

JOURNAL

OF

THE SENATE

OF THE

TWELFTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL, IN DES MOINES, IOWA, JAN. 13, 1868.



DES MOINES:

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1868.



JOURNAL OF THE SENATE.

SENATE CHAMBER, DES MOINES, IOWA,
JANUARY 13, 1868.

In pursuance of law the Senate of the Twelfth General Assembly convened at 2 o'clock P. M., and was called to order by Lieutenant-Governor Gue.

At the request of the President, Rev. W. W. King invoked the Divine blessing.

On motion of Senator Parvin, George P. Abel, of Polk county, was elected Secretary *pro tem*.

The roll was called of the senators holding over, and the following senators were present :

- 1st District — Joseph Hollman.
- 2d District — Eliab Doud.
- 14th District — J. M. Robertson.
- 15th District — John A. Parvin.
- 21st District — J. R. Reed.
- 22d District — A. M. Larimer.
- 27th District — J. Myer.
- 28th District — Jonathan W. Cattell.
- 30th District — S. S. Farwell.
- 40th District — James B. Powers.
- 42d District — H. C. Bulis.
- 46th District — Addison Oliver.

The following senators presented their credentials :

- 3d District — H. C. Traverse.
- 4th District — Madison M. Walden.
- 5th District — J. D. Wright.
- 6th District — E. M. Bill.
- 7th District — I. W. Keller.
- 8th District — N. B. Moore.
- 9th District — J. P. Casady.
- 10th District — C. L. Matthies.
- 13th District — A. H. Hamilton (to fill vacancy).
- 17th District — John C. Johnson (to fill vacancy).
- 19th District — Thomas McMillan.
- 20th District — George E. Griffith.

- 24th District — William P. Wolf.
 25th District — Samuel H. Fairall.
 26th District — Matthew Long.
 31st District — Robert Smyth.
 32d District — James Chapin.
 33d District — Wells S. Rice.
 34th District — F. M. Knoll.
 35th District — Joseph Grimes.
 36th District — W. G. Donnan.
 37th District — Homer E. Newell.
 38th District — William Larrabee.
 39th District — Marcus Tuttle.
 41st District — L. E. Fellows.
 43d District — J. G. Patterson.
 44th District — Isaac J. Mitchell.
 45th District — Theodore Hawley.

On motion of Senator Powers, James McConnell was elected Door-keeper *pro tem*.

On motion of Senator Reed, James Ranney was elected Sergeant-at-Arms, *pro tem*.

On motion of Senator Doud, Carrol Wright was elected Messenger *pro tem*.

On motion of Senator Oliver, William R. Patterson was elected Messenger *pro tem*.

Senator Myers moved that G. F. Work be elected Post-master *pro tem*.

Senator Farewell moved to amend by substituting the name of the person now acting as Post-master.

Senator Oliver moved to amend the amendment, by substituting the name of Jonathan Thacher; which motion prevailed, and the motion as amended was adopted.

Senator Bulis moved that a Committee on Credentials, consisting of five, be elected.

The motion prevailed.

Senator Farewell nominated for said committee, Senator Bulis.

Senator Oliver nominated Senator Myers.

Senator Robertson nominated Senator Parvin.

Senator Reed nominated Senator Hollman.

Senator Wolf nominated Senator Fairall, who were elected.

Senator Bulis moved that the Senate do now adjourn until 10 o'clock to-morrow morning; which motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES,
JANUARY 14, 1868.

Senate convened at 10 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Remsburg.

The Journal of yesterday was read and approved.

Senator Bulis, from Committee on Credentials, submitted the following report;

The Committee on Credentials ask leave to report, that having examined the credentials of the following named senators, they find the same correct, viz :

- District No. 3 — H. C. Traverse.
- District No. 4 — Madison M. Walden.
- District No. 5 — J. D. Wright.
- District No. 6 — E. M. Bill.
- District No. 7 — I. W. Keller.
- District No. 8 — N. B. Moore.
- District No. 9 — J. P. Casady.
- District No. 10 — C. L. Matthies.
- District No. 12 — A. R. Pierce.
- District No. 13 — A. H. Hamilton.
- District No. 17 — John C. Johnson.
- District No. 18 — John R. Needham.
- District No. 19 — Thomas McMillan.
- District No. 20 — George E. Griffith.
- District No. 22 — W. W. Cones.
- District No. 24 — Wm. P. Wolf.
- District No. 25 — Samuel H. Fairall.
- District No. 26 — Matthew Long.
- District No. 31 — Robert Smyth.
- District No. 32 — James Chapin.
- District No. 33 — Wells S. Rice.
- District No. 34 — F. M. Knoll.
- District No. 35 — Joseph Grimes.
- District No. 36 — William G. Donnan.
- District No. 37 — Homer E. Newell.
- District No. 38 — William Larrabee.
- District No. 39 — Marcus Tuttle.
- District No. 41 — L. E. Fellows.
- District No. 43 — J. G. Patterson.
- District No. 44 — Isaac J. Mitchell.
- District No. 45 — Theodore Hawley.

H. C. BULIS, Chairman of Committee.

The report was adopted.

The following oath was then administered and subscribed to by the newly elected members :

“ You and each of you do solemnly swear that you will support

the Constitution of the United States, and the Constitution of the State of Iowa, and that you will faithfully discharge the duties of Senator to the best of your ability."

Senator Hollman offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to furnish each member of the Senate with a copy of the Revision of 1860; also the Laws of Iowa since the Revision of 1860, and the Journal of the Senate of the Eleventh General Assembly.

Senator Cattell offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to furnish two additional desks for the accommodation of the reporters.

Senator Parvin offered the following resolution:

Resolved, That the compensation of the officers and employees of the Senate shall be as follows:

Secretary.....	\$5.00 per day.
First and Second Assistant Secretaries.....	4.00 per day.
Enrolling and Engrossing Clerks, each.....	4.00 per day.
Sergeant - at - Arms, Door - keeper, Janitor,	
Post - master and Assistant Post - master..	3.00 per day.
Paper - folders and Messengers.....	2.00 per day.

Resolution was not adopted.

On motion of Senator Bulis, the Senate proceeded to the election of permanent officers.

Senator Reed nominated James M. Weart of Buchanan county, for Secretary.

Senator Knoll nominated W. W. Garner of Louisa county, for the same office.

Those voting for Mr. Weart were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 38.

Those voting for Mr. Garner were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges — 3. Senator Cones voted blank.

Mr. Weart having received a majority of the votes cast, was declared duly elected Secretary.

Senator Doud nominated John A. T. Hull of Van Buren county, First Assistant Secretary.

Senator Fairall nominated John Remick of Johnson county, for the same office.

Those voting for Mr. Hull, were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mc-

Millan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 89.

Those voting for Mr. Reemick, were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham and Hedges — 3, Senator Cones voting blank.

Mr. Hull having received a majority of all the votes cast, was declared duly elected First Assistant Secretary.

Senator Parvin nominated George P. Abel, of Polk County, for Second Assistant Secretary of the Senate.

Senator Casady nominated Wilson Shoemaker, of Pottawattamie county, for Second Assistant Secretary.

Those voting for Mr. Abel, were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mc-Millan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 89.

Those voting for Mr. Shoemaker, were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges — 3. Senator Cones voted blank.

Mr. Abel having received a majority of all the votes cast, was declared duly elected Second Assistant Secretary.

Senator Larrabee nominated George H. Ballou, of Dubuque County, for Engrossing Clerk.

Senator Knoll nominated John Kries, of Dubuque County, for the same office.

Those voting for Mr. Ballou, were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mc-Millan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 89.

Those voting for Mr. Kries, were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges — 3. Senator Cones voted blank.

Mr. Ballou having received a majority of all the votes cast, was declared duly elected Engrossing Clerk.

Senator Farwell nominated E. G. Stanley of Jones county, for Enrolling Clerk.

Senator Fellows nominated John S. Monk of Allamakee county, for Enrolling Clerk.

Those voting for Mr. Stanley were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley,

Johnson, Kelley, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 39.

Those voting for Mr. Monk were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges — 3.
Voting blank, Senator Cones.

Mr. Stanley having received a majority of all the votes cast, was declared duly elected Enrolling Clerk.

Senator Walden nominated Val Mendel of Monroe county, for Sergeant - at - Arms.

Senator Hollman nominated William Applear of Lee county, for Sergeant - at - Arms.

Those voting for Mr. Mendel were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 38.

Those voting for Mr. Applear were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges and Larimer — 4.

Voting blank, Senator Cones.

Mr. Mendel having received a majority of all the votes cast, was declared duly elected Sergeant - at - Arms.

Senator Robertson nominated Thomas Morgan, of Louisa County, for Door - keeper.

Senator Richards nominated William Hunt, of Polk County, for the same office.

Those voting for Mr. Morgan, were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 37.

Those voting for Mr. Hunt, were Senators Casady, Fairall, Fellows, Hollman, Knoll, Richards — 6.

Absent and not voting, Senators Bennett, Dunham, Hedges, Larimer, Oliver — 5. Senator Cones voted blank.

Mr. Morgan having received a majority of all the votes cast, was declared duly elected Door - keeper.

Senator Meyer offered the following resolution :

Resolved by the Senate, the House concurring, That Jonathan Thacher be elected Post - master, and George F. Work Assistant

Post-master of the Twelfth General Assembly, and that it shall be the duty of the assistant post-master to carry the mails.

Senator Fairall moved to amend by striking out the names of Jonathan Thacher and George F. Work, and substituting therefor the names of Henry Holland, of Tama County, for Post-master, and Lewis Dunham, of Jackson County, for Assistant Post-master.

The amendment was lost. The resolution carried.

Senator Oliver offered the following resolution:

Resolved by the Senate, That J. Ivers and E. M. Butman, be appointed Paper-folders, and Carroll Wright and William R. Patterson Messengers, and William Remsburg Janitor of the Senate.

Those voting for the resolution, were Senators Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Mathies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 41.

Those voting against the resolution, were Senators Cones, Fairall, Fellows, Knoll — 4.

Absent and not voting, Senators Bennett, Dunham, Hedges and Richards.

So the resolution was adopted, and the persons therein named were declared duly elected to the respective offices.

Senator McMillan offered the following resolution:

Resolved, That the pastors of Des Moines be requested to perform the duties of Chaplain to this General Assembly in such order as they may jointly arrange.

The resolution was adopted.

Senator Farwell offered the following resolution:

Resolved, That each member of the Senate be allowed thirty copies of daily, or their equivalent in weekly newspapers, to be furnished during the session, and for one week thereafter.

Senator Bulis moved to amend by striking out thirty and inserting twenty, and by adding, three of which may be papers printed without the State.

Senator Wright moved to amend by inserting, "or an equivalent in cash."

The amendment was lost.

The amendment to strike out "thirty" and insert "twenty," and to add "three of which may be papers printed without the State," was disagreed to.

Senator Needham moved to amend by striking out "thirty" and inserting "ten."

The amendment was lost.

On adoption of resolution Senator Reed demanded the yeas and nays, which were as follows:

The yeas were Senators Bill, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Powers, Richards, Robertson, Smyth, Tuttle — 29.

The nays were Senators Bulis, Casady, Cones, Hamilton, Johnson, Keller, Needham, Parvin, Pierce, Reed, Rice, Smith, Travers, Walden, Wolf, Woolson, Wright — 17.

Absent and not voting, Senators Bennett, Dunham, Hedges — 3.

The resolution was adopted.

Senator Patterson offered the following resolution, which was adopted.

Resolved, That a committee of five be appointed by the President to consider and report to the Senate the amount of postage that should be allowed to members and officers of the Senate.

Senator Hawley offered the following resolution :

Resolved by the Senate, the House concurring, That the Senate and House will meet in joint convention for the purpose of canvassing the votes for Governor and Lieutenant-Governor, on Wednesday, January 15th, at 10 o'clock A. M., and that the inauguration of Governor and Lieutenant-Governor shall take place on Thursday, January 16th, at 2 o'clock P. M.

The resolution was adopted.

The President then administered the oath of office to the secretaries, clerks and employees of the Senate.

Senator Patterson moved that a committee of three be appointed to inform the House that the Senate is now organized and ready to proceed to business, which was agreed to, and the President appointed Senators Patterson, Farwell and Tuttle as such committee. The President announced as Committee on Postage, Senators Patterson, Hollman, Parvin, Richards and Rice.

On motion of Senator Reed, a committee of two was appointed to wait upon the Governor and inform him that the Senate is now organized and ready to receive any communication from him. Senators Reed and Cones constituted said committee.

The committee appointed to inform the House of the organization of the Senate, reported their duty discharged.

Senator Robertson moved that a joint committee of two on the part of the Senate, and three on the part of the House be appointed to examine the capitol building and ascertain if it is safe, and fix upon a place to hold the Inauguration. Carried.

The committee appointed to wait upon the Governor reported they had attended to that duty, and that the Governor would communicate to the Senate this P. M.

Senator Farwell moved that the Senate do now adjourn until 2 o'clock P. M., which motion prevailed, and Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, the President in the chair.

Senator Donnan offered the following resolution :

Resolved by the Senate, the House concurring, That the Senate will meet the House in joint convention this afternoon at 3 o'clock, for the purpose of hearing read the Biennial Message of His Excellency, Governor W. M. Stone, and that a committee of one on the part of the Senate and two on the part of the House, be appointed to wait upon the Governor and invite him to read his message to the joint convention.

The resolution was adopted.

Senator Griffith offered the following resolution :

Resolved, That the President of the Senate be entitled to thirty daily papers, or their equivalent in weeklies ; the clerks five dailies each ; and all the other officers two dailies or their equivalent in weeklies. Carried.

Senator Meyer offered the following resolution which was adopted :

Resolved, That the Senate will be governed by the rules of the Senate of the 11th General Assembly until otherwise ordered.

A committee from the House announced that the House had organized and were ready to proceed to business.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has adopted the concurrent resolution of the Senate in relation to meeting the House in joint convention at three, P. M., this day, for the purpose of hearing read the Governor's Biennial Message.

Also, that the House has adopted the Senate resolution relative to the examination of the capitol building and the selection of a place in which to hold the Inauguration, and that Messrs. Dudley, Irish and Rees have been appointed as committee on that subject.

BENJ. VAN STEENBURG, 1st Asst. Clerk H. R.

The President announced committee on examination of capitol building as follows: Senators Robertson and Fellows.

The President announced Senator Donnan as a committee on the part of the Senate to wait on the Governor and invite him to deliver his message to the joint convention.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has adopted the concurrent resolution of the Senate in relation to the appointment of Post-master and Assistant Post-master.

BENJ. VAN STEENBURG, Asst. Clerk.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable

Body that Messrs. Williams and Johnson, of Cherokee, have been appointed on the part of the House, as a committee to wait upon his Excellency, Gov. Stone, and invite him to meet the two houses in joint convention and read his Biennial Message at three, P. M., to-day.

BENJ. VAN STEENBURG, 1st Asst. Clerk.

The committee appointed to wait upon the Governor and invite him to deliver his Biennial Message to the joint convention, reported that they had performed that duty, and his Excellency would deliver the message at 3 o'clock.

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

Senator Hamilton moved the Senate do now proceed to the Hall of the House of Representatives, for the purpose of attending the joint convention, which was agreed to.

JOINT CONVENTION.

The joint convention was called to order by Lieutenant - Governor Gue.

Senator Patterson moved that a committee of two be appointed to inform the Governor that the joint convention were ready to receive his Biennial Message.

The motion prevailed.

The President announced as said committee, Senator Patterson and Mr. Cotton.

The committee having returned, reported that they had discharged their duty, and that the Governor was present.

The President then introduced the Governor to the joint convention, when he proceeded to deliver his Biennial Message.

Gentlemen of the Senate and House of Representatives :

In communicating to the General Assembly the condition of the State, as enjoined by the Constitution, I am permitted to review, with sincere gratification, a period of uninterrupted prosperity in the history and growth of our Commonwealth.

The success of our financial transactions during the last biennial term, with public and private faith co-existing and unimpaired, inspires confidence in our fiscal relations, and relieves us of any reasonable apprehension of future derangement. The prosperity of the people in their various pursuits, and the ample returns they have realized from well-directed industry, have enabled them to discharge their obligations to the State government with commendable promptitude, and impart vigor and stability to the execution of its powers.

An exhibit of our fiscal operations will show that, while we have been liberal in appropriations designed to promote the public

interests, we have also been just to ourselves by observing a system of economy that has confined the total expenditures of the State safely within its available resources. The result of this considerate policy is observable in the facts that the State is not only free from embarrassment, and, as will be seen, practically exempt from debt, but the resources at our disposal, after meeting all demands, arising from current expenditures and appropriations for special and extraordinary purposes, will furnish the basis for a liberal estimate of future disbursements.

While the State disburses more revenue now than at an earlier period, yet it by no means follows that there is less frugality in the management of its finances. As a state advances in age and population, its fiscal responsibilities become more extended and complex. Not only is the necessity for ordinary outlays continued and increased, but new exigencies arise for the application of its revenue.

All governments derive their support from that form or system of taxation, which the circumstances of the country, and the condition and pursuits of its people render most expedient and available. Accordingly, a wise government will so direct its affairs, and determine the limits of its expenditures, that the revenue required for the performance of its functions may be obtained without oppression or delay. Within these legitimate boundaries, taxation ceases to be onerous, and herein also a well-constituted government exemplifies the soundness and wisdom of its financial policy.

Among the grave subjects to which your attention will be earnestly directed during the present session, none will be more important than those measures demanding special appropriations of the public revenue. While it is my conviction that the people of Iowa will freely meet taxation on a scale adequate to the maintenance of the public credit, and the proper support of their state government, I am nevertheless admonished by well developed symptoms of monetary derangement, consequent in part upon hazardous experiments with the national currency, that extravagant or inconsiderate appropriations, in the midst of this uncertainty, may produce unnecessary embarrassment.

FINANCIAL STATEMENT.

The Reports of the Auditor and Treasurer, herewith presented, will furnish you with a detailed statement of the financial transactions of the State, under the various appropriations made by the last General Assembly, and also with the estimated resources and expenditures for the present biennial period.

At the close of the fiscal term ending November 4th, 1865, there was a residue of \$47,236.62 remaining in the Treasury, which entered into the resources of the period that has just expired.

Including this residue, there was received into the State Treasury during the last fiscal period from all sources, \$1,412,395.19, and the total disbursements during that time amounted to \$1,314,654.74 leaving an unexpended surplus, November 2d, 1867, of \$97,740.45.

These statements show that, notwithstanding the unusually large disbursements required under the appropriations of the last session, the increase of salaries, payments on the public debt, and the various exigencies which augmented the total of ordinary expenditures, we have, out of the revenue thus received, carried the State through the past two years without incurring new liabilities, and have left a larger balance in the treasury than has been found there at the close of any preceding fiscal period.

In order to understand this exposition more clearly, it may be well to state that nearly \$300,000 of these disbursements were required under the extraordinary appropriations made to the Orphans' Home, Agricultural College, Asylums for the Blind and for the Insane, and other purposes, including also \$114,000 in liquidation of the bonded debt of 1858. Deducting these items from the total expenditures, and it will be observed that the ordinary outlays of the state government during this time were materially curtailed from the former period.

The estimated expenditures for the present fiscal period is \$941,659.31, and to this amount must be added, of course, such appropriations for special and extraordinary purposes as the General Assembly in its wisdom may consider necessary for the public good. The resources for the next two years are estimated at \$2,175,754.21, which may be anticipated with reasonable certainty. In this amount is included \$300,000 due us from the United States on claims for military expenditures, which are now in process of successful adjustment, and will, as I am advised, be audited and paid at an early day.

PUBLIC DEBT.

Since the adjournment of the last session, we have, as before remarked, discharged \$114,000 of the bonded debt of 1858, leaving \$86,000 unpaid; but as the bonds are overdue and the State has taken the proper steps to liquidate them, they ceased to draw interest from the first of the present month. Although these bonds were not due, yet the entire amount of them would have been paid over one year ago, if their surrender for payment could have been procured. Deeming it advisable to save for the State the accruing interest on these bonds, the treasurer and myself made diligent inquiry for them among the leading bankers of the country, but our efforts to find them, except as to the amount already paid, were unavailing. The amount required to liquidate the balance of this indebtedness is on deposit at the Metropolitan Bank, New York, and will be disbursed on presentation of the bonds.

There being no warrants outstanding, the only remaining indebtedness of the State is the \$300,000 of seven per cent. bonds, issued for war and defense purposes in May, 1861, and due January 1st, 1881. Whether the holders of these bonds could be induced to surrender them for payment, in advance of their maturity, I am not advised; but if this desirable arrangement can be effected, I would recommend that out of the proceeds derived from our claims against the United States, the amount required for this purpose be appropriated and set apart. These bonds having been issued in raising money for military expenditures incurred in behalf of the Federal Government, there would be a manifest propriety in applying the proceeds derived from this source to the extinguishment of the debt thus created; or, in other words, to so manage that this debt will pay itself.

This measure may receive additional weight from the reflection that by adopting it, we shall save to the State \$21,000 as interest annually paid to the holders of the bonds. The policy of permitting our obligations to remain outstanding for a series of years at this high rate of interest, when the State has the means at hand to discharge them, is one which can not be justified by principles of sound economy. But if the surrender of these bonds can not be secured, would it not be advisable, as a measure of economy, to invest the requisite amount, when received from the United States in some class of interest bearing securities, and thereby relieve the people from the burden of this accruing interest. With the principal so invested, we could anticipate the maturity of the bonds, and effect thus early the practical liquidation of the entire debt.

The total amount anticipated from the payment of these military claims exceeds \$500,000, and appearances now indicate that we shall realize the whole amount within the present year.

The record here presented, reaching back to the commencement of the late civil war, and embracing a period of imminent peril to the national government, and of grave responsibility to the States, may be contemplated with profound satisfaction by every citizen of Iowa.

POPULATION.

Twenty-one years have elapsed since this Commonwealth passed from its territorial condition, and became a member of the Federal Union. Within a period quite brief, when compared with the history and progress of older countries, this generation has witnessed the origin and marvelous growth of a state that now contains one million of inhabitants, and which, in all the elements of continued advancement and enduring wealth, bids fair to exceed the highest anticipations of its early settlers. The rapid progress we have already made under circumstances which, during most of this period, were quite unfavorable to a speedy development of our resources,

is the result of obvious and natural causes. Organized out of territory which the Fathers had wisely dedicated to Freedom, with a genial and invigorating climate, with a soil of unsurpassed productivity, and amply supplied with the materials required in the various departments of industrial enterprise, the foundations for the prosperity and ultimate greatness of this State existed at the very period of its birth.

The history of Iowa as a distinct political organization dates from July 4th, 1838, when it was created a Territory, although it was not until the 28th of December, 1846, that it became a sovereign State. We started as a Territory with 22,859 inhabitants, and, at the time of its admission, the State contained a population of 97,588, principally confined to the earlier settlements along the eastern border, and in counties most convenient of approach from the Mississippi River. Of this population the counties of Lee, Van Buren, Des Moines, Henry, Dubuque and Jefferson contained over one-half, and there were only twenty-one other counties which, at that date, had reported any inhabitants at all.

