To amend the law as it appears in section seventeen hundred fifty-nine-1 (1759-1) of the supplement to the code, 1907, and to provide additional requirements, supplemental and amendatory to title nine (9), chapter five (5), all relating to mutual hail insurance companies doing business in Iowa.		569—To amend the law as it appears in section five thousand eighty-one (5081) of the code, relating to the penalty for nuisances.	
Received .....1597		Received .....1309	
Passed on file .....1601		Referred .....1314	
		Passed .....1643	
556—Declaring the emission of smoke within the corporate limits of certain cities to be a public nuisance, and conferring upon such cities additional powers for the abatement of such nuisances.		Enrolled .....1727	
Received .....1495		Signed by president .....1733	
Referred .....1496		574—To legalize the official acts of certain notaries public in and for Polk county, Iowa.	
Passed .....1676		Received .....1309	
Enrolled .....1728		Referred .....1314	
Signed by president .....1733		Passed .....1379	

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Enrolled .....	1416	594—To legalize the notices of a certain special election held at Corydon.	
Returned from house.....	1469	Received .....	1407
Substitute amendment adopted .....	1558	Referred .....	1420
Passed .....	1589	Passed .....	1485
House concurred .....	1598	Enrolled .....	1584
Enrolled .....	1631	Signed by president .....	1653
Signed by president.....	1430		
577—To amend the law as it appears in sections forty-nine hundred ninety-nine-a6 (4999-a6), forty-nine hundred ninety-nine-a7 (4999-a7), and forty-nine hundred ninety-nine-a8 (4999-a8) of the supplement to the code, 1907, relating to protection against, and means of escape from fire.		597—To amend section two, hundred thirty-three (233) of the code, relating to the calling of special terms of court.	
Received .....	1494	Received .....	1462
Referred .....	1496	Referred .....	1464
Amendment adopted .....	1642	Passed .....	1586
Passed .....	1642	Enrolled .....	1701
Title amended .....	1642		
House refused to concur ..	1674	599—To authorize boards of supervisors within their respective counties to grant permission to persons engaged in the manufacture of gas for illuminating and heating purposes to lay mains and pipes in highways to supply consumers outside of the territorial limits of the municipality in which the manufacturing plant of such person is located.	
Referred to sifting committee .....	1675	Received .....	1461
		Referred .....	1463
579—Authorizing the issue of a patent to the southwest quarter ( $\frac{1}{4}$ ) of the southeast quarter ( $\frac{1}{4}$ ), section sixteen (16), township seventy-six (76), range twenty-one (21), west fifth (5th) P. M.		Senate substitutes adopted.....	1556
Received .....	1408	Passed .....	1557
Referred .....	1420	House concurred .....	1649
Passed .....	1485	Enrolled .....	1725
Enrolled .....	1584	Signed by president .....	1733
Signed by president .....	1653		
585—To apportion the state into representative districts and declare the ratio of representation.		600—To amend the law as it appears in section twenty-seven hundred (2700) of the supplement to the code, 1907, relative to the support of the state institution for feeble-minded children at Glenwood.	
Received .....	1661	Received .....	1700
Referred .....	1666	Referred .....	1712
Passed .....	1668		
Enrolled .....	1727	601—To legalize the incorporated town of East Peru, Iowa, and to legalize the election of officers for said town and the ordinances, resolutions and other proceedings thereof.	
Signed by president .....	1733	Received .....	1453
		Referred .....	1458
588—To establish in the state of Iowa the title and ownership of all wild game, animals, birds and fish.		Amendment adopted .....	1459
Received .....	1494	Passed .....	1460
Referred .....	1497	House concurred .....	1493
Amended .....	1676	Enrolled .....	1584
Passed .....	1677	Signed by president .....	1653
House concurred .....	1696		
Enrolled .....	1745	602—To appropriate money for the purpose of defraying the expenses incurred in the election contests from the tenth (10) representative district of Iowa, and the eightieth (80) representative district of Iowa, and the ninety-ninth (99) representative district of Iowa, and to	
Signed by president .....	1748	Received .....	1407
		Referred .....	1421
591—Legalizing the ordinances of the town of Menlo, Guthrie county, Iowa, and the acts and proceedings of council of said town had thereunder.		Passed .....	1482
Received .....	1407	Enrolled .....	1542
Referred .....	1421	Signed by president .....	1562
Passed .....	1482		
Enrolled .....	1542		
Signed by president .....	1562		