When it is considered that the State contains no navigable streams within its boundaries, that during ten years subsequent to its admission it was entirely destitute of railroad-facilities, and that more than two-thirds of the immigration was compelled to reach us by toilsome journeys over rude and often impassable wagon-roads, the subsequent rapid increase of our population appears altogether remarkable.

During the ten years that followed our organization as a Territory, the average yearly increase of population was 11,196; and during the succeeding ten years, ending in 1858, the average increase per annum was 46,404. It will be observed that this last decade embraces the heavy immigration we received from 1854 to 1856, during which years, as the older citizens will not fail to remember, the population of the State was augmented more rapidly than at any other equal period of its history. The total increase for these two years was 193,400, or a yearly average of 96,700, showing that our advance during this period was greater than the entire population under the national census of 1850, and that our increase in a single year was equal to the total growth of population from the first settlement of the Territory up to the time of our admission as a State.

We now approach a period during which, in consequence of the late civil war, the population, commerce and general progress of the State were seriously retarded. From the taking of the national census of 1860 to the close of the rebellion, a period of nearly five years, the entire increase of population was only 79,186, producing a yearly average of less than 16,000. In the midst of so much derangement and calamity, while the young and enterprising men of other States were so generally devoting themselves to the public service, and while one-ninth of our own people were

connected with the national armies, it may be regarded as worthy of note that our population should have increased even to this extent. Since the return of peace, however, the State appears to have developed new energies, and received a wonderful impetus in every department of enterprise. The census returns for 1867 show a total population of over 900,000, and an addition since the census of 1865 of about 150,000, or nearly double the total amount of our growth during the five years which terminated with the rebellion.

In representing the present population of the State, I have only given the number actually returned by the different township assessors, who, in too many instances, are neither accurate nor thorough in their work. These returns having been made early in the season, include but little of the spring and none of the summer and fall-immigration. They also omit the productions of the last, and confessedly the most prosperous year with which Providence has blessed our State. From careful observation and a thorough analysis of the data thus furnished, I feel altogether warranted in saying that there are, at this time, not less than 100,000 inhabitants not included in the census of last year, which, added to the number returned, give us 1,000,000 as the present population of the State.

It is gratifying to contemplate that while we have thus steadily gained in population, the material wealth of the State has been augmented at a corresponding rate, and the labor and enterprise of our people have been abundantly rewarded. Upon this subject the census returns carefully compiled and published by the Secretary of State, will afford much interesting and valuable information. It will appear that with the advance of railroad enterprises, there has been a rapid appropriation of our vacant domain to agricultural purposes, and that far in the interior, and on the western slope, flourishing towns, and even cities, have sprung up at points where, until recently, the adjacent country has remained in its primeval condition. The rapid and constant yearly addition to the number of cultivated acres indicates the progress of agricultural interests, and the immense annual surplus of grain and stock, shipped to the markets of other States, demonstrate beyond all question that our soil and climate are favorable to the highest measure of agricultural development.

It is not, however, in the pursuit of agriculture alone that the enterprise and wealth of our people are advancing. In the general development of our varied resources, other departments of enterprise and of remunerative labor are likely to command a large share of attention, and realize an adequate measure of success. Our coal, peat, gypsum, rock, timber, and plentiful supplies of water, together with the various kinds of raw material produced within the State, or readily obtainable in exchange for our own productions, present the strongest inducements that can exist

for the introduction and promotion of manufacturing enterprises. That these advantages are already understood and realized is sufficiently illustrated by the fact that the capital employed in manufacturing purposes, as shown by the census returns of last year, amounts to \$15,757,599, and that the capital thus invested has been more than doubled within the last two years.

It would be well if the people of this State more fully realized the important fact that the various implements adapted to agricultural and mechanical pursuits, and the machinery required in various manufacturing purposes, may be abundantly supplied by the labor of their own artisans and mechanics. The vast sums now annually expended in the purchase of these articles from the princely establishments of the Eastern States should be retained to augment home capital, and encourage the enterprise and reward the industry of our own citizens. We should understand, as a grave question of political economy, that buying more than we sell, whereby the balance of trade is turned against us, exhausts capital and prevents the accumulation of wealth. I hope to see the attention of our people more fully awakened to the importance of a subject which so intimately concerns individual interests not only, but also the general welfare of the State.

COMMON SCHOOLS.

The carefully prepared and comprehensive report of the Superintendent of Public Instruction, will explain to you the condition and progress of our common schools. If shielded, as they wisely have been for several years, from the disturbing hand of attempted legislative improvement, and if liberally sustained by an intelligent public sentiment, our common schools may continue to advance in usefulness, and become an enduring monument to the eminent men by whose wisdom this admirable system of popular education was devised.

Our law generously extends the benefits of common school education to all persons within the State, between the ages of five and twenty-one years, while in many States school ages begin at six and end at fifteen or eighteen years. In this manner the total number to be provided for is largely increased, and educational advantages are thereby more widely extend. The enumeration for 1867 shows the whole number of persons of school age to be 372,969, being an increase over the former year of 24,471. The total number of teachers employed during the last year was 10,343, and an addition of one thousand to that of the preceding year, and showing that for every number of thirty-six persons having a right to common school privileges, one teacher has been employed. There are 5,454 school-houses reported, making an average of fifty-six for every organized county in the State, many of which counties contain less than one thousand inhabitants each, and averaging

over five school-houses to each organized township. And these, it should be remembered, are independent of the sixty-two academies, colleges and universities established at different points in the State.

The total amount expended for the support of common schools during the last year, was \$2,069,597.82, making eight dollars and four cents paid for each pupil in attendance during the year, and five dollars and fifty - five cents per capita for the entire number of school age, and the sum of two dollars and twenty - nine cents per capita for the entire population of the State, as shown by the recent census.

Without going into farther details, I submit the foregoing facts as sufficient to illustrate the practical workings and great success of our common school system. These liberal and wise provisions for the diffusion of educational advantages impartially among the youth of all classes, furnish contributions of imperishable value to the legacy which the people of this generation will bequeath to posterity.

I heartily concur with the Superintendent in his well - matured suggestions in favor of the establishment of a Normal School, and respectfully invite your attention to the views presented on this subject in my communication to the Eleventh General Assembly.

STATE UNIVERSITY.

The report of the Trustees of the State University at Iowa City will be laid before you. The additional building provided for under the appropriation made by the General Assembly in 1864 is completed and is now in use. The high rank which such a seat of learning should occupy, the fact that it is permanently established by the Constitution and placed under our control, and that its endowment is not fully adequate to its current wants, all impose upon the State peculiar obligations. Whatever, therefore, will contribute to the advancement and promote the usefulness of this valuable auxiliary to our educational system, should be promptly afforded.

CHARITABLE INSTITUTIONS.

The reports of the proper officers having charge of the Insane, Blind, and Deaf and Dumb, prepared with evident care and much labor, will explain with intelligent particularity the past transactions and present condition of their respective institutions.

It affords me much pleasure to assure you that these institutions, under their present management, are fully sustaining the high reputation they have hitherto borne. As the State advances in population, the unfortunate class of citizens for whose benefit these institutions were designed will continue to increase in number,

and require additional facilities for their accommodation and treatment. The duty of providing for these afflicted persons, is one of unavoidable obligation, and appeals, with peculiar force, to the noblest sentiments of our nature. Whatever is required to ameliorate their condition, and promote their comfort, should be promptly and generously bestowed. To withhold the means necessary to render the capacity of these institutions adequate to the growing demands upon them, because of the pecuniary burden imposed, is equivalent to saying that considerations of dollars and cents are of greater moment to the people of Iowa than the performance of Christian obligations.

The inadequacy of the building at Iowa City, now temporarily occupied as a deaf and dumb asylum, induced the General Assembly at its last session to pass an act permanently locating this institution at Council Bluffs. By this act commissioners were appointed to select the location, procure the plan and specifications for the building, receive proposals for its construction, and put the same under contract. It was also made the duty of these commissioners to report their proceedings to the Governor, on or before the first of October last, which report he was required to transmit to the General Assembly for its approval. This report was received too late for any examination at this department. I am advised by the commissioners that the delay has been occasioned by the destructive fire which occurred in that city in June last. I am informed, however, that the plan for this building has been selected, and a contract entered into for its construction, at a cost of \$310,000. An eligible site has been selected for the institution, within the required distance of that thriving city. It now remains for the General Assembly to determine whether the action of these commissioners shall be ratified, and the amount of money appropriated necessary to erect this building according to the plan adopted, and at the cost agreed upon in the contract. This subject is invested with so much importance, in all its bearings, that I can not too strongly urge it upon your careful and considerate attention.

ORPHANS' HOME.

The Home established for the care and maintenance of the children of our deceased soldiers is recommended to your thoughtful care. This institution, first established as a private corporation, and supported by voluntary donations from soldiers in the army and other sources, was finally adopted by the State and taken under its exclusive authority. The principal department is established near the city of Davenport, with branches at Cedar Falls and Glenwood. By this distribution the Home is rendered more accessible to the children of the State entitled to its benefits. It affords me pleasure to state that this institution is in excellent condition, and appears to have been managed with much practical

ability and economy. Schools have been established and conducted by a competent corps of teachers, thus combining educational advantages with the support of the children committed to its care.

Under the act of the Eleventh General Assembly, by which the State assumed the control of the institution, a levy of three-eighths of one per cent was required to be made for its support, allowing eight dollars and thirty-three cents per month for each child in attendance. Since this change occurred, July 1st, 1866, the sum of \$101,864,58 has been drawn upon the proper vouchers from the State Treasury for its support. The report of the Trustees, which will be submitted for your information, shows the total number of children now maintained at the Home to be 834, distributed as follows: Davenport branch, 537, Cedar Falls, 270, and Glenwood 27. The trustees recommend that the allowance for support and current expenditures be increased to the rate of twelve dollars per month, for each child in attendance, which amount, in their opinion, will furnish no more than an adequate support for the proper and efficient maintenance of the institution. They also recommend that the buildings be improved and extended, in order to provide suitable accommodations for the present and increasing number of inmates. For this purpose, according to the estimate of the Trustees, about \$27,000 will be required.

This subject deserves and should receive your deliberate and considerate attention. The responsibility of providing for these children was assumed under a sense of duty to the men who nobly filled the largest measure of responsibility to the country, by laying down their lives in its defense; and, in doing this, we but discharge, to a limited extent, the highest obligation that can be imposed upon a patriotic and grateful people.

PENITENTIARY.

Your attention is respectfully invited to the condition of the penitentiary, and to the necessity which exists for additional appropriations to increase its capacity and security. The report of the Warden and accompanying documents will fully explain to you the condition and wants of this institution. The necessity for an increase of cell-room is so manifest and urgent that I trust it will receive your prompt and favorable attention. The biennial period just elapsed began with eighty-seven convicts, and one hundred and forty-eight cells, and closed with one hundred and sixty convicts, and one hundred and sixty-two cells, leaving only two unoccupied. It will be observed that the number of convicts has nearly doubled within the last two years; and with the progress of population it is but reasonable to anticipate a continual increase of crime, requiring additional facilities for the keeping and accommodation of convicts.

It should be borne in mind that these additional cells must be

provided for immediately, unless the State is prepared to adopt the vicious and discarded system of doubling the convicts in their cells, which is prejudicial to health not only, but destructive of proper discipline.

With the large amount of combustible material unavoidably kept in the various workshops and about the prison inclosure, the danger from destructive fires is constant and imminent, and its occurrence would produce immense loss both to the State and the lessees of the convict labor. To provide against such a catastrophe, inasmuch as no insurance can be effected upon the buildings or their contents, it is necessary to construct a reservoir of sufficient dimensions, at some point on the prison walls, with suitable pipes and other fixtures requisite for flooding the various buildings when necessary, in any alarm of fire. This reservoir must be supplied with water obtained from the river by means of hydraulic power; all of which, as I am advised, can be accomplished at a moderate expense to the State.

The accounts and vouchers of the warden have been examined from time to time and found to be correct. The business and affairs of this institution appear to have been managed, in all respects, with commendable prudence. Its sanitary condition is excellent, not a death having occurred among the convicts during the last two years, and the good order and system which prevail are evidence that the discipline of the prison is efficient and complete.

STATE REFORM SCHOOL.

The report of the warden shows that out of one hundred and sixty convicts now in the penitentiary, there are 59 under twenty one years of age, and 34 of these vary in age from twelve to eighteen years. An examination of our criminal returns will reveal the melancholy fact that a very large and increasing proportion of those arraigned in our Courts, upon criminal accusations, are persons of tender age, many of whom find their way into the penitentiary, there to serve for a term of years in companionship with old and confirmed offenders. A large majority of these unfortunate youth are either orphans, cast out upon their own resources, or the neglected offspring of parents who are either too poor to support, or have, with criminal indifference, neglected the education and moral training of their children. Thus neglected, or deprived of the restraining influences of a well-ordered home, these unfortunate children are often driven into association with older companions, by whose corrupting manners and vicious propensities they are conducted, by sure degrees, into the perpetration of crimes, from which their better natures, if they had been properly directed, would have turned with horror.

Some years of observation and experience both as a judicial and executive officer have deeply impressed me with the conviction

that the soundest considerations of public economy, and every sentiment of an enlightened and Christian philanthropy, imperatively demand the erection of a reform school, for the instruction and reformation of juvenile offenders. Instead of working the reformation of such persons, a term in the State Penitentiary, by keeping them in the pernicious atmosphere of prison-life, constantly subjected to the demoralizing influences of confirmed and hopeless criminals, only serves to prepare them for entering upon a higher and bolder career of crime.

Many other States have deemed it expedient to adopt the policy here suggested, and the signal success which has marked the experiments of Reform Schools, and their universal popularity wherever they have been tried, serves to encourage me in urging the General Assembly to establish one in this State at the earliest day practicable. For this purpose, I would recommend that a tract of land, say from fifty to one hundred acres, be procured by donation or otherwise, at some eligible and convenient point, and that an appropriation be made for the erection of suitable buildings to put the school into immediate and successful operation.

Reference should be had to the erection of workshops where these offenders may also acquire a knowledge of some mechanical art, which, combined with well-directed intellectual and moral instruction, will serve to qualify them for a useful manhood, and stimulate them to higher and nobler aims after their terms of sentence shall have expired. With the income derived from these industrial operations, the institution may also, to a great extent, if not altogether, be rendered self-sustaining.

In my opinion a subject more grave and far-reaching in its character can not engage the attention of an enlightened and humane legislator.

SCHOOL - FUND.

I respectfully and earnestly renew the suggestions contained in my biennial message to the Eleventh General Assembly, in reference to the urgent necessity of requiring the permanent school-fund, now on loan to the counties, to be returned to the State Treasury, for the purpose of a more safe and available investment.

This suggestion did not originate with me, nor am I alone in entertaining the opinion that it has become a subject of grave concern. My predecessors, Governors Grimes, Lowe and Kirkwood, wisely directed legislative attention to this subject and, in forcible terms urged the necessity of a more prudent management of this fund. In these views they were cordially sustained by the accounting and financial officers of the State, whose duties and means of observation entitled their opinion to additional consideration. But, for reasons which I am unable to understand, these wholesome recommendations have been disregarded, and this

sacred fund, which the Constitution commits to our care, is permitted to float about the State under the precarious guardianship of county authorities. The immense and continued losses already resulting to the State, is deemed a sufficient argument to illustrate the impolicy of thus creating a hundred local banking shops out of this invaluable fund, designed for the education of our youth. The principal of this fund has already been diminished to the amount of over \$125,000; and while the State has obligated itself to pay to the schools interest on the entire amount at the rate of eight per cent., yet the aggregate of interest actually realized, owing to these losses, is only six per cent. on the entire principal, constituting thereby an annual loss to the State in this direction of \$50,000. Under the Constitution, the State is made the responsible guardian of this fund, the principal of which is intended as a permanent endowment to our common schools, the interest thereon being applied to their temporary support.

The State is thus rendered liable for every dollar of both interest and principal, and the people must inevitably be taxed to reimburse all losses which occur. How long this loose manner of performing constitutional obligations will continue, is a question which rests in the sound discretion and foresight of the General Assembly. I can not, however, divest myself of the conviction that our imperfect discharge of this solemn trust is a dereliction of duty, which must, in the calm judgment of posterity subject us to merited reproach.

The efforts of the present Auditor to obtain a satisfactory settlement with the delinquent counties have, owing to the imperfect manner in which their accounts are kept, so far resulted only in partial success. The county of Allamakee acknowledges the receipt of \$113,144.61 from this fund, over \$22,000 of which, so far as the State knows or can ascertain, have been lost sight of since the month of June, 1865. Losses of a similar character might be cited from other counties.

I therefore again recommend and urge the General Assembly to recall this money from the counties, and appropriate it to the establishment of normal and reform schools, or other State institutions; and that bonds be issued therefor to the school-fund, bearing interest at eight per cent., and payable semi-annually.

STATE HOUSE.

The unsafe condition of the present State House, with its cracked walls and insecure foundation, and its admitted incapacity for the purposes required, will suggest to your minds the urgent necessity for the construction of a new edifice of a size and character commensurate with the prospective demands and just pride of the State. Constructed largely of wooden materials, with articles of a combustible character scattered through its various

apartments, and having no vaults or fire-proof rooms as safe depositories for the documents, libraries, and archives belonging to the State, the building we now occupy, with its invaluable contents, is at no time secure from total destruction by fire. It is impossible to contemplate the magnitude of the loss that would result to the state from such a calamity, and the bare possibility of its occurrence is deemed sufficient to command your intelligent consideration of the subject.

In the prosecution of this work, if it be done in a proper and substantial manner, we can not economically expend more than \$150,000 per annum. An appropriation of this amount from year to year, basing our estimate in part upon the continued increase of taxable property, will require an average yearly assessment of less than one-twentieth of one per cent.

As to the plan and dimensions of the proposed structure, I shall interpose no views or suggestions of my own. The whole subject must be left to the considerate judgment and intelligent action of the General Assembly. We should bear in mind, however, that this edifice is not designed for the use of this generation only, but for future generations also; and in laying its foundations we should endeavor to anticipate the probable requirements of the State for many years to come.

It matters not how soon this building is commenced, or how vigorously the work may be advanced, a period of six to ten years will necessarily elapse before it can be completed, ready for occupancy. The durability of the edifice, and its perfect security from fire and other casualties, are the leading and essential objects to be kept in view, and to this end, it should be constructed entirely of stone and other incombustible material.

In my judgment every year's delay in the erection of a new Capitol, is unwisely jeopardizing the best interests of the State. I would, therefore, recommend that Commissioners be appointed to determine the plan, character and dimensions of the building, under such directions as you may consider advisable to adopt, and that they be empowered to commence the work at the earliest day practicable, and that an appropriation be made sufficient to carry it forward until the next meeting of the General Assembly.

GOVERNOR'S MANSION.

In retiring from the Executive Chair, I deem it my duty to recommend and urge upon the General Assembly, as a provision eminently calculated to advance the public service, that a suitable residence be provided for the incumbent of this office, and that he be required to reside at the Capital during his official term. While in a position to be personally affected by it, I could not with propriety have made this recommendation, and anticipating that the distinguished citizen who succeeds me may be restrained

by like motives of delicacy from making it the subject of an official communication, I am constrained to avail myself of the opportunity now presented to urge this subject as a measure demanded alike by the interests and the credit of the State. Iowa is among the very few states which have not already adopted such a provision. Since its organization, the Executives of the State have never been required to reside at the Capital, neither have they done so; and I feel well assured that until an Executive mansion is provided, or a material addition made to the salary, none will, in the future, desire to incur an expenditure far in excess of the compensation allowed by law. Although during the period of my first administration, in consequence of the military responsibilities it involved, the duties were unusually diversified and extended, yet even then, had my residence been at the Capital, I could have given much more attention to the ordinary business of the Executive office which, owing to absence, I was compelled to entrust to others. My own experience, therefore, as well as general observation, have impressed me with the importance of this addition to the office of Governor, and I can not, therefore, too strongly urge it upon your attention.

PUBLIC LANDS.

The report of the Register of the State Land Office will furnish the General Assembly with an accurate and comprehensive view of all matters connected with the several grants made by Congress for the benefit of the State.

Since the former report from that department was submitted, there have been patented to the State, under the several grants for educational purposes, 67,979 acres of land, all of which has been sold and patented by the State to individual purchasers. The claims for Swamp Land and Indemnity, filed by the different counties, are being earnestly pressed before the proper department at Washington, and I am able to assure you that they are gradually approaching a final and favorable adjustment. During the last biennial period, and up to the date of Col. Carpenter's report, the state has received, under the Swamp Land grant, patents for 247,947 acres, and since the date of said report patents for 42,720 additional acres have been received at the Executive office. These lands have all been patented to the proper counties, in pursuance of law and of the grant made by the State.

It will be observed that questions of an intricate and somewhat vexatious character, arising from adverse claims to lands embraced within the respective limits of the railroads and Des Moines River grants, remain unadjusted, and are likely to produce still further conflicts between these rival grantees and those who claim by purchase from them. But, as the settlement of these various and conflicting claims involves the adjudication of legal questions, and

a judicial interpretation of the Acts of Congress under which these grants were made, it is obvious that legislative action, however prudently devised, will contribute but little toward their ultimate determination.

RAILROADS.

While some of the railroad companies organized under the various land grants made by the State, have failed in many respects to comply, even substantially, with the conditions of their grants, yet, in view of the many difficulties which have confronted their efforts heretofore, and the assurances now given of an earnest and vigorous prosecution of their respective enterprises, we shall, in my judgment, be fully justified in the exercise of still farther leniency toward them.

It is manifestly the part of wisdom to encourage and assist, by well conceived and liberal measures, the prosecution of these needed enterprises in our State. Any system of legislation therefore tending to their discouragement, should be avoided, unless clearly demanded by considerations promotive of the public good.

I regret, however, that I am unable, with due regard for the public interest, to approve the conduct of the Dubuque and Sioux City Company, or commend their transactions to your favorable attention.

Under the provisions of the Act adopted by the General Assembly, at its extra session (in July, 1856) this company became the beneficiary of the grant designed to secure the construction of a railroad leading from Dubuque to Sioux City, and this valuable donation was accepted from the State with all the terms and conditions imposed. A large portion of this grant has already been absorbed by the company, in various ways, by pretended sales and incumbrances. This road has been constructed to Iowa Falls, a distance of one hundred and forty - three miles from Dubuque, but I am unable to discover any reliable evidence of earnest intention on the part of this company, to construct the line to its terminal point on the Missouri river.

The General Assembly need not be reminded that the development of the extensive and fertile region west of the Iowa river, would be greatly accelerated, and the State largely benefitted, by the early construction of this road as originally contemplated. It becomes our duty, in the judicious exercise of conceded authority over the subject, to so provide that the unappropriated portions of this grant shall be faithfully applied to the early completion of that enterprise. As the present company can not pretend to have complied with any essential conditions of their grant, their past derelictions and evidences of bad faith have been such as to preclude confidence in any assurances they may offer for the future.

I therefore earnestly recommend that the General Assembly

pass an act, resuming to the State the control over these lands, and that they be held by state authority for the benefit of some responsible company that will prosecute this work to its final termination.

PUBLIC SURVEYS.

The surveys of the State have been entirely completed ; and the office of Surveyor General discontinued by the United States. The possession of the various surveys, field - notes, maps and other records of that office by the State, is of great value for purposes of general reference and public information ; and is almost indispensable to the accurate performance of the duties of the Register of the State Land Office. These archives can not be turned over to this State until the General Assembly shall by law have provided for their reception and safe keeping, and for free access to them by the authorities of the United States.

In view of the great importance of these documents, I would urgently recommend that the State at once properly accept the custody of these surveys and records, and suggest the Register of the State Land Office as the proper person to be made custodian, and his office as the most desirable place to deposit.

GEOLOGICAL SURVEY.

The reports for the years 1866 and 1867, of the State Geologist and assistants, comprising all copies of the articles communicated from time to time to the papers of the State, have been received and will be laid before the General Assembly. The State Geologist has conducted the labors assigned him with praiseworthy energy and faithfulness ; and, although his work, on account of its scope, is only partially performed, yet it has already developed practical information of great value to the people of the State. Whatever tends to open up and make known in authoritative and reliable form the resources of Iowa, should receive your careful attention.

I recommend that a new appropriation be made, and that Dr. White be instructed to complete the geological survey as already inaugurated, by December, 1869, and prepare in due form a full and accurate report for publication.

MISSISSIPPI RIVER IMPROVEMENT.

I am officially advised by Major-General J. H. Wilson, engineer in charge of the Mississippi River Improvement, that in prosecuting this enterprise, it will be necessary to enter upon and appropriate real estate owned by individuals, bordering upon the river.

The only restriction, imposed by constitutional provisions, upon the taking of private property for public use, is the requirement that just compensation shall be made or secured therefor to the owner. I am unable to discover any law of this State applicable to the case, and without some legal mode being provided, authorizing the accredited agents of the United States to use and appropriate the land required, unnecessary delays may occur in the prosecution of the work. In order, therefore, to avoid the likelihood of any hindrance in the advancement of this great enterprise, from the want of proper state action, and to relieve these agents from the necessity of perplexing controversies with individuals, I respectfully recommend the early enactment of a law, authorizing the United States to appropriate private real estate along the Mississippi River, to the extent of 1,500 feet therefrom in width, when required in aid of said improvement, and determining the mode of assessing the damages by jury, the United States paying or securing the compensation awarded to the owners, before using the property condemned.

Improvements designed to enlarge the avenues of commerce and equalize its advantages, are, at all times, considerations of such vital and universal importance to the country, that a more extended and explanatory view of this great enterprise may not be deemed out of place in this communication.

The only serious natural impediments interposed to the navigation of the Mississippi River, between St. Paul and New Orleans, exist along the borders of Illinois and Iowa in the form of what is known as the Des Moines and the Rock Island Rapids. These rapids, though quite dissimilar in their formation and general characteristics are so developed as to render the navigation of this great stream, at certain seasons of the year, exceedingly hazardous and sometimes impassible for boats of ordinary tonnage. By reason of these obstructions the Northwestern States especially, are deprived of the inestimable advantages which this great commercial highway would otherwise afford. By removing these obstructions a safe and uniform medium of transit would be opened to the commerce of these states, from St. Paul to the Gulf of Mexico. The annual productions of this vast agricultural region, so largely in excess of local demands, would thereby secure a cheap and reliable mode of transportation to the markets of the Atlantic sea-board. To what extent the agricultural interests of the entire North-West would be promoted by this inter-state achievement, I need not undertake to show; indeed, its real magnitude, viewed with reference to the future, surpasses all computation. In my judgment the period has arrived when the substantial interests of this portion of the country require some system of transit-facilities, whereby the enormous cost of transporting agricultural productions may be essentially reduced. The injudicious and discriminating system of railway tariffs now existing, is the subject of almost

universal complaint, and by some is regarded as the most effectual means that ingenious selfishness can devise, for subordinating the proceeds of industrial pursuits to the interests of an imperious monopoly. And the people of these producing States, unless blind to their own welfare, will readily embrace that mode of transmission which imposes the lightest tax upon their productions. The profit realized by the producer is measured by the difference between the actual cost of production, and the price obtained for the commodity, after deducting therefrom the amount expended in getting it to market. It is obvious, therefore, that every dollar which the farmer pays in transport duties diminishes to that extent, the real value of his product, and augments, in like proportion, the amount of his inert capital. The sum expended in transportation, curtails the profits of the producer, and increases the cost, without enhancing the value of the product, to the consumer. The different modes of transportation being questions of relative waste or loss, considerations of economy require the adoption of the cheaper and equally available mode.

A reference to well ascertained facts, will afford us much light in solving this question. The cost of river transportation does not exceed two and one-half mills to the mile for a ton of average freight, ocean one and one-half, lake two, and canal five, while that of railway ranges from twelve to fourteen mills per mile. The loss to the producer in transportation by water, being so materially less than that by rail, most clearly recommends the former as the superior mode, whenever accessible. This comparison also discloses the fact, that the agricultural productions of this State can reach New York City at cheaper rates by river and ocean transit, than by railroad, lake and canal; and when the intermediate delays of transshipment are considered, it may not be inaccurate to assume that the latter is also a less expeditious route.

Nor is this the only or most important consideration involved. Being deprived of the advantages of continuous river transportation, the farmers of Iowa are practically excluded from the desirable markets of St. Louis and New Orleans, and deprived of the advantages which a more intimate commercial intercourse with those great cities would afford.

The most practical remedy for existing complaints will be found in the establishment of rival transit lines, and the choice of competing and equally available markets.

Commencing in the year 1829, five different surveys of these rapids have been made by engineers detailed from the military service of the United States, and acting under orders and instructions from the War Department. These surveys, though of a general character, served to develop the extent of the obstructions, and to confirm the idea that they could be permanently removed. The most thorough and scientific survey yet made is the one

recently conducted by Gen. J. H. Wilson, the accomplished engineer in charge of the work.

A brief description of the character and extent of these obstructions, may serve to illustrate the feasibility of the present undertaking to remove them. The Rock Island Rapids extend from the city of Davenport to Le Claire, a distance of fourteen and a quarter miles, developing a fall of about twenty-one feet between these points. The obstructions here presented consist mainly of a series of reefs or chains of solid rock, with navigable spaces between them.

Such being the character and extent of these obstructions, the mode adopted for removing them is, by excavating the rock from these reefs to an extent sufficient to procure a channel of two hundred feet in width, with a low water depth of not less than four feet, which will be sufficient for the safe passage of boats, with their barges attached, during the entire navigating season. These excavations are effected by means of coffer dams, chisel boats and subaqueous blasting. This work will require the removal of about 57,000 cubic yards of solid rock, at an aggregate cost of \$813,000. For this purpose Congress appropriated, in 1866, \$100,000, and in 1867, \$200,000. The contract for this work has been entered into, and if Congress makes the additional appropriation required, it will be completed during the summer of 1869.

The Des Moines Rapids extend from the city of Keokuk to Montrose, a distance of eleven miles, with a fall of twenty-one feet. These rapids are formed by a succession of reefs, or chains of rock, with only short intervals or "pockets" between them, and they form, during the low water season, a serious, and, at times, an absolute barrier to navigation. An attempt to establish a channel here for the passage of boats, by excavation, as at the upper rapids, was deemed utterly impracticable. For the improvement of these Rapids, therefore, the plan of a canal on the Iowa side was adopted. The proposed canal will be established in the bed of the river, except at two or three places where it will be necessary to make cuts through projecting points of land. The embankment on the river side will be protected by a "rip-rap" wall, and will be raised through its entire length two feet above the high water mark of 1851. When completed, this canal will have the capacity for floating the largest river steamers at any season of the year.

The estimated cost of this work is \$2,100,000, of which Congress appropriated in 1866 the sum of \$200,000, and in 1867, \$500,000, and if the required amount is provided, General Wilson expresses the opinion that the entire work will be completed by the month of July, 1869.

It is hoped that Congress will not fail to make the additional appropriations required, to complete these improvements. I trust the importance of this great work will not be overlooked by the General Assembly, and, that we may aid in its advancement, I

recommend a memorial and joint resolution to Congress, urging an immediate appropriation to complete the work.

I indulge the anticipation, that, in our day, this great national artery will teem with the commerce and carrying trade of the mighty States which border upon it. I hope to see magnificent cities, with their extended and ever-increasing commerce, flourish on its banks. And what people have a higher claim to the full advantages of this noble river, than they, who during the great war, bravely covered it with the national emblem, and crimsoned its waters with their blood!

AGRICULTURAL COLLEGE.

The Agricultural College building is nearly completed. This structure, in its architectural designs and mechanical execution, is one of the most imposing and substantial in the State. An appropriation will be required to furnish and prepare it for use. The farm should also be stocked and greatly improved. I recommend a liberal appropriation for the purpose of thoroughly testing by an experimental orchard the kinds of valuable fruits that may be grown in the State, and the most feasible and economical methods of cultivation.

We must not hesitate to do what is required to put this institution into practical operation. When this shall have been done, its rich endowment will be sufficient to continue and sustain it. The Board of Trustees will submit their report in due time for your information, rendering the giving of details on my part, unnecessary.

STATE HISTORICAL SOCIETY.

The officers and members of the State Historical Society, whose report will be submitted, have labored with great care and commendable zeal in collecting and preserving facts and relics of various kinds for the purpose of completing and perpetuating the history of the State. This valuable labor has been performed under serious disadvantages for the want of that assistance which, in my opinion, it was the duty of the State to render. Its operations have so far been conducted by individual enterprise, and to a great extent by private means. If this society, is to be regarded as a state institution, it is necessary, in order to promote its efficiency, that it be taken under state control and furnished with needed and appropriate aid.

CONSTITUTIONAL AMENDMENTS.

I transmit for your action the joint resolution of Congress, adopted June 16, 1866, proposing to the legislatures of the several States a "Fourteenth Article to the Constitution of the United States."

This proposed amendment embraces considerations of vast importance to the peace of the country; and is designed to secure in a more permanent form the dear-bought victories achieved in the mighty conflict carried on by the loyal men of the country for the preservation of the American Union. A large number of the States have already ratified the proposed Article; and the decision of the General Assembly of this State is now required, and I recommend that it be promptly and affirmatively given.

I discover, on examining the act (chapter 101, acts of 1866) proposing to the present General Assembly the pending amendments to the Constitution of this State, and prescribing the manner of publishing notice thereof, that grave doubts exist as to its regularity.

The Constitution (section 1, article 10) requires that three months' notice of a proposed amendment, be published "as *provided by law*." In the enrolled bill which submitted it, and which required the Secretary of State to publish the proposed amendment in one paper in each congressional district in the State, the enacting clause, which our Constitution requires all laws to contain, was inadvertently omitted. In my opinion the validity of the act and of the notice published in obedience to it, admit of most serious doubts, and you may find it necessary to re-submit the proposition of the last session. The question thus presented should be carefully considered before any law is adopted by the present Legislature, finally submitting the proposed amendments to a vote of the people.

I feel assured, however, that you will not falter upon this great question of popular rights, as I shall not myself; and I know the people of Iowa will not take any backward step, or permit their flag to be lowered.

OPINION OF JUDGES.

The legislative and executive departments of the state government are not unfrequently required, in the performance of their functions, to act upon matters important to the public interest, where grave questions of constitutional or statutory law are involved. The embarrassment experienced in such cases is greatly augmented by the fact that the immediate action of the department is required, when an error of judgment, in the legal questions concerned, may result in much detriment, both to public and individual rights. As the law now stands the members of the judiciary are not authorized to render any opinion upon questions, unless in the adjudication of a case regularly brought and submitted. To obviate these difficulties, some mode must be provided for a resort to judicial assistance in a manner that will render it authoritative upon the questions involved.

In many other states their constitutions provide that "the justices of the Supreme Court shall be obliged to give their opinion

upon solemn occasions, when required by the Governor, Council, Senate, or House of Representatives."

This provision has been thoroughly tested in States where it prevails, and their experience has amply demonstrated its wisdom and utility. By this means also, much uncertainty and expensive litigation might be avoided in settling the constitutionality of legislative enactments. In the absence of any provision in the Constitution on this subject, I entertain no doubt that you have power to pass a law establishing such a regulation, and earnestly recommend that it be done.

COURTS.

The attention of the General Assembly is respectfully invited to the importance of introducing some material change in the structure of our judicial department, whereby the increasing business of the present courts may be curtailed, and the prompt administration of justice more perfectly secured.

The Constitution wisely provide that courts, inferior to the Supreme Court, may be established from time to time by the General Assembly. An additional court of common law jurisdiction in the more populous portions of the State, has become necessary for the speedy administration of justice, and the vindication of individual rights. To meet the present requirements, a change can be made in the organization of the county court, making it a court of quarter sessions, giving it appellate jurisdiction in causes determined before justices of the peace, and such additional jurisdiction concurrent with the District Court as you may deem it expedient to confer. This provision should be limited in its application, to counties above a prescribed minimum population. The objection that the judges of the county court are not generally chosen with a view to the performance of judicial duties, would probably cease after the court itself is thus reconstructed. Should this plan meet your approbation, it would be advisable to so provide that the new system will not go into operation until the close of the present year, and afford the people an opportunity at the ensuing fall election to select judges with reference to the increased duties and responsibilities of the new court.

COUNTY AUDITOR.

Concurring with the Auditor of State in the opinion that a change can be made in the present system of county government, which will conduce to greater accuracy and dispatch in the transaction of local business, and also render more satisfactory the fiscal relations which must always exist between the State and the counties, I recommend that a law be passed establishing the office of Auditor in all counties having 15,000 inhabitants and upward.

The incompatible duties now imposed upon the clerks of the district court, rendered onerous and exceedingly complicated in the populous counties, cause much delay and sometimes fatal errors in important matters pertaining to the public revenue.

REVENUE LAW.

Under our present revenue law, and the generally loose manner of its execution, opportunities are afforded for withholding a large amount of concealed capital from the tax lists. To a great extent, moneys and credits are not faithfully returned to the assessors, and thereby much of this class of property escapes its full share of taxation. In this manner, it can not be denied, frauds are perpetrated upon the State and local revenues. This system of abuse can, in my judgment, in part be avoided. The law should be so amended as to require the assessor to take the affidavit of every person whose property is enlisted; and return the same with the tax lists as evidence for all purposes, civil and criminal. The county treasurer should also be required, upon information received that a false return of property has been made, to summon the party before him for examination under oath, and also to take other testimony, and decide the case according to the facts. It should be the duty of the treasurer to do this, under a severe penalty for its omission. Such a law would doubtless produce beneficial results. Capital should not be permitted to assume any form or take any direction that will shield it from a just and equal share in the burdens of government.

REGISTER LAW.

The attention of the General Assembly has frequently been invited to the importance of a well-devised registry law, whereby increased regularity may be imparted to our electoral system, and the perpetration of frauds prevented. The purity of the elective franchise is essential to the stability and perpetuation of Republican government; and while the elective privilege should be impartially distributed, its exercise may and should be defined and regulated by statutory enactments calculated to preserve it from abuse. I therefore repeat the recommendations heretofore made, and urge the adoption of such a law.

ADJUTANT GENERAL'S OFFICE AND REPORT.

In December last, on the completion of the State Arsenal at Des Moines, I directed Adjutant-General Baker to remove his office with all the property thereunto belonging, to the Capital. This building has cost some \$4,000 more than the special appropriation made for its erection, although the Commissioners have performed

their duties faithfully and economically, and constructed the only fire-proof building belonging to the State. I recommend that an appropriation be made sufficient to meet this deficiency, and also to put the Arsenal and grounds in proper condition.

The report of the Adjutant General for the past year, containing the finale of the history of Iowa soldiers, and necessary to complete our record of the war, has been made to me, and will be duly submitted for your inspection. I recommend that this valuable document be printed and a sufficient number of copies ordered to supply all proper demands. The affairs of this office, from the beginning of the late war to the present time, have been conducted with distinguished ability, and have reflected great credit upon the officer in charge.

CONCLUSION.

Other subjects I might have presented, but space will not permit. What has been omitted, however, your individual intelligence and collective wisdom will readily supply.

Accepting this high office at a critical juncture in public affairs, the duties which devolved upon me were grave and difficult. In the discharge of these duties I have endeavored to advance the public welfare, and my conscience acquits me of any motive incompatible with the honor of the State. Whatever errors may have occurred are mitigated by the reflection, that the State has emerged from its vicissitudes, and enters upon a new period, with its finances and institutions unimpaired, with a name high on the roll of fame, and its people prosperous and contented. With these auspicious omens to cheer us, and no cloud above, the helm passes to another.

In a broader field great events have transpired. The power of treason has been crushed, although its spirit still lingers in the land. Freedom has been exalted, and a gigantic nation redeemed. From shore to shore of the great Oceans, from the Lakes to the Gulf, strong arms and resolute hearts are uniting to strengthen the institutions of liberty and perpetuate a government which their valor and blood have defended.

Will this nation pause at the threshold of destiny, and forget its noble army of martyrs? Shall the progress of the revolution started amid the carnage of war and the agonies of men, be thwarted by a perfidious arm? Iowa answers, with a voice emphatic as the thunder of her guns: No! — NEVER! NEVER!

As there is but one Throne before which all can bow, so may there exist but one form of government for all, extending its blessings, under the providence of God, until they encircle the whole brotherhood of man.

The reading of the message being concluded, on motion of Mr. McNutt, the joint convention was dissolved.

FOUR - AND - ONE - HALF O'CLOCK P. M.

The Senate having returned to its chamber was called to order by the President.

Senator Woolson moved that 5,000 copies of the Governor's message be printed.

Senator Hollman moved to amend by striking out "5,000" and inserting "2,000."

Senator Matthies moved to amend by adding 1,000 copies in the German, five hundred copies in the Swedish, and five hundred copies in the Holland language.

Senator Meyer moved as a substitute for the motion under consideration, that 3,000 copies of the Governor's message be printed in the English language, 1,000 copies in the German language, five hundred copies in the Holland language, five hundred copies in the Norwegian language, and five hundred copies in the Swedish language, which was adopted, and the motion as amended was concurred in.

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

SENATE CHAMBER, DES MOINES,
January 15, 1868.

Senate convened at 10 o'clock A. M. The President in the chair. Prayer by Rev. Wm. Remsburg.

On motion of Senator Hawley, the reading of the journal of yesterday was dispensed with for the present.

Senator Bulis, from Committee on Credentials, submitted the following report:

The Committee on Credentials ask leave to report that they have examined the credentials of G. G. Bennett, Senator elect from the Fifteenth Senatorial District, and find the same correct.

BULIS, for Committee.

The report was adopted, and the newly elected member then took and subscribed to the following oath: "You do solemnly swear that you will support the Constitution of the United States and the Constitution of the State of Iowa, and that you will faithfully discharge the duties of Senator to the best of your ability."

Senator Patterson, from the Committee on Postage, submitted the following report:

Your Committee on Postage direct me to report the following resolution, and recommend its passage.

J. G. PATTERSON, Chairman.

Resolved, That the Secretary of State be instructed to procure and furnish to the President of the Senate, and each member, postage in stamps, stamped envelopes, and wrappers, as they may want, to the amount of six dollars per week, and to each of the other officers of the Senate to the amount of one dollar and fifty cents per week.

Senator Needham moved to amend the report by striking out six and inserting four. The amendment was lost.

The report was then adopted.

The President laid before the Senate a communication from C. C. Cole, late President of the Soldiers' Orphans' Home, which was read, and on motion of Senator Parvin was laid on the table temporarily.

The following message was received from the House :

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

Resolved by the House of Representatives, the Senate concurring, That the Secretary of State be directed to furnish each member of the General Assembly a copy of the Revision of 1860, and also, all the statutes passed subsequent thereto, the latter bound together in one volume.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Bennett introduced Senate File No. 1, a bill for an act to amend "An act for the relief of the widow and indigent children of Joseph Kitterer."

Read first and second time, and referred to a special committee of three, consisting of Senators Bennett, Cattell and Newell.

A committee from the House announced that the House was ready to meet the Senate in joint convention for the purpose of canvassing the votes for Governor and Lieutenant - Governor.

Senator Woolson moved that a teller be appointed on the part of the Senate. Motion concurred in, and the President appointed as teller Senator Reed.

Senator Woolson moved that the Senate do now proceed to meet the House in joint convention.

The motion was adopted and the Senate proceeded to the hall of the House of Representatives.

SENATE AND HOUSE OF REPRESENTATIVES IN JOINT CONVENTION, January 15, 1868.

The President of the Senate in the chair, who announced that the convention had met for the purpose of canvassing the vote for Governor and Lieutenant - Governor of the State of Iowa, and declare the result, and that Senator Reed had been appointed teller on the part of the Senate, and Hon. Mr. Knapp teller on the part of the House.

The Speaker proceeded to announce the votes of the several counties of the State.

Pending the counting of the votes, Senator Cattell moved that the joint convention take a recess until two o'clock P. M.

Motion prevailed, and the joint convention took a recess.

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TWO O'CLOCK P. M.

Joint convention re-assembled in the hall of the House of Representatives, where the canvass was concluded with the following result :

FOR GOVERNOR.

Whole number of votes cast.....	151,838
Of which Samuel Merrill received.....	89,144
Charles Mason received.....	62,657
Scattering.....	87

FOR LIEUTENANT - GOVERNOR.

Whole number of votes cast.....	152,358
Of which John Scott received.....	89,251
D. M. Harris received.....	62,746
Scattering.....	361

Whereupon the President announced Samuel Merrill duly elected Governor of the State of Iowa for the term of two years from the second Monday in January, 1868, and John Scott duly elected Lieutenant - Governor of the State of Iowa for the term of two years from the second Monday in January, 1868 — they having received a majority of all the votes cast at the election in October last (1867), and certificates of their election were read and signed as follows :

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, IOWA, January 15, 1868.

This will certify that upon a canvass in joint convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D. 1867, for the office of Governor of the State of Iowa, it appeared that Samuel Merrill received a majority of all the votes cast 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 elected and qualified.

Signed in presence of joint convention, this 15th day of January, A. D., 1868.

B. F. GUE,
Lieut. - Gov. and Pres. of Joint Convention.
JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :
JOS. R. REED,
Teller of Senate.
THOS. B. KNAPP,
Teller of House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES,
DES MOINES, January 15th, 1868.

This is to certify that upon a canvass in joint convention of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D., 1867, for the office of Lieutenant - Governor of the State of Iowa, it appeared that John Scott received a majority of all the votes cast 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 elected and qualified.

Signed in the presence of joint convention, this 15th day of January, 1868.

B. F. GUE,
Lieut. - Gov. and Pres. of Joint Convention.
JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :
JOS. R. REED,
Teller for the Senate.
THOS. B. KNAPP,
Teller for the House of Representatives.

Senator Reed moved that a committee of two be appointed to wait upon the Governor and Lieutenant - Governor elect, and inform them of their election.

The motion prevailed, and the President appointed Senator Reed, on the part of the Senate, and the Speaker of the House appointed Mr. Wilson, of Dubuque, of the House, as such committee.

Mr. McNutt, of the House, moved that the convention rise.

The motion prevailed, and the convention was dissolved.

THIRTY MINUTES PAST TWO O'CLOCK,

The Senate having returned to its chamber was called to order by the President.

Senator Doud moved that the vote by which the Governor's Message was ordered printed on yesterday, be reconsidered.

The motion prevailed.

By leave Senator Woolson moved that so much of the resolution as related to the printing of the same in English language be stricken out. The motion was adopted.