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pay sundry persons for services, mileage, and other expenses incurred in connection with said election contest.	
Received .....	1384
Referred .....	1387
Reported .....	1518
Report adopted .....	1518
Passed .....	1534
Enrolled .....	1631
Signed by president.....	1664
 604—To amend section eight hundred and twenty-three (823) of the supplement to the code, 1907, in relation to publication of notice of assessment of street improvements.	
Received .....	1596
Referred .....	1600
Passed .....	1604
Enrolled .....	1701
 608—To legalize certain ordinances of the town of Williamsburg, Iowa.	
Received .....	1597
Referred .....	1600
Passed .....	1647
Enrolled .....	1726
Signed by president .....	1733
 612—To legalize a certain election held October 14, 1910, in the town of LaMotte, Jackson county, Iowa.	
Received .....	1628
Referred .....	1633
Passed .....	1634
Enrolled .....	1727
Signed by president .....	1733

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613—To legalize a certain contract entered into between the counties of Pocahontas and Calhoun, state of Iowa, in behalf of drainage improvement district No. 13 in Pocahontas county and drainage improvement district No. 9, in Calhoun county, Iowa, and to authorize the issuance of a warrant to Pocahontas county on the funds of said drainage improvement district No. 13 in Pocahontas county, Iowa, to the treasurer of Calhoun county, Iowa, for the use and benefit of drainage improvement district No. 9, in Calhoun county, and to authorize the levy and collection of taxes for the payment of the same.	
Received .....	1596
Referred .....	1600
Passed .....	1636
Enrolled .....	1728
Signed by president .....	1733

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Enrolled .....	617

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2—Requesting congress to call a convention for proposing amendment to the constitution of the United States.	
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Enrolled .....	1253
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## RECEPTION AND ACTION

- Relative to holding world's Panama exposition at New Orleans. Received, 133; passed on file, 134; substitute offered, 186.
- Requesting state historical society to supply members with copy of work on taxation. Received, 148; senate concurs, 154; passed on file, 159.
- Publication of pocket edition of standing committees of thirty-fourth general assembly. Received, 149; senate concurs, 155; passed on file, 155.
- Appointment of joint committee to visit state educational institutions. Received, 188; senate concurs, 188.
- Relative to improvement of capitol grounds. Received 225.
- Relative to lighting state historical building on Sundays during session of legislature. Received, 225; passed on file, 226.
- Appointment of committee to examine condition of soldiers and sailors monument, steps and walks leading to capitol, and all buildings and property adjacent to capitol owned by state. Received, 227; passed on file, 227.
- Relative to inviting Miss Pankhurst to address joint convention. Received, 285; senate concurs, 286.
- Memorializing Iowa members of congress relative to employes in railway mail service. Received, 359; referred, 360.
- Relative to the printing of copies of rules of the thirty-fourth general assembly and the distribution thereof. Received, 437; passed on file, 444; senate concurs, 444.
- Relative to order denying government employes right to solicit increase in pay. Received, 470; laid over, 479; senate postpones, 503.
- Adjournment from Friday, February 24th, to Friday, March, 3d. Received, 534; passed on file, 537; senate amends and concurs, 550; house refuses to concur, 565.
- Relative to appointment of sub-committee to visit institutions managed by board of control. Received, 619; referred, 633; senate concurs, 828; passed on file, 1063.
- Petitioning congress to favor passage of Dolliver-Davis bill. Received, 783; passed on file, 788.
- Providing for joint committee to invite pioneer lawmakers to attend Dolliver memorial services. Received 828.
- Relative to song "Iowa" by S. H. M. Byers, being state song. Received, 931; passed on file, 950; senate concurs, 1058.
- Relative to adjournment from Saturday, March 25th, to Tuesday, March 28th. Received, 1033; passed on file, 1041; senate concurs, 1050.
- Relative to printing and distributing 10,000 copies of drainage and road laws of state. Received, 1160; passed on file, 1166; senate concurs, 1565.
- Relative to final adjournment of thirty-fourth general assembly on Wednesday, April 12th. Received, 1160; passed on file, 1186; amended and adopted, 1228; house concurs, 1670.
- Authorizing secretary of state to have printed 5,000 copies of senate file No. 387 relating to taxation of moneys, credits and bank stocks. Received, 1334; passed on file, 1457.
- Relative to printing 3,000 additional copies of the report of state veterinary surgeon. Received, 1452; passed on file, 1463.
- Relative to printing early Iowa laws. Received, 1460; passed on file, 1464; senate concurs, 1669.
- Relative to giving codes, code supplements and session laws to certain officers of general assembly. Received, 1569; passed on file, 1579; senate concurs, 1594.
- Requiring board of control to submit plans of any contemplated building or improvements. Received, 1596; passed on file, 1600.
- Relative to purchase of chair and gavel for president of senate and speaker of the house. Received, 1655; senate concurs, 1655.
- Directing secretary of state to furnish Representative Geo. Van Camp copy of supplement. Received, 1672; passed on file, 1675; senate concurs, 1675.
- Relative to delivering Hon. E. R. Moore copy of code. Received, 1700; passed on file, 1712; indefinitely postponed, 1714.

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