By leave, Senator Parvin offered the following resolution, which was adopted:

Resolved, That (the House of Representatives concurring) there be a joint committee of two from the Senate and three from the House to investigate the subject alluded to in the memorial of C. C. Cole, now on the table; and that said committee have full power to send for persons and papers.

By leave, Senator Robertson submitted the following report which was adopted:

The committee appointed by concurrent resolution to examine the condition of the State House with reference to its safety, would respectfully report that we have examined the State House carefully, and believe it entirely safe for all that can possibly be seated, or find convenient standing room on the floor of the House and galleries. We would therefore recommend that the joint convention for the inauguration of the Governor take place in the hall of the House of Representatives.

J. M. ROBERTSON, } On the part
L. E. FELLOWS, } of the Senate.

C. DUDLEY, } On the part
SAM'L REES, } of the House.
JNO. P. IRISH. }

Senator Hawley moved that the Senate do now adjourn until to-morrow at 1½ o'clock, P. M.

The motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
JANUARY 16th, 1868, 1½ o'clock, P. M. }

The President being absent, the Senate was called to order by the Secretary, who stated that in the absence of the President of the Senate, a temporary chairman should be selected.

On motion of Senator Bulis, Senator Woolson was made temporary chairman.

Senator Robertson moved that the Senate take a recess until five minutes before 2 o'clock. The motion prevailed.

ONE O'CLOCK AND FORTY - FIVE MINUTES, P. M.

The Senate was called to order by the President.

A communication was received from the Governor, at the hands of his private Secretary, Major Geo. J. North, which was laid upon the President's table.

A committee from the House announced that the House was ready to receive the Senate in joint convention for the purpose of inaugurating the Governor and Lieutenant - Governor elect.

On motion of Senator Patterson, the Senate then proceeded to the Hall of the House of Representatives.

JOINT CONVENTION.

Lieutenant - Governor Gue announced the meeting of the joint convention for the purpose of the inauguration of the Governor and Lieutenant - Governor elect.

Mr. Cotton offered the following resolution, which was adopted:

Resolved, That the Judges of the Supreme Court and the state officers be invited to take seats on the platform.

The Sergeant - at - Arms announced the Governor and Lieutenant - Governor elect, Supreme Judges and State officers, who entered the hall and took the seats assigned them, the band playing Hail Columbia.

Prayer by Rev. Mr. Trusdell.

The oath of office was then administered to the Governor and Lieutenant - Governor elect by the Honorable George G. Wright; one of the Justices of the Supreme Court.

George P. Abel then sang the Battle Hymn of the Republic.

Governor Merrill then proceeded to deliver the Inaugural Address.

Gentlemen of the Senate and House of Representatives :

With gratitude to the people of Iowa for an election to the responsible office of chief magistrate of the State, I appear before you to take the solemn obligations prescribed by the Constitution, and to give assurance of fidelity to the interests of the Commonwealth.

The period in which we meet is distinguished with peculiar favor. The labors of the husbandman have been crowned with plenty; Pestilence and Want have not visited us; a spirit of good will and fraternal regard has prevailed throughout all our borders. Let us gratefully acknowledge the beneficent Author of these blessings and recognize our increased obligations of obedience and love.

The prospects of our State were never more hopeful. The finances are in a sound and healthful condition. Notwithstanding the heavy burdens of the war, we find ourselves untrammelled with debt and free from exhausting taxation. Our seasons are kindly, and

harvests abundant. The useful and mechanic arts have not been neglected in the development of our resources. Never in our history has the spirit of internal improvements exhibited such strength of purpose as to-day, and energy and enterprise are everywhere striving to promote the commercial facilities of the State. Especially is this manifest in the rapid development of our railway communications. In 1859 the number of miles of railway in operation was three hundred and ninety; in 1865 it was seven hundred ninety-three; while at the present time it can not be less than twelve hundred, and as this estimate embraces but a fractional part of chartered lines, we see how hopeful, how full of promise is our own future in this particular. The growth of our cities and towns; the spread of our commerce; the multiplication of schools and colleges in our midst, are evidences of a substantial and progressive prosperity.

The representation of the condition of the State in its details by my predecessor have given you a favorable introduction to its varied interests, and I bespeak for his recommendations your careful consideration. To again consider the topics which have been so recently and so well presented would seem unnecessary upon the present occasion. Hereafter I may deem it my duty to invite your attention to some particular subjects of legislation, and therefore I shall be pardoned if I now turn to the more extended field of national affairs.

In the war for preserving the unity of the Republic, the people of Iowa bore a leading and brilliant part. Well may we congratulate ourselves, therefore, that the labors in which we have shared, the sorrows in which we have participated, the hopes and anxieties which we have felt in common with loyal hearts all over the land, have established it upon firmer foundations than ever before. The pernicious dogma of "State Rights" perished with the sword which was drawn in its defense. It is one of the first fruits of victory that we are not a Republic of corporations, but a Republic of the people, and that in questions affecting the interests of all the States, the ultimate arbiters are the people of the United States. While the rights of none are to suffer encroachment, and the prerogatives of each are to be jealously guarded by the power of the whole, the popular will must be the great expounder of the Constitution. The cry has been raised that in establishing and fortifying the powers of the nation, the people are in danger of losing their liberties. History has been cited to show that we are imitating the unhappy policy of other free governments, in which, first the spirit, and then the form, of their institutions perished. But it is forgotten that men have never before attained a freedom worthy of the name, and that if they failed they failed because they were unworthy.

Our own experience has more meaning lessons for us than any examples of former success or ruin. Disclaiming the heresy that the nation is everything and the State nothing, let us at the same time rejoice that we have established so firmly the paramount

sovereignty of the Union over all its parts, that in the hour of great national exigency, we shall never again be compelled to listen to the declaration that "there is no power in the general government to coerce a sovereign State. Centrifugal must yield obedience to centripetal law, or our system perishes. And yet neither can be spared from the perfection of our theory. With the idea that the authority of the whole is supreme, must be coupled the principle that the States have a sphere of action, limited to be sure, but nevertheless a distinct sphere, which the general government has neither the power nor wish to invade.

FINANCE.

To vindicate the integrity of the Union required a large expenditure. Happily for us and for the success of our cause, the credit of the nation was equal to the great emergency which called it into exercise. In times of unprecedented difficulty and when our financial ability seemed the pivotal point of triumph or defeat, it proved an unflinching rock of supply. To maintain that credit constitutes our most sacred duty; and whatever responsibilities it may impose upon us, the highest standard of national good faith will command the verdict of the American people. The citadel of financial honor can not be guarded too sacredly. I should reprobate as the most calamitous of misfortunes any legislation on the part of Congress, tending to invalidate the plighted, or even the fairly implied, faith of the nation.

It has become the conviction of some that a part of the national bonds could be redeemed in currency, without fraud upon the holder. The advocates of this policy base the righteousness of such redemption upon the fact that the bonds themselves contain no stipulation of payment in specie. A more subtle, insidious, and at the same time, deadly attack upon the public credit could not have been made. Apart from the fact that gold is the recognized currency of the world and the standard of value, and that we can not exempt ourselves from the operation of this law, there was, in this instance, an implied understanding with both parties to the covenant that loans to the Government should be paid in specie. The Secretary of the Treasury placed this interpretation upon the contract at the time the loan was being negotiated. All the contemporaneous acts and sayings of the men who framed the law are explicit in the assurance that no other intention lurked in the purposes of the Government. The scheme of repaying the public loans in an irredeemable paper issue, was a cunningly - devised after - thought — the offspring of a desire to evade the payment of our obligations in accordance with the rules of common honesty.

The ability of the American people to pay the utmost farthing of their indebtedness, the least sanguine have never questioned. At

the present ratio of increase, in twenty-five years, our wealth and population will double themselves; in the year 1900 our valuation can not be less than four hundred and fifty billions. Mines are opening, farms multiplying and property increasing upon the inventory faster than in any other nation on the globe.

In the very face of this unquestioned ability, we are met by the fact that no civilized nation pays so high premiums upon its loans as ours.

Where are we to look for the grounds of this humiliation? In part perhaps, to the sophistries which have been promulgated for evading the spirit of our obligations, and in part to our delay in the resumption of specie payments.

Disclaiming to represent the opinions of others, I would urge the authoritative announcement of some definite time when such resumption shall take place. Let the time be fixed with the idea that the earliest possible moment will best secure a healthful condition of our finances. I am forced to the conclusion that such a policy would tend to realize in our circulation the perfect currency, in which notes could be exchanged for coin and would command equal respect in the markets.

Meanwhile the public service should be distinguished for the most rigid economy. The increase of money has deluded us with the creation of *apparent* wealth, and in the train of this delusion have followed extravagance and lavish expenditure. Let us then refrain from every outlay which *actual* wealth alone could justify. Economy will promote the public credit, better than the ripest theory. Retrenchment is the evidence of an honest purpose to meet our obligations.

Faith in the intention of the Government to preserve both the form and spirit of its contracts inviolate is the only foundation for our financial prosperity. Beware of the earliest steps tending to weaken or impair it.

RECONSTRUCTION.

The downfall of the rebellion did not terminate the danger arising from the action of the Southern people. Where the appeal to arms was ended, the task of statesmanship began, and an experience of two years has demonstrated that it is a work quite as full of difficulty as that which we crowned with success upon the field. Let us not forget that we have merely ascended to another scene in the the struggle. It has passed from the battle-field to the forum, but it is the same combat, waged for the same purposes, and animated by the same ambition. The spirit of the rebellion is still alive and strong; strong in the influence of its controlling minds; strong in the devotion and numbers of its followers; strong in the social distinctions which gave it birth. The hope that forbearance and healthful

reflection would soon baptise its votaries into loyalty and love for the national flag has been disappointed.

In the light of this fact our government has devised a plan of reconstruction, establishing a temporary military government in the South, to remain until its people shall ask for admission to the councils of the nation upon the basis of equal rights and political equality.

In this policy I heartily concur. Power undoubted and plenary is in our hands to prescribe the terms of restoration. When it is urged then, that the application of military law to the refractory people of the South is despotic, it is forgotten that an appeal to arms involves a compliance with its bloody decision. They who, with long years of intrigue, boastfully and arrogantly, challenged the nation to the sanguinary field, empowered us to work our will upon them, restrained only by our duties as statesmen and Christian men. To deny this principle, severe though it be, would be to deny the correctness both of history and reason. To declare that its adoption in the present instance is impolitic and unnecessary, would be to set the seal of untruth upon every report that reaches us from that misguided people, and brand with falsehood the utterances of tried lovers of our Republic. No government can secure respect at home or abroad, which does not protect its citizens.

The magnanimity of the American Republic in dealing with treason is unparalleled in history. Its spirit was declared in the words of its noblest martyr, "Malice towards none; charity for all." Indemnity for the past has been forgotten in the task of erecting guarantees for the future. Content with establishing barriers against probable danger, busied with the work of compacting and solidifying the principles revealed by the war, the sword of the law has been withheld from its deserving sacrifices, and the sacred altar of Justice will probably not be stained with the blood of a single victim. To what extent this may have been questionable leniency, I will not presume to say. How far the legal and traditional punishment for treason should have been extended, patriotic men may well have differed in determining. That some retribution should have been visited upon the wicked chiefs, a punishment sufficient to have made "treason odious," and to have stood as a warning monument of the danger of like unhallowed ambition, I have no hesitation to declare.

Deprecating the arrogance of victory we have accepted our responsibilities with no desire to be vindictive or exacting. The consciousness that the Southern States were a part of our own territory, and their inhabitants a part of our own people, whose well-being must contribute to the future glory of our country, has been the light in which the work of reconstruction has thus far progressed. At the same time, we have felt bound to insist that those States should concede whatever guarantees are essential to the future safety of the

Union. We can not permit the truths established by the war to relapse into a state of doubt, nor the fruits of victory to be swallowed up in a magnanimity which neglects its own salvation. We can afford to be generous, but we must not be unjust.

SUFFRAGE.

In restoring the Southern people to rights within the Union, let no discrimination be made against the black man. Fidelity to the Government should be a passport to the high privilege of suffrage. The public welfare must not be imperiled by entrusting its control to hands of doubtful loyalty, much less to hands whose open hostility has only been avoided by their weakness. If any voice comes from the tomb of the past six years, it proclaims: *Beware of placing doubtful guardians over the palladium of your liberties. Secure the safety of the government beyond a doubt. Let all loyal men share in the heritage which has been purchased with loyal blood.* The caprice of men fresh from their carnival of treason must not be allowed to deprive us of the co-operation of four millions of people whose votes and acts would interpose the most formidable obstacle to the designs of seditious men. To refuse to stay up the hands of the Union men of the South, who resisted secession in its inception, and maintained their opposition to it, through all the trying extremities of war, by making the alliance of the black man available, would be as ungrateful to them as perilous to ourselves.

The theory of our government awards to the individual the largest measure of political trust consistent with the public safety. It declares that "Governments are instituted among men, deriving their just powers from the consent of the governed." Consistency, therefore, requires that emancipation should be followed by the right of suffrage, for equality is a cardinal principle of the American Constitution.

To the negro himself the ballot is a necessity. Without it freedom will be to him an undefended fortress. Give him a vote and you at once invest him with a panoply which his recent owner will have neither the power nor wish to assail. The sentiment of mankind will approve such a policy, and our justice will be repaid by the presence of a loyal army of defenders of our Constitution in every Southern State.

Many profess to see danger from this extension of the elective franchise. In these apprehensions I have no share. Away with distrust of a people who braved the lash and bloodhound to shelter the soldier of the Union, or guide him to the protection of his flag! Let their ignorance be forgotten in the remembrance that it never beguiled them into the subtleties where Refinement fell. The solemn responsibilities of suffrage can be more safely entrusted to the heroes who charged at Fort Wagner and Port Hudson than

to the cultivated aristocracy who raised the flag of rebellion at the behest of personal ambition. An honest instinct is worthier than a perverted intelligence. Entitled to our gratitude for their unwavering attachment to the national cause, and for the heroic courage they contributed to its defense, and challenging our respect for their judicious use of the privileges of freedom, let us invite them to share in the blessings which they have helped preserve.

Our own State has already taken the initiatory steps toward the abolition of all distinction of race and color from the Constitution. Let us not fail at this session to advance the work inaugurated by our predecessors, of giving to our colored population the enjoyment of those political privileges which have hitherto been denied to them. They have demonstrated their manhood in the stern realities of war, and in this enlightened Commonwealth no longer let any prerogative of manhood be denied to man. That others falter and cower before the seeming difficulties of this measure, should be no discouragement to us. Let us not emulate their cowardice nor share in their dishonor. Let the alacrity with which we concede the privilege equal the readiness with which we gave them our flag and sent them forth to fight our battles. Let those who nobly volunteered and gallantly defended the flag of the Union — who stood between the foe and our heritage of a common country never have cause to charge Iowa with lack of courage to do justice to her colored soldiers and residents.

Gentlemen of the Assembly: I can not neglect the opportunity to congratulate you upon the favorable auspices under which you enter upon your duties. War with its stern necessities no longer trenches upon the industrial interests of the State. While the responsibilities have ceased with the overthrow of the rebellion, other and more substantial fields invite your effort. Our State is yet in its early manhood. But twenty-nine years have elapsed since the first law-making body of the "New Purchase" assembled in a sister city. Hardly a single generation has passed away, since the few scattered colonies upon the banks of the Mississippi, whose abiding faith in the future seemed even then to foreshadow the glorious reality, have grown to the vigor and strength of an inland empire. The achievements of the past will be succeeded by other advances, no less wonderful. Her sons are but the pioneers of the millions who shall yet find a home on her prairies. The abundant harvests upon which we now congratulate ourselves, are but an earnest of the marvelous resources of a region, richer even than our thought or hope.

The eye of discovery has revealed the presence of a variety of mineral wealth whose possibilities may prove a great reservoir of power for the demands of civilization. The streams which divide its surface must be made to roll the wheels of machinery and mould the products of our care into the fabrics of trade. Regions hitherto undeveloped are to be bound to our commercial centers by links of railway communication. Worthy industries are to be encouraged

and internal improvements of every kind zealously promoted by the judicious patronage of the State.

Let it be our boast and pride that we fear nothing so much as ignorance and artificial distinctions between man and man. Let us establish our power firmly upon the foundations of intelligence and liberal ideas, making manhood our only title of nobility, and believing in nothing so hopefully as an educated public opinion.

But one-sixth of our lands are yet enclosed. Our hopes for the settlement of the millions of acres whose wealth is yet in reserve are largely affected by the character of our institutions. Immigration gravitates toward social order, free schools and equal laws. Our population is largely enriched every year by the tide which reaches us from other and less favored lands. They seek, under the beneficent patronage of our institutions, their privileges as farmers, mechanics, merchants and professional men — transplanting to our soil that love of liberty which impelled them from their old homes. We have nothing to fear from their presence. The sturdiest defenders of freedom are those who have felt its loss.

In the guardianship of the sacred trust which has been reposed in us, the good of the State should be our ruling motive. A just sense of our responsibilities will forbid us to harbor the spirit of partizanship or balance the claims of section or party against the good of the whole. However cherished may be our political convictions, let us remember that we are not the representatives of particular interest or favored classes, but are the servants of the *whole* people, and that, in our keeping, the rights of majority and minority should be equally sacred.

Full of hope in the future of our State, whose past has been so favored of Providence, and whose present is so rich in prosperity, let us apply ourselves with zeal and fidelity to the advancement of her interests. If we should not summon to our aid the wisdom of statesmanship, let us, at least, meet our responsibilities with faithfulness, integrity and earnest devotion to the Commonwealth; and may the God of Wisdom and Justice guide us in His own appointed ways.

Music by the band.

Senator Bulis moved that the Joint Convention do now rise.

The motion prevailed, and the Convention was declared by the President to be dissolved.

THREE O'CLOCK P. M.

The Senate having returned to the Senate chamber, was called to order by the President.

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

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES,
January 17, 1868.

TEN O'CLOCK A. M.

Senate met pursuant to adjournment, and in the absence of the President was called to order by the Secretary.

On motion of Senator Woolson, Senator Needham was chosen temporary chairman.

Prayer by Rev. J. J. Summerbell.

Journals of second, third and fourth days read, corrected and approved.

The following message was received from the House :

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

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President, Secretary and Clerks of the House of Representatives, and the reporters, post-masters, sergeant-at-arms and door-keepers, of both branches of this General Assembly with a copy of all reports of the Supreme Court of this State now on hand, or which shall be published during the session of this General Assembly.

Also, the following :

The House has ordered the printing of 2,000 copies of the Governor's Biennial Message — 1,000 in the Norwegian, 1,000 in the Holland and 1,000 in the Bohemian, and that seventy-five dollars is hereby appropriated for the translation into the different languages.

BENJ. VAN STEENBURG, Assistant Clerk.

PETITIONS AND MEMORIALS.

By Senator Parvin, a memorial, signed by John F. Dillon, of Davenport, and two hundred and twenty-one others, asking the establishment of a reform school, which was laid on the table temporarily.

Senator Bulis, from the Committee on Credentials, submitted the following report:

The Committee on Credentials ask leave to report that they have examined the credentials of L. B. Dunham, Senator elect from the Twenty-ninth District, and find the same correct. The report was adopted.

The newly-elected member then took and subscribed to the following oath: You do solemnly swear, that you will support the Constitution of the United States, and the Constitution of the State of Iowa, and that you will faithfully discharge the duties of senator to the best of your ability.

By Senator Powers: A petition from the Board of Supervisors of Black Hawk County in relation to the funding of county indebtedness. Referred to Committee on Township and County Organizations.

By Senator Reed: A petition from the Board of Supervisors of Dallas County, praying that the business of the Board of Supervisors pertaining to roads be transferred to the County Court. Referred to the Committee on Township and County Organizations.

By Senator Woolson: A memorial from Society of Friends at Prairie Grove, Henry County, asking the appointment of Inspectors of State Prison. Referred to Committee on Charitable Institutions.

By Senator Fellows: A petition from the Board of Supervisors of Allamakee County. Referred to Committee on Schools and School Lands.

RESOLUTIONS.

Senator Bulis offered the following:

Resolved, There be ordered printed, for the use of the Senate, four thousand copies of the Governor's Inaugural, two thousand of which shall be in the English language and five hundred each in the German, Norwegian, Swedish and Holland languages.

Senator Cones offered the following amendment thereto:

That seven thousand be substituted for two thousand, to be printed in English; twenty-five hundred to be substituted for five hundred in German.

Senator Patterson moved to amend the amendment as follows:

Strike out seven thousand and insert five thousand; strike out twenty-five hundred in German and insert five hundred each in German, Norwegian and Holland. On this question, Senator Hollman demanded the yeas and nays.

Which were as follows:

The yeas were Senators Bill, Griffith, McMillan, Needham, Rice, Tuttle — 7.

The nays were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchell, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf Woolson, Wright — 40.

Absent and not voting, Senators Bennett and Hedges.

The amendment was lost.

The question being on the adoption of the amendment of Senator Cones, Senator Cones demand the yeas and nays, which were as follows:

The yeas were Senators Casady, Cones, Donnan, Dunham, Fairall, Fellows, Hawley, Hollman, Meyer, Mitchell, Oliver, Powers, Richards — 18.

The nays were Senators Bill, Bulis, Cattell, Chapin, Doud, Farwell, Griffith, Grimes, Hamilton, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Moore, Needham, Newell, Parvin, Patterson, Pierce, Reed, Rice, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright — 33.

Absent and not voting, Senators Bennett, Hedges and Tuttle — 3.
So the amendment was disagreed to.

Senator Fairall moved to amend the resolution by adding five hundred in the Bohemian language. The amendment was agreed to, and the resolution as amended was adopted.

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 resolution of the Senate :

Resolved, That, the House of Representatives concurring, there be a joint committee of two from the Senate and three from the House, to investigate the subject alluded to in the memorial of C. C. Cole, now on the table, and that said committee have full power to send for persons and papers.

Also, the House has passed the following bill, in which the concurrence of the Senate is asked : House File No. 2 — A bill for an act to legalize a certain school election in Sigourney, Iowa.

BENJ. VAN STEENBURG, Asst. Clerk.

Senator Meyer offered the following resolution :

Resolved, That there be added to the select committees of the Senate a committee of five on a reform school.

The resolution was adopted.

Senator Powers offered the following resolution, which was adopted :

Resolved by the Senate, the House of Representatives concurring, That the two Houses will meet in joint convention on Saturday, the 18th inst., at 2 o'clock P. M., for the purpose of electing a State Printer, a State Binder, and Warden of the Penitentiary.

By leave, Senator Johnson called up House messages.

H. F. No. 2 — " A bill for an act to legalize a certain school election in Sigourney, Iowa," was taken up and read first and second times, and on motion the eleventh rule was suspended and the bill was read a third time.

The question being, " shall the bill pass," the yeas and nays were as follows :

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright. — 48.

The nays were none.

Absent and not voting, Senator Hedges.

So the bill passed and the title was agreed to.

The President and Lieut.-Governor Scott entering the Senate chamber, Senator Woolson moved that the order of business be suspended.

The motion prevailed.

The President, on retiring from the chair, addressed the Senate as follows :

SENATORS:—The time has arrived when it becomes my duty to vacate the chair of President of the Senate, and present to you my worthy successor.

Permit me to express to you my grateful acknowledgment for the continued acts of kindness and courtesy which have upon all occasions been extended to me from the hour in which I first became associated with you in this capacity. Nothing that I am aware of has ever occurred to mar the feelings of mutual friendship which have rendered our intercourse so pleasant, and served to materially lighten the otherwise arduous duties devolving upon the presiding officer.

In severing my connection with the General Assembly of Iowa, after ten years of continuous association with it in various capacities, it is a source of great gratification in looking back through the past, to note the wonderful progress our State has made during this period in population, wealth, education, and all that conduces to build up a powerful member of the national Union.

Our population has been increased during this time by the addition of nearly 400,000, and our wealth has been augmented in a still greater ratio.

Our educational system has been so far perfected, that it is not now surpassed by any State in the Union, in facilities afforded to all classes for enjoying its benefits.

Our charitable and benevolent institutions, which rank among the best in the nation, have been developed within this period.

The great rebellion which has shaken our government to its foundation, and drenched the land with the blood of its noblest sons, has arisen, culminated, and passed away; but the heroism of her soldiers, and the fame of her statesmen, will never fade from the glorious record which Iowa has made, for history and posterity.

To-day our noble State stands among the fairest in the Union—pledged by its record in the past, and the determined will of its people in the present—to stand firm and foremost in maintaining the broadest principles of Freedom, Humanity, Justice and Equal Rights.

Steadfast in its adherence to these principles, sound in its finances, liberal in its educational system, generous in its care for the unfortunate, its future growth and development, in population, wealth, power and influence, can hardly be estimated.

In closing my connections with the Iowa Legislature it affords me sincere gratification to know that such is the bright promise of our State in the future.

It rests with you, Senators, in part to preserve its fair name, and perpetuate its glory. I feel assured that you lack neither the ability nor disposition to do your full duty in the work.

In taking my leave of the Senate, it is with pleasure that I now present to you my worthy successor, Lieutenant-Governor John Scott, your presiding officer; trusting that you will extend to him the same liberal support that has uniformly been given to me.

Lieutenant Governor Scott, on taking his seat, said:

SENATORS:—The voice of the people expressed under the provisions of our laws, has brought you from your homes to conserve and further the prosperity of the commonwealth. By the same authority it has become my duty to aid you in your deliberations. Believing that the people have acted wisely in selecting their Senators, and confiding in your assistance, kindness and sympathy, I take this chair in the hope that because of my errors you will not permit any public interest to suffer.

Feeling sensibly the lack of that experience and skill which could give assurance of ability to avoid mistakes, my reliance upon your forbearance, generosity and support, relieves me of much solicitude. In the construction of the Senate rules, and in the application of the laws and usages which govern deliberative bodies, my aim will be to facilitate the transaction of business in a spirit of fairness toward individuals, and with an eye to the public good.

Permit me to express the hope that our relations, official and personal, may be of the most cordial character—that your deliberations may be distinguished for harmony, and your acts for the benefits they will confer upon a proud, prosperous, and happy people.

Governor Gae then handed the gavel to Colonel Scott, and retired from the President's stand.

Senator Cones introduced a joint resolution relative to striking out the word "white" from the Constitution of the State, and also regulating the right of suffrage.

Senator Meyer moved that it be referred to the Committee on Constitutional Amendments.

Senator Cones demanded the yeas and nays, which were as follows:

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—41.

The nays were, Senators Casady, Cones, Fairall, Larimer, Hollman—5.

Absent and not voting, Senators Dunham, Hedges, Oliver — 3.

The motion prevailed and the resolution was so referred.

Senator Meyer offered the following resolution:

WHEREAS, the Secretary of State has expressed doubts as to whether the paper-folders, messengers and janitor are officers, so as to be entitled to draw postage under the resolution of the Senate respecting postage, therefore

Resolved, That the paper-folders, messengers and janitor of the Senate are for that purpose considered officers of the Senate.

Senator Newell moved that the resolution be laid on the table. The motion prevailed.

INTRODUCTION OF BILLS.

By Senator Parvin: Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders. Read one and two times, and on motion of Senator Woolson, was laid on the table and ordered printed.

By Senator Fellows: Senate File No. 3, A bill for an act in relation to the school-fund and school-lands. Read one and two times and referred to Committee on Schools and School-lands.

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 Senate resolution relative to the joint convention for the election of State Printer, State Binder and Warden of the Penitentiary.

M. C. WOODBUFF, Chief Clerk.

By Senator Knoll, Senate File No. 4, A bill for an act to provide for the election of Township Collectors, and to define their powers and duties.

Read the first and second time, laid on the table, and ordered printed.

Senator Powers offered the following resolution and moved its adoption, which was seconded by Senator Fairall, and unanimously adopted.

Resolved, That we tender to Lieutenant-Governor Gue the expression of our thanks for the kind and impartial manner in which he has discharged the duties of President of the Senate, and assure him of our highest confidence and esteem.

Senator Fairall asked for leave of absence until Tuesday next, which was granted.

Senator Doud moved that the Senate do now adjourn to two o'clock P. M.

Senator Hollman moved to amend by striking out "two o'clock P. M.," and inserting "ten o'clock to-morrow morning."

The amendment was lost.

The motion to adjourn was then adopted, and the Senate adjourned.

TWO O'CLOCK P. M.

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

Senator Bulis moved that a committee of three be appointed on the mileage to be allowed each member of the Senate.

Motion prevailed, and the President announced as such committee Senators Bulis, Doud, and Hawley.

By leave, Senator Hawley introduced Senate File No. 5, A bill for an act resuming certain rights conferred upon the Dubuque and Sioux City Rail Road Company, which was read the first and second time and laid on the table, and ordered printed.

Senator Newell moved to reconsider the vote by which the resolution in regard to the postage of paper - folders, messengers, and janitor, of the Senate, was laid on the table.

The motion prevailed.

Senator Wolf moved to amend by inserting the word "not" before the word "officers."

The motion did not prevail.

The question being on the adoption of the resolution, Senator Wright demanded the yeas and nays, which were as follows :

The yeas were Senators Bennett, Bulis, Casady, Cattell, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Robertson, Smith, Smyth, Tuttle.—36.

The nays were Senators Cones, Farwell, Moore, Needham, Reed, Traverse, Warden, Wolf, Woolson Wright.—10.

Absent and not voting, Senators Bill, Chapin and Richards.—3.

So the resolution was adopted.

By leave, Senator Bulis offered the following resolution :

Resolved, That the Secretary of State and Adjutant - General be directed to furnish each senator with a copy of the Adjutant - General's Report for 1863, that the Secretary of State furnish each senator with a copy of the Adjutant - General's Report for 1864, two copies of Reports of said officers for each of the years of 1865 and 1866, and four copies of the Reports of 1867.

The resolution was adopted.

Senator Reed moved that the Senate do now adjourn until tomorrow morning at 10 o'clock.

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
JANUARY 18, 1868, 10 O'CLOCK, A. M.

Senate convened pursuant to adjournment. The President being absent, the Senate was called to order by the Secretary.

On motion of Senator Doud, Senator Woolson was appointed temporary chairman.

Prayer by Rev. T. O. Rice.

Journal of yesterday read, corrected, and approved.

PETITIONS AND MEMORIALS.

By Senator Cattell: A memorial and claim of John Garahty, for services in case of State of Iowa against Wm. Tilghman, *et al.*

By Senator Keller: A memorial of the Board of Supervisors of Decatur County, praying the enactment of a law providing for the election of a County Assessor.

Referred to Committee on County and Township Organizations.

By Senator Hollman: A petition of the bar of Lee Co., for abolishing the argument term of the Supreme Court at Davenport, which was referred to Committee on Judiciary.

By Senator Walden: The petition of "John Gharky, asking that the sale of his property for taxes be set aside."

Referred to Committee on Claims.

RESOLUTIONS.

Senator Patterson offered the following resolution:

Resolved, by the Senate of the State of Iowa, That we tender to our late Governor, the Hon. Wm. M. Stone, the strongest assurance of the confidence of the people of the State in his integrity, zeal, and ability, as displayed while performing his official duties.

Entering upon the gubernatorial office at a period when it required the wisest counsel, the most constant watchfulness, and the promptest action, he has proved himself equal to every emergency.

He officially parts from us with our warmest wishes for his continued health, prosperity and usefulness.

The resolution was adopted.

Senator Traverse offered the following resolution which was adopted:

Resolved by the Senate, That the committee on Judiciary be instructed to inquire into the expediency of establishing a Court of Common Pleas, in and for the State of Iowa; and to report to the Senate by bill or otherwise.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The President laid before the Senate the following communication from his Excellency Governor Stone, which was laid on the table :

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, JANUARY 16, 1868.

LIEUT. - GOV. B. F. GUE, *President of the Senate* :

SIR : I am directed by His Excellency, Governor Stone, to inform, through yourself, the Senate that the reports of the Commissioners to locate the Institution for the Deaf and Dumb, including plans and contract, of the State Geologist and his assistants, and Dr. Otto Thieme, appointed as Commissioner for Iowa to the Universal Exposition, at Paris, in 1867, are filed in the office of the State for information and reference.

The voluminous character of these reports, and the late hour at which they were received, rendered it impossible to transcribe for direct delivery to the two Houses.

Very Respectfully Yours,

GEO. J. NORTH, Private Sec.

Also a communication from His Excellency reporting the cases of reprieve, commutation or pardon granted, and the reason therefor ; and also the names of all persons in whose favor remissions of fines and forfeitures have been made.

On motion of Senator Bennett, the communication was laid on the table and ordered printed.

Also a communication from the Governor, relating to extraordinary expenses for the executive office, which was, on motion of Senator Meyer, laid on the table and ordered printed.

Also a communication from the Governor, transmitting the report of Col. Dewey, relating to settlement of claims with the United States, which was, on motion of Senator Robertson, laid on the table and ordered printed.

On motion of Senator Reed, the House messages were taken up.

House resolution relating to furnishing each member of General Assembly with Revisions of 1860, and also the statutes passed subsequent thereto, was taken up.

Senator Fellows moved to adopt the resolution.

Senator Larimer moved to lay the resolution on the table. The motion did not prevail.

Senator Cattell moved to amend by adding after the words "General Assembly," the words "not already supplied."

The amendment was adopted, and the resolution as amended was then adopted.

The House resolution relating to the distribution of the Supreme Court Reports was then taken up.

Senator Powers offered the following substitute for the resolution under consideration :

Resolved by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish to each member of the General Assembly, and to the President of the Senate, a copy of Volumes 21 and 22 of the Reports of the Decisions of the Supreme Court of this State, and also a copy of all other Reports of the Decisions of said Court hereafter published during the term of office of said members and President.

The substitute was agreed to.

The question being on the adoption of the resolution, Senator Meyer demanded the yeas and nays, which were as follows :

The yeas were Senators Hamilton, Hollman, Knoll, Mitchell, Parvin, Patterson, Powers, Reed, Rice, Smith, Smyth, Traverse, Tuttle, Wolf — 14.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Pierce, Richards, Robertson, Walden, Woolson, Wright — 32.

Absent and not voting, Senators Fairall, Newell and Oliver — 3.
So the resolution was lost.

Senator Newell asked leave of absence until next Tuesday, which was granted.

Senator Cassady offered the following :

Resolved, That the Governor be requested to send to the Senate the report of commissioner appointed by the Eleventh General Assembly to enter into a contract for the erection of a building for a Deaf and Dumb Asylum.

The resolution was adopted.

Senator Smyth offered the following resolution, which was adopted :

Resolved, That the Governor be requested to communicate to the Senate any information he may have received, in relation to the result of the efforts of General Fitz Henry Warren to secure the back pay of the members of the First Regiment of Iowa Cavalry, under chapter 55, laws of the last General Assembly.

The President announced the Select Committee on a Reform School as follows: Senators Parvin, Cattell, Griffiths, Cones and Rice.

Also as members of joint committee on the part of the Senate on the memorial of C. C. Cole, Senators Parvin and Richards.

Senator Woolson presented a communication from Rev. T. O. Rice, extending an invitation to the members of the Senate to attend worship in his church, which was read and laid on the table.

Senator Bennett moved that the Senate do now adjourn until two o'clock P. M.

Motion concurred in and Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment. The President in the chair.

Senator Parvin asked to be excused from serving on the committee on the memorial of C. C. Cole.

The request was granted, and the President appointed Senator Larrabee in place of the senator excused.

A committee from the House of Representatives announced that the House was now ready to receive the Senate in joint convention.

On motion of Senator Woolson, Senator Reed was appointed teller on the part of the Senate.

On motion of Senator Reed the Senate then proceeded to the hall of the House of Representatives.

JOINT CONVENTION.

The Joint Convention was called to order by the President of the Senate, who stated that the Joint Convention had met for the purpose of electing a State Printer, State Binder and Warden of the Penitentiary.

Senator Reed was announced teller on the part of the Senate.

Mr. Trusdell was announced as teller on the part of the House.

The President announced nominations for State Printer in order.

Mr. Hatch nominated Frank M. Mills, of Polk county.

Mr. Irish nominated Wm. P. Staub, of Polk county.

Whole number of votes cast.....	181
Necessary to a choice.....	66
Mr. Mills received.....	109
Mr. Staub received.....	21
Blank.....	1

Mr. Mills having received a majority of all the votes cast, was declared duly elected to the office of State Printer, for the term of two years from May, 1869.

Those voting for Mr. Mills were Messrs. Adams, Allen, Atkins, Atwood, Bailey, Ballinger, Bauder, Bennett, Bent, Bill, Bolton, Bowen, Brown of Fayette, Brown of Howard, Brown of Van Buren, Bulis, Burnett, Burrows, Caldwell, Cattell, Chapin, Chase, Cotton, Craig, Cramer, Criss, Dashiell, Donnan, Doud, Dudley, Ellis, Farwell, Fulton, Garrett, Gaylord, Glasgow, Goodspeed, Grantham, Griffith, Grimes, Guthrie, Hamilton of Clayton, Hamilton of Wapello, Hart, Hartsock, Hatch, Hawley, Hayden, Hunter, Johnson of Cherokee, Johnson of Keokuk, Johnson of Marshall, Kasson, Keller, Kilburn, Knapp, Lambert, Larimer, Larrabee, Leffingwell, Long, McCoun, McKean, McNutt, McMillan, Mechem, Meyer, Miles, Mitchell, Moore, Morrison, Murray, Newberry, Orr, Ordway, Parker, Parvin, Patterson, Perry, Phillips, Ramsay, Reed, Rees, Rice, Rippey, Rob-

ertson, Russell, Sanborn, Smith of Clinton, Smith of Dickinson, Smith of Harrison, Smyth of Linn, Shelden, Stanley, Stone, Tenney, Tillson, Traer, Traverse, Trusdell, Tucker, Tuttle, Walden, Walling, Wheeler, Wilson of Davis, Wilson of Tama, Wolf, Woolson, Wright of Lucas.

Those voting for Mr. Staub were Messrs. Babbitt, Bauder, Browne of Lee, Casady, Donavan, Fellows, Hawthorn, Hedges, Hollman, Irish, Knoll, Lockwood, Longueville, Miller, Peck, Stuart, Tritz, Werner, Wilson of Dubuque, Wright of Allamakee.

Mr. Cones voted blank.

Absent and not voting were Messrs. Rector, Blackwell, Davis, Durham, Fairall, Kelley, Leach, Matthies, Needham, Newell, Oliver, Pierce, Powers, Richards, Rholfs, Rowell Wilcox, and Williams—17.

Nominations for State Binder being next in order, Senator Cattell nominated James S. Carter of Polk County.

Senator Knoll nominated Wm. Lee of Johnson County.

The joint roll call was then called with the following result:

Whole number of votes cast.....	183
Necessary to a choice.....	67
Mr. Carter received.....	110
Mr. Lee received.....	22
Blank.....	1

Mr. Carter having received a majority of all the votes cast was declared duly elected to the office of State Binder for the term of two years, from May, A. D. 1869.

Those voting for Mr. Carter, were Messrs. Adams, Allen, Atkins, Atwood, Bailey, Ballinger, Bennett, Bent, Bill, Bolton, Bowen, Brown of Fayette, Brown of Howard, Brown of Van Buren, Bulis, Burnett, Burrows, Caldwell, Cattell, Chapin, Chase, Cotton, Craig, Cramer, Criss, Dashiell, Donnan, Doud, Dudley, Ellis, Farwell, Fulton, Garrett, Gaylord, Glasgow, Goodspeed, Grantham, Griffith, Grimes, Guthrie, Hamilton of Clayton, Hamilton of Wapello, Hart, Hartssock, Hatch, Hawley, Hayden, Hedges, Hollman, Hunter, Johnson of Cherokee, Johnson of Keokuk, Johnson of Marshall, Kasson, Keller, Kilburn, Knapp, Lambert, Larimer, Larrabee, Leffingwell, Long, Matthies, McCoun, McKean, McNutt, McMillan Mechem, Meyer, Miles, Mitchell, Moore, Morrison, Murray, Newberry, Orr, Ordway, Parker, Parvin, Patterson, Perry, Phillips, Ramsay, Reed, Rees, Rice, Rippey, Robertson, Rowell, Russell, Sanborn, Smith of Clinton, Smith of Dickinson, Smith of Harrison, Smyth, Shelden, Stanley, Stone, Tenney, Tillson, Traer, Traverse, Trusdell, Tucker, Tuttle, Walden, Walling, Wheeler, Wilson of Davis, Wilson of Tama, Wolf, Woolson, Wright of Lucas.

Those voting for Mr. Lee, were Messrs. Babbitt, Bauder, Browne, Casady, Donavan, Fellows, Hawthorn, Irish, Knoll, Lockwood, Longueville, Miller, Peck, Rector, Stuart, Tritz, Werner, Wilson of Dubuque, Wright of Allamakee.

Mr. Cones voted blank.

Absent and not voting, Messrs. Blackwell, Davis, Dunham, Fairall, Kelley, Leach, Needham, Newell, Oliver, Pierce, Powers, Richards, Rholf, Wilcox and Williams — 15.

Nominations for Warden of Penitentiary being in order, Mr. Adams nominated Martin Heisey of Lee county.

Senator Hollman nominated John G. Kennedy of Lee county.

The joint roll was then called, with the following result:

Whole number of votes cast.....	180
Necessary to a choice.....	66
Mr. Heisey received.....	108
Mr. Kennedy received.....	21
Blank.....	1

Mr. Heisey having received a majority of all the votes cast, was declared duly elected to the office of Warden of Penitentiary for the term of two years from and after the expiration of the term of the present incumbent.

Those voting for Mr. Heisey were Messrs. Adams, Allen, Atkins, Atwood, Babbitt, Bailey, Bennett, Bent, Bill, Bolton, Bowen, Brown of Fayette, Brown of Howard, Brown of Van Buren, Bulis, Burnett, Burrows, Caldwell, Casady, Cattell, Chapin, Chase, Cotton, Craig, Cramer, Criss, Dashiell, Donnan, Doud, Dudley, Ellis, Farwell, Fulton, Garrett, Gaylord, Glasgow, Goodspeed, Grantham, Griffith, Grimes, Guthrie, Hamilton of Clayton, Hamilton of Wapello, Hart, Hartsock, Hatch, Hawley, Hayden, Hunter, Johnson of Cherokee, Johnson of Keokuk, Johnson of Marshall, Kasson, Keller, Kilburn, Knapp, Lambert, Larimer, Larrabee, Leffingwell, Long, McCoun, McKean, McNutt, McMillan, Mechem, Meyer, Miles, Mitchell, Moore, Morrison, Murray, Newberry, Orr, Ordway, Parker, Parvin, Patterson, Perry, Phillips, Ramsay, Reed, Rees, Rice, Rippey, Robertson, Rowell, Russell, Sanborn, Smith of Clinton, Smith of Dickinson, Smith of Harrison, Smyth, Shelden, Stanley, Stone, Tenney, Tillson, Traer, Traverse, Trusdell, Tucker, Tuttle, Walden, Walling, Wheeler, Wilson of Davis, Wilson of Tama, Wolf, Woolson, Wright of Lucas.

Those voting for Mr. Kennedy were Messrs. Babbitt, Bauder, Browne, of Lee, Casady, Donavan, Fellows, Hawthorn, Hedges, Hollman, Irish, Knoll, Lockwood, Longueville, Miller, Peck, Stuart, Tritz, Werner, Wilson, of Dubuque, Wright, of Allamakee.

Mr. Cones voted blank.

Absent or not voting, Messrs. Rector, Blackwell, Davis, Dunham, Fairall, Kelly, Leach, Matthies, Needham, Newell, Oliver, Price, Powers, Richards, Rholf, Wilcox, and Williams — 16.

The following certificates were then signed, and read in the presence of the joint convention.

REPRESENTATIVE HALL, DES MOINES, IOWA,
JANUARY 18, 1868.

This is to certify that an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 18th day of January, A. D. 1868, for the purpose of electing a State Printer, Frank M. Mills 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 18th day of January, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,

Speaker of the House of Representatives.

ATTEST:

J. R. REED,
Teller of the Senate.

C. G. TRUSDELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA,
JANUARY 18, 1868.

This is to certify that an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Saturday, the 18th day of January, A. D. 1868, for the purpose of electing a State Binder, James S. Carter 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 18th day of January, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,

Speaker of the House of Representatives.

ATTEST:

J. R. REED,
Teller of the Senate.

C. G. TRUSDELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL, DES MOINES, IOWA,
JANUARY 18, 1868.

This is to certify that at an election by the two Houses of the

General Assembly of the State of Iowa, in joint convention, on Saturday, the 18th day of January, A. D. 1868, for the purpose of electing a Warden of the Penitentiary, Martin Heisey having received a majority of all the votes cast for said office, was declared duly elected Warden of the Penitentiary for the term of two years from and after the expiration of the term of the present incumbent, and until his successor is elected and qualified.

Signed in the presence of the joint convention, this 18th day of January, A. D. 1868.

JOHN SCOTT,
President of the Senate.
JOHN RUSSELL,

ATTEST: Speaker of the House of Representatives.
J. R. REED,
Teller of the Senate.
C. G. TRUSDELL,
Teller of the House of Representatives.

Senator Wilson moved that the joint convention do now rise.
The motion prevailed, and the joint convention was dissolved.

THREE O'CLOCK, P. M.

The Senate having returned to its chamber, was called to order by the President.

Senator Larimer moved that the vote by which the substitute for the House joint resolution relating to the distribution of the Supreme Court Reports, was lost, be reconsidered, which motion prevailed.

Senator Donnan moved to amend by adding after the word "President," the words, "and Secretary," and after word, "Senate," the words, "and chief Clerk of the House," and at the end of the resolution, the words, "Secretary and Clerk," which was agreed to.

Senator Hawley offered the following as a substitute for the resolution:

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President and Secretaries of the Senate, the Clerks of the House of Representatives, with one copy of all reports of the Supreme Court of this State now on hand, and which have not been heretofore furnished them under resolutions of any previous General Assembly; also one copy of all reports which shall be published during the session of this General Assembly.

Senator Woolson raised the point of order that the Senate having adopted a substitute for the original resolution, it is not in order to amend it by adopting a substitute, therefor.

The President decided the point of order well taken.

Senator Fellows moved to reconsider the vote by which the substitute was adopted.

Upon this question the yeas and nays were demanded, and were as follows :

The yeas were, Senators Bill, Cones, Doud, Farwell, Fellows, Hawley, Hedges, Johnson, Keller, Knoll, Matthies, Moore, Patterson, Reed, Rice, Richards, Robertson, Smyth Traverse — 19.

The nays were, Senators Bennett, Bulis, Cattell, Chapin, Donnan, Griffith, Grimes, Hamilton, Hollman, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Needham, Oliver, Parvin, Powers, Smith, Tuttle, Walden, Wolf, Woolson, Wright — 25.

Absent and not voting, Senators Casady, Dunham, Fairall, Newell and Pierce.

So the motion was disagreed to.

Senator Cattell moved to amend by striking out the words " term of office " and inserting the words " natural life. "

Senator Oliver raised the point of order that the Senate having adopted the substitute for the original resolution, it is not in order to amend it in a manner inconsistent with the former action of the Senate.

The President decided the point of order well taken.

Senator Hawley moved that the resolution be laid on the table, which was disagreed to.

The question recurring upon the adoption of the resolution, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bill, Bulis, Chapin, Donnan, Doud, Farwell, Fellows, Grimes, Hamilton, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchell, Moore, Oliver Patterson, Powers, Reed, Rice, Smith, Smyth, Traverse, Tuttle — 29.

The nays were Senators Bennett, Cattell, Cones, Griffith, Hawley, Keller, Meyer, Needham, Parvin, Pierce, Richards, Robertson, Walden, Wolf, Woolson, Wright — 16.

Absent and not voting Senators Casady, Dunham, Fairall and Newell — 4.

So the resolution was adopted.

Senator Farwell moved that the Senate do now adjourn until 10 o'clock Monday morning.

The motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES,
January 20, 1868.

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

Prayer by Rev. P. P. Ingalls.

The journal of Saturday was read, corrected, and approved.

A communication was received from the Governor at the hands of his Private Secretary, which was laid on the President's table.

PETITIONS AND MEMORIALS.

By Senator Casady: A memorial of John Dohany and twenty-six others, praying for the establishment of a Reform School, which was referred to Committee on Reform School.

By Senator Keller: A petition of W. T. Laughlin and fifteen others praying for the establishing of a Court of Common Pleas.

Referred to Committee on Judiciary.

INTRODUCTION OF BILLS.

By Senator Powers: Senate File No. 6, A bill for an act to legalize the organization of the independent school district of Epworth, county of Dubuque, Iowa.

Read first and second times, and referred to Committee on Schools and School Lands.

By Senator Traverse: Senate File No. 7, A bill for an act to amend section 3980 of the Revision of 1860.

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

By Senator Hedges: Senate File No. 8, A bill for an act to amend section 1, chapter 36, laws of the Eleventh General Assembly.

Read first and second times, and, on motion of Senator Hedges, the rule was suspended, and the bill read a third time.

The question being "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchell, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Travers, Tuttle, Walden, Wolf, Wright — 45.

The nays were none.

Absent, but not excused, Senators Meyer and Woolson.

So the bill passed, and the title was agreed to.

By Senator Walden: Senate File No. 9, A bill for an act to reimburse Appanoose and other counties.

Read the first and second times, and referred to Committee on Claims.

By Senator Woolson: Senate File No. 10, A bill for an act to tax the property of corporations, for pecuniary profit, in the same manner as the property of individuals is taxed.

Read the first and second times, and referred to the Committee on Ways and Means.

By Senator Hollman: Senate File No. 11, A bill for an act to legalize the acts of John S. Lillmore, a Justice of the Peace of Lee county, Iowa.

Read the first and second times.

Senator Bennett moved that this and all similar bills be referred to Committee on Judiciary, with instructions that they report a bill embodying all bills of this character.

The motion was not concurred in.

The bill was then referred to Committee on Judiciary.

By Senator Woolson: Senate File No. 12, A bill for an act to amend the Revision of 1860, in relation to land sold on execution.

Read the first and second times, and referred to Committee on Judiciary.

RESOLUTIONS.

Senator Bennett offered the following:

Resolved, if the House of Representatives concur, That there be printed five hundred copies of the rules adopted by the two Houses, including the joint rules, of the standing committees, and the usual statistics of the members and officers of both Houses. That two copies be delivered to each member and officer, and the remaining number be retained by the Secretary of State for subsequent use, and the use of the next General Assembly.

Senator Patterson moved that the resolution be referred to Committee on Rules. The motion was not concurred in.

On motion of Senator Bennett, the resolution was then adopted.

Senator Bennett then offered the following:

Resolved, That the Secretary of State be instructed to have the curtains on the east and west windows of the Senate Chamber, changed from the casings to the upper part of the sash.

The resolution was not adopted.

Senator Matthies offered the following resolution, which was adopted:

Resolved, That the Governor be requested to send to the Senate the report of the Commissioner to the World's Exhibition, at Paris, now on file in his office.

Senator Grimes offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee be and is hereby instructed to inquire into and report, by bill or otherwise, the propriety of giving Justices of Peace jurisdiction in cases when the amount in controversy does not exceed two hundred dollars. Also of establishing a court of quarter sessions, or Common Pleas, in counties where the population exceeds fifteen thousand.

Senator Woolson offered the following:

Resolved, That the State Printer be requested to inform the Senate whether the copies of the bills printed at the session of 1866, were preserved for the Binder, as required by Resolution No. 1, of 1864, (see Laws of 1864, p 175,) and if so what disposition has been made of them.

The resolution was adopted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The report of Fitz Henry Warren, to His Excellency, the Governor, was taken up, read and referred to Committee on Military Affairs.

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

The Committee on Mileage ask leave to report, that while some slight apparent discrepancy may exist between this report and that of last session, your committee are fully satisfied that it is the result of changes in the ordinary routes of travel, and believe the report as now presented correct. In addition to the mileage of Senators, the committee have reported that of ex-President Gue and President Scott.

	MILES.	AMOUNT.
Bennett.....	416	\$63.00
Bill.....	220	33.00
Bullis.....	900	135.00
Casady.....	330	51.00
Chapin.....	240	36.00
Cones.....	360	54.00
Donnan.....	480	72.00
Doud.....	270	42.00
Dunham.....	534	81.00
Fairall.....	260	39.00
Farwell.....	360	54.00
Fellows.....	900	135.00
Griffith.....	40	6.00
Grimes.....	480	72.00
Hamilton.....	180	27.00
Hawley.....	160	24.00
Hedges.....	400	60.00
Hollman.....	400	60.00
Johnson.....	254	39.00
Keller.....	420	63.00
Knoll.....	620	93.00
Larimer.....	400	60.00
Larrabee.....	900	135.00
Long.....	206	33.00
Matthies.....	340	51.00
Meyer.....	80	12.00

	MILES.	AMOUNT.
McMillan.....	118	18.00
Mitchell.....	80	12.00
Moore.....	460	69.00
Needham.....	185	21.00
Newell.....	800	120.00
Oliver.....	405	60.00
Parvin.....	880	51.00
Patterson.....	676	102.00
Pierce.....	250	39.00
Powers.....	570	87.00
Reed.....	50	9.00
Rice.....	800	45.00
Richards.....	600	90.00
Robertson.....	880	57.00
Smith.....	400	60.00
Smyth.....	800	45.00
Traverse.....	250	39.00
Tuttle.....	756	114.00
Walden.....	300	45.00
Wolf.....	340	51.00
Woolson.....	290	45.00
Wright.....	120	18.00
Gue.....	160	24.00
Scott.....	120	18.00

Senator Woolson moved that the report be recommitted with instructions that the committee ascertain the number of miles by the nearest traveled route by public conveyance from the residence of each Senator to the Capital.

Senator Rice moved to amend by adding, "and that the committee be instructed to employ a surveyor to ascertain the nearest route by actual survey from the place of residence of each Senator to the Capital."

Senator Wolf moved to amend by adding, "provided the surveyor only be employed to determine the mileage of the Senator from Marshall."

Senator Larimer moved that the report lie upon the table and be ordered printed.

On which question Senator Cones demanded the yeas and nays, which were as follows:

The yeas were Senators Casady, Cattell, Cones, Farwell, Griffith, Hamilton, Johnson, Larimer, Pierce, Smyth, Wolf, Woolson, Wright, — 13.

The nays were Senators Bennett, Bill, Bulis, Chapin, Donnan, Doud, Dunham, Fellows, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Mitchell, Moore, Needham, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden. — 33.

Absent, but not excused, Senator Meyer.

So the motion was not concurred in.

Senator Larrabee moved the previous question, which was seconded and the main question ordered.

Senator Woolson moved that the present order of business be laid on the table. The motion was concurred in.

The President then announced the standing committees as follows:

STANDING COMMITTEES.

Ways and Means — Senators Cattell, Robertson, Farwell, Hedges, Needham, Larrabee, Moore, Walden, and Newell.

Judiciary — Senators Powers, Patterson, Woolson, Bennett, Fairall, Wolf, Hamilton, Donnan, and Fellows.

Federal Relations — Senators Bennett, Hawley, Traverse, Matthies, Knoll, Mitchell, and Walden.

Constitutional Amendments — Senators Oliver, Woolson, Parvin, Doud, Hollman, Tuttle, and Keller.

Schools — Senators Needham, Bulis, Cattell, Cones, Casady, Bill, and Long.

Agriculture — Senators Wright, Griffith, McMillan, Farwell, Powers, Fellows and Mitchell.

County and Township Organization — Senators Patterson, Meyer, Doud, Knoll, Keller, Donnan, Moore, Pierce, and Chapin.

Railroads — Senators Reed, Oliver, Hollman, Patterson, Hawley, Larrabee, Bill, Smith and Cones.

State University — Senators Bulis, Robertson, Fellows, Smyth, Johnson, Grimes and Fairall.

Military — Senators Matthies, Meyer, Hamilton, Farwell, Rice, Bennett and Wolf.

Elections — Senators Walden, Larimer, Johnson, Traverse and Richards.

Claims — Senators Parvin, Pierce, Long, Mitchell and Smyth.

Banks — Senators Smyth, Dunham, Moore, Richards and Meyer.

Commerce — Senators Larrabee, Rice, Tuttle, Hedges, Newell, Smith and Matthies.

Public Buildings — Senators Griffith, Newell, Knoll, Keller and Woolson.

Charitable Institutions — Senators Woolson, Chapin, Casady, Hollman and Parvin.

Medical Institutions — Senators Robertson, Newell, Bulis, McMillan and Hedges.

Incorporations — Senators Hamilton, Oliver, Rice, Fairall and Reed.

Manufactures — Senators Smith, Larrabee, Wright, Knoll and Griffith.

Printing — Senators Mitchell, Walden, Wolf, Traverse and Richards.

Public Lands — Senators Farwell, Tuttle, Powers, Pierce and Fellows.

Internal Improvements — Senators Long, Keller, Needham, Hedges and Larimer.

Roads — Senators McMillan, Doud, Grimes, Dunham and Chapin.

New Counties — Senators Chapin, Fellows, Johnson, Cones and Bill.

County Boundaries — Senators Grimes, Griffith, and Hollman.

State Library — Senators Doud, Traverse and Reed.

Engrossed Bills — Senators Meyer, Knoll and Wright.

Enrolled Bills — Senators Hawley, Powers and Cattell.

Senatorial Districts — Senators Donnan, Rice, Johnson, Moore, Reed, Tuttle, Patterson, Hedges and Oliver.

Representative Districts — Senators Wolf, Hawley, Richards, Larrabee, Keller, Newell, Pierce, Robertson and Needham.

Orphans' Home — Senators Larimer, Farwell, Fellows, Matthies, Patterson, Casady, Rice, Parvin and Powers.

On motion of Senator Woolson, the Senate then adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

The Senate convened pursuant to adjournment, the President in the chair.

The further consideration of the report of the Committee on Mileage was resumed.

The question being on the amendment of Senator Wolf, it was lost.

The question recurring on the amendment of Senator Rice, the amendment was not concurred in.

The question then being to recommit the report with *instructions*, Senator Woolson demanded the yeas and nays, which were as follows:

The yeas were Senators Casady, Cattell, Chapin, Cones, Farwell, Griffith, Hamilton, Johnson, Larimer, McMillan, Mitchell, Needham, Parvin, Pierce, Smyth, Traverse, Walden, Wolf, Woolson, Wright — 20.

The nays were Senators Bennett, Bill, Bulis, Donnan, Doud, Dunham, Fellows, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Moore, Oliver, Patterson, Reed, Rice, Robertson, Smith, Tuttle — 24.

Absent but not excused, Senators Meyer, Powers and Richards — 3.

So the motion was lost.

Senator Robertson moved that the report be adopted.

Senator Woolson demanded the yeas and nays, which were as follows :

The yeas were, Senators Bennett, Bill, Bulis, Casady, Donnan, Doud, Dunham, Fellows, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Mitchell, Moore, Needham, Oliver, Patterson, Powers, Reed, Rice, Robertson, Smith, Tuttle — 28.

The nays were, Senators Cattell, Chapin, Cones, Farwell, Griffith, Hamilton, Johnson, Larimer, McMillan, Parvin, Pierce, Smyth, Walden, Wolf, Woolson, Wright — 17.

Absent but not excused, Senators Meyer and Richards — 2.

So the report of the committee was adopted.

By leave, Senator Casady introduced Senate File No. 13, A bill for an act providing for the erection of a building for a Deaf and Dumb Asylum.

Read one and two times, and on motion of Senator Doud, was laid on the table and ordered printed.

The following communication was received from His Excellency, the Governor, at the hands of his Private Secretary, James S. Runnells, which was, on motion of Senator Casady, laid on the table and ordered printed :

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 20, 1868.

GENTLEMEN OF THE SENATE:—I have the honor to transmit herewith the report of the commissioners to locate the Institution for the Deaf and Dumb at Council Bluffs, together with the indenture between the commissioners on the part of the State and the building contractor.

Respectfully,

SAMUEL MERRILL.

Senator Woolson offered the following resolution which was adopted :

Resolved, That the Superintendent of the Hospital for the Insane be requested to inform the Senate what action has been had under the law of last session for the instruction and care of idiots, and to communicate any suggestions in that regard which he may deem proper.

By leave, Senator Oliver presented a petition and memorial of John P. Allison and twenty - seven other citizens of Sioux City and the adjacent portions of Iowa, in reference to the Dubuque and Sioux City Railroad, and remonstrating against changing the line of the same.

Referred to Committee on Railroads.

Also a memorial from the board of supervisors of Woodbury county, on the same subject, referred to same committee.

By leave, Senator Woolson introduced Senate File No. 14: A bill for act to authorize boards of supervisors to levy tax to pay county indebtedness.

Read first and second times, and referred to Committee on Ways and Means.

By leave, Senator Woolson introduced Senate File No. 15, A bill for an act relating to liens of judgments of the Supreme Court.

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

By leave, Senator Patterson introduced Senate File No. 16, A bill for an act to amend section 3174 of the Revision of 1860, relating to attachments.

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

Senator Casady moved that the report of the committee to contract for buildings of the Deaf and Dumb Asylum lie on the table and be printed.

The motion was concurred in.

On motion of Senator Woolson, the report of the Committee on Mileage was referred to the Committee of Ways and Means.

By leave, Senator Walden presented a petition from the board of supervisors and three hundred citizens of Appanoose county, asking relief from the State for Salmon Howard, member of Co. B, Southern Border Brigade.

Referred to Committee on Military affairs.

By leave, Senator Powers introduced Senate File No. 17, A bill for an act to enable counties to fund their indebtedness, and authorizing the issuing of bonds therefor.

Read first and second times, and referred to Committee on County and Township Organization.

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

SENATE CHAMBER, DES MOINES, IOWA,
January 21, 1868 — 10 o'clock A. M.

Senate convened pursuant to adjournment, the President in the chair.

Prayer by Rev. Edward Lounsberry.

Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT:— I am directed to inform your Honorable Body that the House of Representatives has concurred in the following: Senate Substitute to the House resolution relative to the distribution of the Supreme Court Reports.

Also, Senate substitute for House resolution relating to the distribution of the Revision of 1860.

M. C. WOODRUEF, Chief Clerk.

A communication was received from His Excellency the Governor, at the hands of his Private Secretary, which was laid on the President's table.

PETITIONS AND MEMORIALS.

Senator Smyth presented a petition from Linn county, signed by seven hundred citizens, praying for the enactment of a more stringent liquor law.

Senator McMillan presented a petition from fifty-two citizens of Marion county, asking an increase in sheriff's fees.

Referred to Committee on Judiciary.

Senator Keller presented a petition of thirty-two citizens of Ringgold county, praying the enactment of a liquor law prohibiting the sale of all intoxicating beverages.

Senator Bennett moved to refer those petitions on alcoholic beverages to a select committee of seven.

Senator Cones moved that the committee be made a standing committee.

On which motion the yeas and nays were demanded and were as follows:

The yeas were Senators Bill, Casady, Cones, Dunham, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Knoll, Larimer, Matthies, Mitchell, Newell, Oliver, Powers, Rice, Richards, Smith, Smyth, Tuttle, Wolf, Wright. — 24.

The nays were Senators Bennett, Bulis, Cattell, Chapin, Donnan, Doud, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Moore, Needham, Parvin, Patterson, Pierce, Robertson, Traverse, Walden, Woolson, — 24.

Absent, but not excused, Senator Reed.

The vote being a tie, the President voted nay; so the resolution was lost.

The question then recurring on the motion to refer to select committee, the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 36.

The nays were, Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Larimer, Matthies, Richards, Smith — 12.

Absent but not excused, Senator Reed — 1.

So the resolution was adopted.

The following message was received from the House :

MR. PRESIDENT: — I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate resolution relating to the printing of the rules and standing committees of both Houses.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Hollman presented a petition from the board of supervisors of Lee County, Iowa, praying the Legislature to further provide for the care of idiots.

Referred to the Committee on Charitable Institutions.

By Senator Oliver, a memorial from the board of supervisors of Plymouth County, Iowa, remonstrating against changing the line of the Dubuque and Sioux City Railroad.

Referred to Committee on Railroads.

INTRODUCTION OF BILLS.

By Senator Woolson, Senate File No. 18, A bill for an act to provide for the appointment of an official reporter, and for the presentation of evidence in certain cases in each judicial district in the State of Iowa.

Read one and two times and referred to Committee on Judiciary.

By Senator Parvin: Senate File No. 19, A bill for an act to amend section 1193, article 3, chapter 53, of the Revision of 1860.

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

By Senator Fairall: Senate File No. 20, A bill for an act to repeal section 901 of Revision of 1860.

Read first and second times, and referred to Committee on Roads.

By Senator Traverse: Senate File No. 21, A bill for an act to amend section 822 of the Revision of 1860.

Read first and second times and referred to Committee on Roads.

By Senator Robertson: Senate File No. 22, A bill for an act for the relief of Louisa county.

Read first and second times, and referred to Committee on Claims.

By Senator Hawley: Senate File No. 23, A bill for an act to provide for the custody of the records of the public surveys of this State.

Read first and second times, and referred to Committee on Public Lands.

RESOLUTIONS.

Senator Bulis offered the following :

Resolved, That for the purpose of giving sufficient time for committees to organize and dispose of business before them, the Senate on and after to-day until otherwise ordered, hold but one session per day, commencing at nine o'clock A. M.

Senator Larrabee moved to amend by striking out nine and inserting ten.

The amendment was concurred in.

The resolution as amended was then adopted.

Senator Cattell offered the following :

Resolved, By the Senate, the House of Representatives concurring, that the Postoffice of the General Assembly shall be kept open on Sabbath from seven to ten o'clock, A. M., and that the Postmaster and Assistant be excused from attending thereto for the remainder of the Sabbath day. The resolution was adopted.

Senator Tuttle offered the following joint resolution, asking for additional mail facilities :

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be and are hereby instructed, and our Representatives requested to use their influence in procuring the establishment of a daily mail route between Charles City, in Floyd County, Iowa, to Clear Lake, in Cerro Gordo County, *via* Rockford and Mason City. And our Secretary is instructed to forward a copy of this resolution to our Senators and Representatives in Congress. On motion the resolution was referred to Committee on Federal Relations.

Senator Fairall offered the following resolution, which was adopted :

Resolved, That the Attorney General of this State be, and he is hereby requested to give in writing to the Senate, at as early a day as practicable, his opinion as to whether the General Assembly has the power to tax the shares of stockholders in Banks organized in the State of Iowa, under the National Banking Law.

Senator Larimer offered the following resolution, which was adopted :

WHEREAS, The Eleventh General Assembly did, in the month of February, 1866, appoint Senators Powers, R. A. Finkbine, and John Russell, three of their own members, to visit the Agricultural College and Farm, said committee did visit said college and farm, and reported on the condition and management of the same at length, which report was printed and laid on the desks of members, but seems to be studiously omitted from the journals of both Houses of the Eleventh General Assembly, no reference being made therein to said report: therefore,

Resolved by the Senate, the House concurring, That a committee of five — two from the Senate and three from the House — be appointed to enquire into the cause of such mutilation of the journals of the Eleventh General Assembly, and to report the result of their investigations at as early a day as possible.

The President announced as such committee on the part of the Senate, Senators Larimer and Wright.

Senator Wright offered the following resolution, which was adopted :

Resolved, That there be a standing committee appointed on Horticulture and Forestry.

Senator Hollman offered the following joint resolution instructing our Senators and Representatives in Congress:

Be it Resolved by the General Assembly of the State of Iowa, That our Senators in the Congress of the United States be instructed, and our Representatives requested, to favor and urge the passage of a law indemnifying citizens of Lee county, Iowa, for lands and property used in the construction of the Mississippi improvement on the rapids, so that there may be no obstruction to the prosecution of the work.

Resolved, That the foregoing resolution be forwarded by the Secretary of State to each Senator and Representative in Congress.

The resolution was, on motion, referred to Committee on Federal Relations.

Senator Cattell offered the following resolution, which was adopted:

Resolved, By the Senate, the House of Representatives concurring, that the Post-master and assistant each be entitled to two daily papers, or their equivalent in weeklies, and to one dollar and fifty cents weekly postage.

Senator Patterson moved that the order of business be now suspended for the purpose of taking up the Governor's Message.

The motion was concurred in.

Senator Patterson then moved that so much of the message as referred to population be referred to Committee on Manufactures, so much as related to common schools be referred to Committee on Schools, that relating to State University be referred to Committee on State University, that relating to charitable institutions be referred to Committee on Charitable Institutions, that part relating to the Orphan's Home be referred to Committee on Orphan's Home, the part relating to the Penitentiary be referred to Committee on Public Buildings, the part relating to State Reform School be referred to the Special Committee on Reform Schools, that part relating to the school-fund be referred to the Committee on Schools and School-lands, that part relating to public debt be referred to Committee on Ways and Means, that part relating to State-house be referred to Committee on Public Buildings, that part relating to Governor's mansion be referred to Committee on Public Buildings, that part relating to public lands be referred to Committee on Public Lands, that part relating to railroads be referred to Railroad Committee, that part relating to geological survey be referred to Committee on Internal Improvements, that part relating to Mississippi River improvement be referred to Committee on Federal Relations, that part relating to Agricultural College to Committee on Agriculture, that part relating to State Historical Society to Committee on State University, that part relating to Constitutional Amendments be referred to Committee on Constitutional Amendments, that part relating to

opinion of judges be referred to Committee on Judiciary, that part relating to courts be referred to Committee on Judiciary, that part relating to county auditor be referred to Committee on County and Township Organization, that part relating to revenue law be referred to Committee on Ways and Means, that part relating to registry-law be referred to Committee on Elections, and that part relating to Adjutant-General's Office and Report be referred to Committee on Military Affairs.

Senator Robertson moved to amend by referring that part relating to the geological survey to the Committee on Commerce, which was agreed to.

The motion of Senator Patterson, as amended, prevailed.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The report of Dr. Otto Thieme, the commissioner to visit the World's Fair, was taken up.

Senator Moore moved that the report lie on the table and be printed.

Senator Parvin moved to amend by referring the report to the Committee on Printing.

The amendment was adopted, and the report was so referred.

By leave, Senator Woolson offered the following resolution, which was adopted:

Resolved, That the motion to print any paper presented to the Senate may, on motion, be presented to the Committee on Printing whose duty it shall be to report on the propriety of printing, and that it shall be in order for such committee to report at any time.

On motion of Senator Reed the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 22d, 1868—10 o'clock A. M.

Senate convened pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Gieger.

The Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolutions, in which the concurrence of the Senate is asked:

That relating to the restoration to the District Courts of the United States for Iowa, such jurisdiction in civil cases as is now exercised by the Circuit Court.

Also, that providing for the appointment of a joint committee to

visit the Blind Asylum of this State, and to report upon the condition and necessities.

That appointing a joint committee of one from the Senate and two from the House to visit the State Penitentiary at the earliest practicable day.

That appointing a similar committee to visit the State University and Deaf and Dumb Asylum, at Iowa City.

That appointing a like committee to visit the Hospital for the Insane at Mt. Pleasant.

That directing the Secretary of State to furnish members of the General Assembly with Dillon's and Hammond's Digest.

All of which are herewith submitted.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

Senator Matthies presented a petition from the board of supervisors of Des Moines county, Iowa, praying for the enactment of a law relieving the county from the expense of caring for persons convicted of crime.

On motion it was referred to Committee on Charitable Institutions.

Also, a petition from the board of supervisors, of Des Moines county, Iowa, in relation to the canceling of mortgages.

Referred to Committee on County and Township Organizations.

Also, a petition from same body, praying a repeal of the laws of the Eleventh General Assembly, known as the "Transfer Laws."

Referred to Committee on Judiciary.

By Senator Cattell: A petition from Thomas F. Withrow and thirteen other practicing attorneys, praying for the enactment of a law providing a short-hand reporter in certain cases.

Referred to Committee on Judiciary.

By Senator Reed: A petition from M. L. McPherson and eight other attorneys, on same subject.

Referred to same committee.

By Senator Needham: A memorial and claim of Joseph D. Hoag, asking payment of his claims in locating the capitol at Monroe.

Referred to Committee on Claims.

By Senator Bennett: A memorial from William Wilson, jr., and one hundred and fifteen others, praying the establishment of a Reform School.

Referred to Committee on Reform School.

INTRODUCTION OF BILLS.

By Senator Hamilton: Senate File No. 24, A bill for an act for the more efficient collection of certain delinquent taxes.

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

By Senator Richards: Senate File No. 25, A bill for an act to authorize city and county officers to sell real estate, in certain cases, for a sum less than the full amount of taxes, costs, and penalties due.

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

By Senator Walden: Senate File No. 26, A bill for an act for the protection of trees, shrubbery and flowers.

Read first and second time, and referred to Committee on Horticulture and Forestry.

By Senator Wolf: Senate File No. 27, A bill for an act to amend section 4296 of the Revision of 1860, in relation to resisting officers.

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

By Senator Meyer: Senate File No. 28, A bill for an act making it unlawful for any member of the board of supervisors to become surety on the bond of any county officer.

Read first and second time, and referred to Committee on County and Township Organizations.

By Senator Doud: Senate File No. 29, A bill for an act to repeal chapter 118 of the laws of the Eleventh General Assembly, and to enact a law for the publication of the proceedings of the board of supervisors of the several counties.

Read first and second time.

Senator Doud asked that it be referred to Committee on Ways and Means.

Senator Knoll moved to refer to Committee on Printing.

The motion was not concurred in.

The bill was then referred to Committee on Ways and Means.

By Senator Donnan: Senate File No. 30, A bill for an act to amend section 2720 of the Revision of 1860, relating to jurors.

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

By Senator Bennett, Senate File No. 31, A bill for an act requiring juries on the trial of criminal causes, to fix the punishment in a verdict of guilty.

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

By Senator Keller: Senate File No. 32, A bill for an act to repeal section 4786 of the Revision of 1860.

Read first and second time and referred to same committee.

By Senator Chapin: Senate File No. 33, A bill for an act to amend section 891, chapter 46, Revision of 1860, relating to road tax.

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

By Senator Woolson: Senate File No. 34, A bill for an act to repeal section 3276, of Revision of 1860.

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

By Senator Larimer: Senate File No. 35, A bill for an act making it the duty of the clerk of the board of supervisors to return to the Governor the location of the graves of deceased Iowa soldiers, and other purposes.

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

By Senator Fairall: Senate File No. 36, A bill for an act to amend section 720, of Revision of 1860, and to assess improvements on real estate.

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

By Senator Matthies: Senate File No. 37, A bill for an act for the better protection of the books of records of deeds and mortgages.

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

By Senator Bulis: Senate File No. 38, A bill for an act amending section 824 of the Revision of 1860, relating to county roads.

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

By Senator Newell: Senate File No. 39, A bill for an act to amend chapter 46 of the Revision of 1860.

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

By Senator Rice: Senate File No. 40, A bill for an act to repeal a portion of section 6, chapter 129 of the Tenth General Assembly of Iowa.

Read first and second time and referred to Committee on County and Township Organization

By Senator Patterson: Senate File No. 41, A bill for an act to provide for the more efficient work on roads.

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

RESOLUTIONS.

Senator Newell offered the following resolution, which was adopted:
Resolved, That the standing Railroad Committee be increased to thirteen members.

Senator Keller offered the following:

A joint resolution for the establishing of a daily mail line from Winterset, in Madison county, Iowa, through Afton, Union county, Iowa, Mt. Ayr, Ringgold county, Iowa, Grant City, Mo., to St. Joseph, Missouri.

The resolution was adopted.

Senator Bill moved that the order of business be now suspended in

order to take up House messages relating to visiting State Institutions.

The motion was concurred in.

House resolution relating to appointing committee of two on part of the House and one on part of the Senate to visit the Blind Asylum at Vinton; to inquire into the wants and necessities, if any, and condition of the same, and also as to the adequacy of the buildings as to accommodating the blind of the State.

Also House resolution relating to the appointment of a committee consisting of two from the House and one from the Senate to visit the Penitentiary with instruction to examine and report to this General Assembly:

1st. The sanitary condition, police regulations and discipline afforded the convicts.

2d. The books, accounts, receipts, vouchers and all papers pertaining to the financial management of the prison in the hands of, or under the control of, the Warden.

3d. What further improvements, if any, are necessary to the safe and humane custody of the convicts, the character, extent and probable cost of such improvements, and such other matters as may pertain to the public interest and which the committee may deem proper to lay before the General Assembly.

Also House resolution relative to the appointment of a committee of two from the House and one from the Senate to visit the State University and Deaf and Dumb Asylum at Iowa City and report upon the condition and wants of those institutions.

Also House resolution relative to the appointment of a committee of two from the House and one from the Senate to visit the Hospital for the Insane at Mt. Pleasant, Iowa, and report to this General Assembly the present condition of said institution.

All the resolutions were concurred in.

Senator Cattell offered the following:

Resolved by the Senate, the House of Representatives concurring, That committees consisting of one member of the Senate and two members of the House be appointed to visit the following State Institutions, and examine and report upon their management and wants: A committee to visit the Soldiers' and Orphans Homes at Davenport and Cedar Falls; a committee to visit the Agricultural College and Farm.

Senator Larimer moved to amend by striking out all relating to the Soldiers' Orphans Homes.

The amendment was lost.

Senator Casady moved to amend by inserting the Orphans' Home at Glenwood, Mills county.

Senator Donnan moved to postpone further action on this subject until to-morrow morning.

The motion did not prevail.

Senator Smith moved that that portion of the resolution relating to Orphans' Homes, be referred to committee on Soldiers' Orphans Home.

The motion prevailed.

The question being on the adoption of that part of the resolution not referred, Senator Oliver moved to amend, by referring to Committee on Agriculture.

The motion prevailed, and the resolution was so referred.

Senator Wright offered the following resolution :

Resolved, That the committee visiting the public institutions be allowed only their per diem and actual expenses.

Senator Meyer moved to refer the resolution to Committee on Ways and Means.

Senator Hollman moved that it lie on the table till July 4th, 1868.

Senator Knoll moved to lay the resolution on the table.

On this question the yeas and nays were demanded, and were as follows :

The yeas were, Senators Bill, Bulis, Chapin, Donnan, Dunham, Fellows, Grimes, Hollman, Knoll, Larimer, Larrabee, Long, Mitchell, Newell, Oliver, Patterson, Powers, Reed, Rice—19.

The nays were, Senators Bennett, Casady, Cattell, Cones, Doud, Fairall, Farwell, Griffith, Hamilton, Hawley, Hedges, Johnson, Keller, Matthies, Meyer, McMillan, Moore, Needham, Parvin, Pierce, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden. Wolf, Woolson, Wright—30.

The motion did not prevail.

Pending the further consideration of the resolution, by leave Senator Parvin, from Committee on Claims, submitted the following report :

The Committee on Claims, to whom was referred A bill for an act for the relief of Louisa county, has considered the same, and instructed me to report said bill back to the Senate, and recommend its passage.

J. A. PARVIN, Chairman.

On motion of Senator Newell, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 23d, 1868—10 o'clock A. M.

Senate convened pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Turnbull.

Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT : — I am directed to inform your Honorable Body that the House of Representatives has passed the following concurrent resolutions, in which the concurrence of the Senate is respectfully asked :

That providing for the appointment of a joint committee of three to examine the warrants and vouchers of the State Binder and State Printer, and report whether any additional legislation is necessary.

That providing for the appointment of a joint committee of three to visit the Agricultural College and Farm, and report thereon.

That directing the Secretary of State to have five hundred copies of the last census reports bound in half-calf, the same to be distributed as recited in the resolution herewith transmitted.

M. O. WOODRUFF, Chief Clerk.

The President announced the following committees :

On Horticulture and Forestry: Senators Moore, Smyth, Cones, Griffith and Wright.

To visit the Blind Asylum at Vinton: Senator Woolson.

To visit Deaf and Dumb Asylum and State University: Senator Fellows.

To visit Insane Asylum: Senator Bulis.

To visit the Penitentiary: Senator Griffith.

On Rail Roads: Senators Moore, Richards, Traverse and Tuttle.

PETITIONS AND MEMORIALS.

Senator Traverse presented a petition from the Bar and other citizens of Davis county praying for the establishment of a Court of Common Pleas.

Referred to Committee on Judiciary.

By Senator Robertson: A petition from Samuel Townsend and sixty-four other citizens of Louisa county, praying that Iowa river may be declared not to be a navigable stream.

Referred to Committee on International Improvements.

By Senator Long: A petition from citizens of Iowa and Dubuque counties, praying for the further suppression of Intemperance.

Referred to Committee on Intemperance.

INTRODUCTION OF BILLS.

By Senator Bill: Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting.

Read first and second time and referred to Committee on Elections, and ordered printed.

By Senator Donnan: Senate File No. 43, A bill for an act to release to Alfred Heber Reynolds any and all rights of the State of Iowa by way of escheat to certain lands in Buchanan county, Iowa.

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

By Senator Donnan: Senate File No. 44, A bill for an act to amend chapter 51, of the Revision of 1860, in relation to cities and towns.

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

By Senator Donnan: Senate File No. 45, A bill for an act to amend section 1102, of the Revision of 1860, in relation to cities and towns.

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

By Senator Larrabee: Senate File No. 46, A bill for an act amending section 307 of the Revision of 1860.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Patterson: Senate File No. 47, A bill for an act to provide for appeals in certain cases.

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

By Senator Matthies: Senate File No. 48, A bill for an act making it the duty of sheriffs having convicted prisoners in charge, to employ them on the public works of the city or county.

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

By Senator Traverse: Senate File No. 49, A bill for an act to repeal section 2742 of the Revision of 1860.

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

By Senator Woolson: Senate File No. 50, A bill for an act reorganizing boards of supervisors.

Read first and second time and referred to Committee on County and Township Organization, and ordered printed.

Senator Smyth asked leave of absence for Senator Bennett until Tuesday next. Leave was granted.

RESOLUTIONS.

Senator Fairall offered the following resolution, which was adopted:

Be it Resolved by the Senate, That the Governor of Iowa be respectfully requested to communicate to this body, at as early a day as convenient, whether the McGregor Western Railroad Company has assented to and accepted the grant heretofore made to it by virtue of an act of Congress, approved May 12, 1864, entitled "An Act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State;" and if accepted, when, and whether by a written instrument, under the seal of said corporation,

and signed by its President; and if not so assented to, the character of such acceptance; also whether said company has located and definitely fixed the line and route of said road, and filed a map in his office showing such line or route; and what, if anything, said company has done toward the compliance with the terms of said grant.

Senator Bulis offered the following:

Resolved, That the Governor be requested to furnish the Senate with a copy of the report of the State Geologist together with that of his assistant. Also the scrap-book of the State Geologist, containing his published letters, as contemplated in section 4 of chapter 73, acts of the Eleventh General Assembly.

The resolution was adopted.

Senator Larrabee offered the following:

Resolved, That the Judiciary Committee be and are hereby instructed to inquire and report to the Senate whether any additional legislation is necessary to enable counties, by contribution or loan of their credit to aid in the construction of railroads therein, and if so, that they report a bill for that purpose.

The resolution was adopted.

Senator Casady offered the following resolution:

WHEREAS, It is represented that certain stock speculators in the city of New York have obtained an injunction against the officers of the Chicago, Rock Island and Pacific Railroad Company enjoining them from the further expenditure of money in the building of said road west of Des Moines. And

WHEREAS, It is understood that the said company have provided money to complete said road to its western terminus, and would do so but for the influence of speculators outside of this State, therefore be it

Resolved, by the Senate of Iowa, That the Railroad Committee be, and they are, hereby instructed to inquire into the condition of the construction of said line of railroad, and what further legislation, if any, is necessary to secure the early completion of said road and report by bill or otherwise.

On motion, the resolution was referred to Committee on Railroads.

Senator Powers offered the following resolution, which was adopted:

Resolved, That the Judiciary Committee have power to order any bill referred to them, or substitute therefor, printed, if they deem it necessary.

Senator Reed moved the reconsideration of the vote by which the resolution relating to the action of certain stock-jobbers of New York city was referred to the Committee on Railroads.

The motion prevailed.

The resolution was then, on motion, adopted.

REPORTS OF COMMITTEES.

Senator Powers, from Committee on Judiciary, submitted the following report, which was passed on file :

The Judiciary Committee, to whom the following bills and petitions were referred, have had the same under consideration, and have directed me to report and recommend the passage of Senate File No. 27, A bill for an act to amend section 4296 of Revision of 1860, in relation to resisting officers.

Also, Senate File No. 34, A bill for an act to repeal section 3276 of the Revision of 1860, in relation to the liability of officers of municipal corporations.

The committee have instructed me to return to the Senate Senate File No. 37, being A bill for an act for the better protection of the books of record and mortgages.

Also, petition of the board of supervisors of the county of Des Moines, relative to the repeal of the law passed by the Eleventh General Assembly, known as the transfer law, and recommend that said bill and petition be referred to Committee on County and Township Organizations.

J. B. POWERS, Chairman.

Senator Fellows moved that so much of the report as related to recommitting to other committees, be adopted.

The motion prevailed.

Senator Wright submitted the following report, which was passed on file :

The Committee on Agriculture have examined the concurrent resolution for appointing committee to visit the Agricultural College and Farm, and unanimously recommend its adoption.

J. D. WRIGHT, Chairman.

Senator Parvin, from Committee on Claims, submitted the following reports, which were passed on file :

The Committee on Claims to whom was referred the memorial and claim of John Garahty, have had the same under consideration and have instructed me to report the same back to the Senate with the recommendation that the claim be not allowed.

J. A. PARVIN, Chairman.

Also, the Committee on Claims to whom was referred the petition of John Gharky, asking that the sale of his property for taxes be set aside, has considered the same and instructed me to report the petition back, and recommend that the prayer of the petitioner be not granted.

J. A. PARVIN, Chairman.

Also, the Committee on Claims to whom was referred, a bill for an act to reimburse Appanoose and other counties, has considered the same, and have instructed me to report said bill to the Senate, with recommendation that it pass.

J. A. PARVIN, Chairman.

Senator Farwell, from Committee on Public Lands, submitted the following report, which was passed on file:

The Committee on Public Lands have had Senate File No. 23 under consideration, and instructed me to report upon the same, and recommend its passage with the following additional section:

Section 8. This act, being deemed of immediate importance shall take effect from and after its publication in the *Iowa State Register* and *Iowa Statesman*.

S. S. FARWELL, Chairman.

REPORT OF SELECT COMMITTEE.

Senator Bennett submitted the following report, which was passed on file:

The special committee to whom was referred Senate File No. 1, have had the same under consideration, and instruct me to report it back to the Senate and recommend its passage.

GRANVILLE G. BENNETT, Chairman.

Senator Cattell moved to take up House message relating to binding and distributing the last census report.

The motion prevailed and the resolution was then taken up.

Senator Parvin moved to amend by striking out "five hundred" and inserting "two hundred," and also striking out so much as related to distribution to members.

Senator Moore moved to refer the resolution to Committee on Printing.

The motion prevailed.

Senator Wright called up the business under consideration at the hour of adjournment.

The question being on the amendment to postpone till July 4, 1868, the amendment was lost.

Senator Farwell moved to amend by inserting after the word "Resolved," the words, "by the Senate, the House concurring."

The amendment was adopted.

Senator Larimer moved to amend as follows: "Provided the committees have the privilege of paying their own expenses."

The amendment was lost.

The question being on the adoption of the resolution, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were Senators Larimer, Patterson, Reed, Richards—4.
Absent but not excused, Senator Dunham.

So the resolution was adopted.

Senator Oliver moved to take up House messages.

The motion prevailed.

House message relating to appointment of a committee of two from the House and one from the Senate, to visit the Agricultural College and Farm and report upon the condition and management of the same; also to inquire into and ascertain, so far as practicable, whether the last appropriation of the Eleventh General Assembly has been judiciously expended, and such other matters as shall by the committee be deemed of importance to the General Assembly, was taken up, and on motion was concurred in.

The House resolution relating to the appointment of a committee of two on the part of the House and one on the part of the Senate, to examine the warrants and vouchers of the State Binder and State Printer on file in the Auditor's office, and report whether any further legislation is necessary in regard to the work of printing or binding for the State, was then taken up, and on motion, was concurred in.

The House message relating to the restoration to the District Court of the United States for the District of this State, such jurisdiction in civil cases as is now exercised by the Circuit Court, was then taken up, and on motion of Senator Oliver, was referred to Committee on Judiciary.

The House resolution relating to the distribution of Hammond's and Dillon's Digests was then taken up, and on motion of Senator Oliver, was indefinitely postponed.

BILLS ON SECOND READING.

Senate File No. 22, A bill for an act for the relief of Louisa county, with report of committee recommending that it do pass, was taken up.

Senator Parvin moved that the rule be suspended, and that the bill be now read a third time.

The motion prevailed and the bill was read a third time. The question being "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright.—47.

The nays were, none.

Senator Larrabee absent but not excused.

So the bill passed and the title was agreed to.

Senate File No. 27, A bill for an act to amend section 4296, of

the Revision of 1860, relating to resisting officers, was then taken up. On motion of Senator Powers the rule was suspended, and the bill read a third time.

The question being, shall the bill pass, the yeas were:

Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright. — 47.

The nays were Senator Richards.—1.

So the bill passed and the title was agreed to.

By leave Senator Fellows introduced Senate File No. 51, A bill for an act to amend section 2, chapter 114, of the acts of the Tenth General Assembly.

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

On motion of Senator Reed the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
JANUARY 24, 1868,—10 O'CLOCK, A. M.

Senate convened pursuant to adjournment, the President in the chair.

Prayer by Rev. Mr. Hobbs.

Journal of yesterday was read and approved.

Senator Bulis rose to a question of privilege for the purpose of correcting the reporters in relation to his remarks on the appointment of additional members of the Rail Road Committee.

PETITIONS AND MEMORIALS.

Senator Robertson presented a memorial from Wm. L. Toole, and eighteen others, asking that the town plat of Burriss be vacated.

Referred to Committee on Judiciary.

Senator Rice asked for leave of absence for Senator Mitchell, on account of sickness in his family.

Leave was granted.

Senator Hawley presented a memorial from the board of supervisors of Webster county, praying for the enactment of a law authorizing the board of supervisors to satisfy sales of lands in certain cases.

Referred to Committee on Public Lands.

By Senator Walden: A petition of Samuel L. Brown and three hundred other citizens of Appanoose county, asking that three commissioners be substituted for boards of supervisors.

Referred to Committee on County and Township Organizations.

The President announced as committee on the part of the Senate to visit the Agricultural College and Farm, Senator Farwell.

Also, as committee on part of the Senate to examine vouchers of the State Printer and State Binder, Senator Walden.

INTRODUCTION OF BILLS.

By Senator Wright: Senate File No. 52, A bill for an act for the encouragement of agriculture.

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

By Senator Chapin: Senate File No. 53, A bill for an act to change the time of meeting of the board of supervisors.

Read first and second time and referred to Committee on County and Township Organization.

By Senator Cattell: Senate File No. 54, A bill for an act in relation to fugitives from justice.

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

By Senator Newell: Senate File No. 55, A bill for an act to legalize the acts of W. R. Kinnard, of McGregor, Iowa.

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

RESOLUTIONS.

Senator Matthies offered the following:

Resolved, That the Committee on Printing be requested to ascertain if the State Printer has complied with the resolution as passed by the Senate "to print the Governor's Message in the foreign languages," and said committee to report thereon.

The resolution was adopted.

Senator Donnan offered the following joint resolution:

A joint resolution for the relief of Buchanan county:

WHEREAS, On the 17th day of March, 1864, the treasury of Buchanan county was robbed of the sum of about twenty-six thousand dollars, of which sum, as officially reported, the sum of eleven hundred and twenty-seven and $\frac{1}{8}$ dollars was collected as state revenue, and

WHEREAS, The Eleventh General Assembly, by joint resolution approved March 16th, 1866, authorized the Auditor of State to credit Buchanan county with the sum of ten thousand three hundred

and four and $\frac{57}{100}$ dollars, which was the amount collected in cash, but overlooked the amount of ninety-two and $\frac{44}{100}$ dollars which had been collected in warrants and canceled by the county treasurer, therefore be it

Resolved, by the General Assembly of the State of Iowa, That the Auditor of State be and he is hereby authorized to place to the credit of the said county of Buchanan the further sum of ninety-two and $\frac{44}{100}$ dollars upon receipt and filing in his office of a proper certificate of the board of supervisors of said county.

On motion the joint resolution was referred to Committee on Claims.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The following communication was read :

DES MOINES, IOWA, January 27th, 1868.

To the Honorable the President of the Senate:

SIR: On behalf of the board of directors of the Des Moines Library Association we would respectfully call your attention to Section 1, Article VI, of the By-Laws of said Association which reads as follows:

"The Governor, Lieutenant-Governor, the State officers and members of the General Assembly shall be entitled to admission to the library and reading room of the Association."

The library rooms, on the corner of Fourth street and Court Avenue, are open from 2 to 5 P. M. and from 6 to 10 P. M., daily, (Sundays excepted.)

H. S. DEFOREST, President.

SAM'L A. AYRES, Rec. Sec'y.

On motion the communication was laid on the table and a vote of thanks tendered the association.

The report of the Secretary of the State Agricultural Society was taken up and referred to Committee on Agriculture.

REPORT OF COMMITTEES.

Senator Cattell from Committee on Ways and Means submitted the following report:

The Committee on Ways and Means has instructed me to make the following report and recommendations, to-wit:

That Senate File No. 14 be amended by inserting after the word "indebtedness" in the last paragraph, the words "arising upon bonds heretofore issued," and that so amended the bill do pass.

That Senate File No. 36 do not pass.

That Senate File No. 25 be amended by striking out the word "two" in the first section, and inserting the word "five," and that so amended the bill do pass.

J. W. CATTELL, Chairman.

Ordered that the report pass on file.

By Senator Parvin from Committee on Claims :

The Committee on Claims to whom was referred the claim of Joseph D. Hoag for services as commissioner to "locate the permanent seat of government" in 1847, has carefully considered the same, and instructed me to make the following report :

The facts relating to said claim are, as the committee believe, as follows : In 1847 the General Assembly appointed John Brown, Joseph D. Hoag, and John Taylor "commissioners to locate the permanent seat of government" with certain instructions. Under said appointment, and instructions they proceeded to discharge their duty; located the seat of government at Monroe City, and sold a portion of the lots in the new seat of government agreeable to their instructions. At the sale of said lots Messrs. Brown & Hoag purchased some lots as they had an undoubted right to do, and paid the payment necessary by terms of sale. In the session of 1848-9 the General Assembly repealed the act appointing the commissioners, and refused to locate the seat of government in the place designated by said commissioners. At the same time the General Assembly passed an act to pay Mr. Taylor for his services, and also to refund the money paid by those who purchased lots, as aforesaid, except the commissioners. At the session of 1854-5 the claims of Brown were presented in the Senate, and that of Hoag in the House of Representatives. That of Mr. Brown passed and he received his pay. The claim of Mr. Hoag passed the House by yeas, 44, nays 23, but was lost in the Senate by yeas 11, nays 12.

It was again presented in 1860, and the Committee on Claims agreed to report in favor of the claim, but the report was not made until near the close of the session, and was not acted on.

Your committee are of the opinion that a claim of so long standing as the one under consideration, should not be allowed, except on the clearest evidence; but we are unable to see the justice in rejecting what we believe to be a just and righteous demand, merely because the claimant has not been more importunate in pressing his claims. We are unable to see any difference between the rights of the three commissioners, but believe that each was entitled to a just compensation for his services. It appears that the claimant has a balance due him for his services amounting to \$111.00, and for money paid on lots purchased, \$93.64, amounting to \$204.64. We think he is entitled to interest at six per cent per annum, the whole amounting to \$428.56.

Your committee, therefore, report the accompanying bill, and recommend its passage.

Respectfully submitted.

J. A. PARVIN, Chairman.

The bill reported by the committee, being Senate File No. 56, A

bill for an act relative to the claim of Joseph D. Hoag as commissioner to locate a permanent seat of government, was read first and second time, and referred to Committee on Ways and Means.

Senator Walden, from Committee on Printing, presented the following report:

Your Committee on Printing have had under consideration Senate File No. 51, and instructed me to report the same back with the following amendments, and so amended, recommend its passage: Amend section 1 by inserting after the word "copies," "or as many thereof as may be needed." Also, insert after the word "States" in the tenth line, the words, "and for distribution to the public libraries of the State as provided by law."

Your committee have also had under consideration a resolution to print and have bound in half-calf, five hundred copies of the census report, and instructed me to report the same back with a recommendation that it be indefinitely postponed.

M. M. WALDEN, Chairman.

Ordered, that the report pass on file.

Senator McMillan, from Committee on Roads, submitted the following report:

The Committee on Roads, to whom was referred Senate File No. 20, have considered the same, and instructed me to report the same back with the recommendation that it do not pass.

Also, they have considered Senate File No. 21, and instruct me to report the same back, with the recommendation that it do not pass.

Also, the committee have considered Senate File No. 38, and instruct me to report the same back with the recommendation that it do pass.

McMILLAN, Chairman.

Ordered that the report pass on file.

BILLS ON SECOND READING.

Senate File No. 84, A bill for an act to repeal section 3,276 of the Revision of 1860, with report of committee recommending the bill do pass, was taken up.

On motion of Senator Oliver, the bill was read a third time.

On the question, "Shall the bill pass?" the yeas were, Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—44.

The nays were, Senator Dunham—1.

So the bill passed and the title was agreed to.

Senator Parvin asked for leave of absence for Senator Woolson until next Tuesday morning.

Leave was granted.

Senator Smith asked for leave of absence for Senator Larimer until next Tuesday morning.

Leave was granted.

The report of the Committee on Agriculture was taken up and on motion of Senator Oliver was laid on the table.

The report of the Committee on Claims, in the case of John Garahty, recommending that the claim be not allowed, was taken up.

Senator Oliver moved that the report be re-committed to Committee on Claims.

The motion prevailed.

The report of Committee on Claims, on claim of John Gharky, recommending that the claim be not allowed, was taken up, and on motion the report was adopted.

A special message from the Governor was received, at the hands of his private secretary.

Senator Fairall moved that the special message of the Governor lie on the table and be printed, and that the report of the Register of the State Land Office accompanying the same, be referred to Committee on Printing.

Senator Larrabee moved to amend by ordering 2,000 copies printed.

The amendment prevailed, and the motion as amended, was adopted.

Senate File No. 9, A bill for an act to reimburse Appanoose and other counties, with report of committee recommending that the bill do pass, was taken up.

Senator Donnan moved to amend, by adding to section 1 the words, "with six per cent interest per annum thereon from the 1st day of April, A. D. 1866."

The amendment was lost.

Senator Richards moved to amend, by adding to section 1 the words, "with six per cent interest per annum thereon from the 1st day of June, 1866"

Pending the consideration of which, on motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 25th, 1868 — 10 o'clock A. M.

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

Prayer by Rev. Mr. King.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT: I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 1, A bill for an act to legalize an election in the independent district of Sigourney, Iowa, and, also, legalizing the acts of the officers elected thereat.

Also, that the House of Representatives has passed the following bill, in which the concurrence of the Senate is asked :

House File No. 32; A bill for an act to legalize certain acts of the board of supervisors of Howard county, Iowa.

M. C. WOODRUFF, Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Cattell: Senate File No. 57, A bill for an act relating to settlement with county treasurers.

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

By Senator Powers: Senate File No. 58, A bill for an act in relation to the powers of a successor in office of a justice of the peace.

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

By Senator Newell: Senate File No. 59, A bill for an act to more effectually protect society against damage by animals.

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

By Senator Hawley: Senate File No. 60, A bill for an act giving certain compensation to the prevailing party in actions in the District and Supreme Courts.

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

RESOLUTIONS.

Senator Patterson offered the following :

Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use all their influence in preventing the formation of any national banks hereafter, and the issuing of any more currency by the national banks already in existence, and to procure the closing up of the present national bank system, at as early a date as practicable, in keeping good faith with persons having vested rights in said banks, and to provide for the issuing of a national currency to supply any demand by the interests of the country for a paper currency.

Resolved further, That the Secretary of State be instructed to send to each of our Senators and Representatives a copy of this resolution.

Senator Patterson moved to refer to Committee on Federal Relations.

Senator Farwell moved to amend by striking out "Federal Relations" and inserting "Banks."

The amendment was disagreed to.

The motion to refer to Committee on Federal Relations prevailed.

Senator Bulis offered the following:

Resolved, That there be ordered printed of the Governor's Special Message, for the use of the Senate, five hundred copies each in the German, Norwegian, Swedish, Holland and Bohemian languages.

Senator Oliver moved to refer to Committee on Printing.

The motion did not prevail.

The resolution was then adopted.

By leave, Senator Newell introduced Senate File No. 61, A bill for an act to resume all rights conferred upon the McGregor Western Railroad Company by an act of Congress approved May 12, 1864.

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

HOUSE MESSAGES.

House File No. 34, A bill for an act to legalize certain acts of the board of supervisors of Howard county, Iowa, was taken up and read first and second time.

Senator Powers moved to refer to Committee on Railroads.

Senator Oliver moved to amend by striking out "Railroads" and inserting "Judiciary."

The amendment was lost.

The motion to refer to Railroad Committee then prevailed.

REPORTS OF COMMITTEES.

By Senator Cattell, from Committee on Ways and Means:

The Committee on Ways and Means, to which was referred Senate File No. 56, A bill for an act relative to the claim of Joseph-D. Hoag as commissioner to locate a permanent seat of government, with accompanying papers, has instructed me to report the same back, and that they concur in the report of the Committee on Claims.

CATTELL, Chairman.

Ordered that the report pass on file.

By Senator Cattell, from same committee:

The majority of the Committee on Ways and Means has directed me to report Senate File No. 29, A bill for an act to repeal chapter 118 of the laws of the Eleventh General Assembly, and to enact a

law to provide for the publication of the proceedings of the board of supervisors of the several counties, and recommend that it do pass.

CATTELL, Chairman.

Report of minority of same committee on same bill was also submitted, and was as follows :

The undersigned, a minority of the Committee on Ways and Means, beg leave to dissent from the recommendation of the majority of said committee upon Senate File No. 29, for the following reasons :

First, It is our opinion that the people of the State are well satisfied with the law as it now stands.

Second, Repeal this law and the majority of the people will never see the laws we enact.

Third, The amount paid, though large in the aggregate, is very small to each tax payer, amounting to less than fifteen cents to each tax payer, or two cents and a half to each inhabitant of the State.

Fourth, The people have a right to know what laws are enacted for their government, and it is the duty of the State to furnish them with this knowledge. It is only a question as to how this shall be done. In the opinion of the minority, the better way is to furnish this information through the local press, thereby incidentally aiding and encouraging the county-newspaper interest of the State, and the peculiar interest of building up the newspapers at the Capital, to the exclusion of all others. We do therefore recommend that the bill be indefinitely postponed.

S. S. FARWELL.

N. B. MOORE.

Ordered the report pass on file.

By Senator Cattell, from same committee, the following report :

The Committee on Ways and Means, to whom was referred the report of the Committee on Mileage, report a bill for the payment of the same, and also for payment of certain temporary officers and for postage.

CATTELL, Chairman.

Senate File No. 62, A bill for an act making appropriation for the payment of mileage of the members of the Twelfth General Assembly, and the per diem of the temporary officers and employees thereof and for postage.

Read first and second time, and on motion of Senator Cattell the eleventh rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—39.

So the bill passed, and the title was agreed to.

Senator Farwell asked leave of absence for Senator Wright.
Leave was granted.

Senator Matthies asked leave of absence for Senator Hamilton.
Leave was granted.

Senator Johnson asked leave of absence for Senator Peirce.
Leave was granted.

Senator Hawley asked leave of absence for Senator Meyer.
Leave was granted.

Senator Smith asked leave of absence for Senator Griffith.
Leave was granted.

Senator Fairall asked leave of absence for Senator Cones.
Leave was granted.

Senator Powers, from Committee on Judiciary, submitted the following report:

The Judiciary Committee have considered Senate File No. 54, being a bill for an act in relation to fugitives from justice, and recommend the passage of the bill, and that the bill be changed so as to read, "A bill for an act in relation to the payment of the expenses of agents appointed to demand fugitives from justice."

Your committee have directed me to report that in their opinion the town plat of Burris can not be vacated by special act of the Legislature, and that the prayer of the petition of Wm. L. Love, and others, be not granted.

J. B. POWERS, Chairman.

By Senator Donnan, from same committee:

The Judiciary Committee to whom was referred Senate File No. 32, A bill for an act to repeal section 4786 of the Revision of 1860, have had the same under consideration and have instructed me to report the same back with the recommendation that the bill be indefinitely postponed.

W. G. DONNAN, for Committee.

Ordered passed on file.

By Senator Wolf, from same committee:

The Committee on Judiciary to whom was referred Senate File No. 19, A bill for an act to amend section 1193 of chapter 53 of the Revision of 1860, have had said bill under consideration and have instructed me to report the same back to the Senate with accompanying substitute, and with the recommendation that said substitute be adopted and passed.

WM. P. WOLF, for Committee on Judiciary.

Ordered, that the report pass on file.

By Senator Fellows, from the same committee, the following report:

The Committee on Judiciary to whom was referred Senate File No. 7, entitled, A bill for an act to amend section 3980 of the Revision of 1860, have had the same under consideration and

have instructed me to report the accompanying substitute and to recommend the passage of the same.

L. E. FELLOWS, for Committee.

Ordered, that the report pass on file.

Senator Wright, from the Committee on Agriculture, submitted the following report :

The Committee on Agriculture to whom was referred Senate File No. 52, A bill for an act for the encouragement of agriculture, have examined the same and direct me to recommend its adoption.

J. D. WRIGHT, Chairman.

Senator Reed, from Committee on Railroads, submitted the following :

To the Senate: Your Committee on Railroads have instructed me to report that they have had under consideration the matter referred to them by the resolution on the subject of the Chicago, Rock Island and Pacific Railroad Company.

They also direct me to report the accompanying "bill" and recommend its passage.

J. R. REED, for the Committee.

Senate File No. 63, A bill for an act providing for the early construction of the Chicago, Rock Island and Pacific Rail Road from Davenport to Council Bluffs, Iowa.

Read first and second time, and on motion of Senator Doud, was laid on the table and ordered printed.

Senator Matthies, from Committee on Military Affairs, submitted the following report :

The Committee on Military Affairs to whom has been referred the petition of Salmon Howard, of Appanoose county, has carefully examined the same, and instructed the undersigned to report that the prayer of the petitioner is not granted.

C. L. MATTHIES.

Ordered, that the report pass on file.

Senator Walden, from Committee on Printing, submitted the following :

Your Committee on Printing, to whom was referred the report of Dr. Otto Thieme, Commissioner to the Paris Exposition of 1867, and also the supplemental report from the State Land Office, have had the same under consideration, and recommend that the usual number of each be printed.

WALDEN, for Committee.

Ordered, that the report pass on file.

Senator Farwell, from Committee on Soldiers' Orphans Homes, submitted the following report :

The Committee on Soldiers' Orphans Homes have had the resolution relating to visiting the Orphans' Homes under consideration and instruct me to offer the following substitute and recommended its passage :

Resolved by the Senate, the House of Representatives concurring, That a committee consisting of one member of the Senate and two members from the House be appointed to visit the Soldiers' Orphans Home at Davenport. Also a committee of one member of the Senate and two members of the House to visit the Orphan's Home at Cedar Falls. The said committees are required to report in full upon the condition, wants, and management of these institutions. These committees shall confer together, and if they deem it necessary, they shall appoint a sub-committee consisting of one member of each House to visit the Soldiers' Orphans Home at Glenwood.

FARWELL, for Committee.

On motion the report was adopted.

The following message was received from the House.

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution, in which the concurrence of the Senate is asked :

That authorizing the issuance of warrants for the payment of the postage accounts of the Twelfth General Assembly.

BENJ. VAN STEENBERG, Ass't Clerk.

Be it Resolved by the General Assembly of the State of Iowa, That the Auditor be, and he is hereby authorized to issue warrants on the Treasurer from time to time, on account of postage due to the Post master of this city, the accounts therefor being always first approved by the Secretary of State, and limited by the amount of postage stamps, &c., which shall have been actually delivered to the Secretary of State under the resolutions of the Senate and of the House of Representatives at this session.

BILLS ON SECOND READING.

Senate File No. 9, A bill for an act to reimburse Appanoose and other counties, which was under consideration at the hour of adjournment, was taken up.

The question being on the amendment to pay interest, the yeas and nays were demanded, and were as follows :

The yeas were Senators Casady, Donnan, Dunham, Fellows, Hawley Hedges, Hollman, Knoll, Richards, Walden—10.

The nays were Senators Bill, Bulis, Cattell, Chapin, Doud, Fairall, Farwell, Grimes, Johnson, Keller, Larrabee, Long, Matthies, McMullan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf—29.

So the amendment was lost.

On motion of Senator Parvin the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Larrabee, Long, Matthies,

McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Tuttle, Walden, Wolf—85.

The nays were Senators Fairall, Knoll, Smith, Traverse—4.

So the bill passed and the title was agreed to.

Senate File No. 23, A bill for an act to provide for the custody of the records of the public surveys of this State, together with report of the committee recommending an amendment, was taken up, and on motion the report was adopted.

Pending the consideration of the bill, Senator Hollman moved that the Senate do now adjourn.

The motion did not prevail.

On motion of Senator Farwell the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—89.

The nays were none.

So the bill passed and the title was agreed to.

On motion of Senator Doud the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 27th, 1868—10 o'clock A. M.

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

Prayer by Rev. Mr. Buzzard.

The Journal of Saturday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Robertson: A petition from James Manly and eighty-one other citizens of Louisa county, praying that the Iowa river may be declared not to be a navigable stream.

Referred to Committee on Internal Improvements.

Also, a petition from Levi Stephens and fifty-three other citizens of Louisa county, on same subject.

Referred to same committee.

By Senator Long: A petition of W. D. Wright and others, citizens of Iowa county, praying for the better protection of game.

Referred to Committee on Agriculture.

By Senator Matthies: A petition of George Severey and sixty others, citizens of Des Moines county, praying for the establishment of a Reform School.

Referred to Committee on Reform School.

By Senator Patterson: A memorial from the board of supervisors of Mitchell county, asking the repeal of an act for the transfer of real estate, to regulate the assessment thereof and facilitate the collection of revenue.

Referred to Committee on County and Township Organizations.

By Senator Walden: A petition from S. W. Wright and numerous others, citizens of Appanoose county, asking that boards of supervisors be abolished, and three commissioners substituted therefor.

Referred to Committee on Township and County Organizations.

Also, a memorial from the board of supervisors of same county on same subject.

Referred to same committee.

INTRODUCTION OF BILLS.

By Senator Hawley: Senate File No. 64, A bill for an act to authorize the Governor to release lands which have been certified to the State by authority of the Secretary of the Interior.

Read first and second time, and referred to Committee on Public Lands.

By Senator Farwell: Senate File No. 65, A bill for an act to protect the hop-growing interest of the State of Iowa, and to indicate the sizes of boxes used in picking hops within the State.

Read first and second time, and referred to Committee on Agriculture, and ordered printed.

By Senator Doud: Senate File No. 66, A bill for an act to amend section 2642 of the Revision of 1860, relating to the argument term of the Supreme Court of the State of Iowa at Davenport.

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

By Senator Newell: Senate File No. 67, A bill for an act to amend section 4221, chapter 165, of the Revision of 1860.

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

By Senator Doud: Senate File No. 68, A bill for an act to repeal chapter 163 of the laws of the Ninth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors in certain cases.

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

By Senator Doud: Senate File No. 69, A bill for an act to repeal chapter 76 of the laws of the Tenth General Assembly, and to enact a law to determine the per diem of labor on roads and poll tax.

Read first and second time, and referred to Committee on Roads

RESOLUTIONS.

Senator Newell offered the following :

WHEREAS, The early transmission to the people of Iowa of the proceedings of the Legislature, is of great importance, and as the public press is the best and cheapest medium through which this object can be attained, and every facility should be allowed the representatives of the press to perform their duties : therefore,

Resolved by the Senate, the House concurring therein, That each of the reporters of the daily newspapers represented here, be allowed such stationery as may be needed, including a port-folio, also postage-stamps to the amount of two dollars per week.

The resolution was not agreed to.

Senator Fairall offered the following :

WHEREAS, American citizens travelling abroad have been illegally arrested by despots in the Old World, and without cause immured in bastiles ; and,

WHEREAS, The governments of Europe deny the rights of expatriation, and of renouncing allegiance ; and,

WHEREAS, The spirit of the age, and the genius of our institutions, the traditions of our nation, and the language of its laws are in conflict with the slavish doctrine of "once a subject always a subject ;" therefore,

Be it Resolved by the General Assembly of the State of Iowa, That it is the duty of our national authorities to firmly insist that the person of a citizen of the United States is as sacred as our flag, and that the unwarranted interference by foreign governments with the liberty of the former will be deemed an insult to the latter.

Resolved, That the honor and dignity of the nation require that reparation be made for past offenses, and that any future violence or infringement of the rights of American citizens by any power, should be promptly resented and punished by our government.

Resolved, That the doctrine promulgated by English law officers on the subject of allegiance is not recognized as the law of the United States, and that our citizens, whether native or adopted, must not be molested or interfered with so long as they commit no offense punishable by the laws of England, and that words spoken, or acts done in the United States, are not punishable in any foreign court or before any foreign tribunal.

Resolved, That is the doctrine of the United States government, and regarded as the law of the United States, that every man on reaching the shores of this country is entitled to change his allegiance at his pleasure, and, that when naturalized, he becomes a citizen of the United States, and as such is entitled and will be defended by the whole power of the Government.

Resolved, That the course pursued by our foreign Minister in Prussia and at the Court of St. James, in treating with inhumanity, and failing to respond to the reasonable requests of American citizens when pressed into the Prussian army, and while confined in British dungeons, merits our just condemnation.

On motion of Senator Powers, the Resolution was referred to Committee on Federal Relations, with instruction to report on Wednesday next.

Senator Bill offered the following :

WHEREAS, The present heating apparatus for this chamber supplies vitiated air, and in consequence, several members of this Senate are made sick ; therefore, be it .

Resolved, That the Secretary of State be instructed to furnish stoves for heating this chamber at the earliest convenience.

On motion it was referred to special committee, consisting of Senators Bill, Bulis, Larimer, Robertson, Reed and Matthies,

By Senator Bulis, the following substitute :

Resolved, That Senators Robertson, Reed and Matthies be appointed a committee to consider the propriety of a change in the manner of heating and ventilating the Senate Chamber.

Referred to same committee.

HOUSE MESSAGES.

The joint resolution authorizing the payment of the postage accounts of the Twelfth General Assembly, was taken up, and on motion of Senator Cattell was laid on the table.

REPORTS OF COMMITTEES.

By Senator Patterson, a report from the Committee on County and Township Organization :

Your Committee on County and Township Organization direct me to report back Senate File No. 28, A bill for an act making it unlawful for any member of the board of Supervisors to be surety on the bond of any county officer, with a recommendation that the same be amended by

1st. Inserting after the word "that," in the second line of the first section, the word "hereafter;" and by striking out of the fourth line of said section, the word "be," and inserting in lieu thereof, the word "become."

2d. By striking out the second section.

3d. By striking out of the third line of the title to the bill the word "be" and inserting the word "become" in lieu thereof, and and that so amended, the bill do pass.

J. G. PATTERSON, Chairman.

Ordered that the report pass on file.

By Senator Knoll, from same committee :

The Committee on Township and County Organizations, to whom was referred Senate File No. 46, A bill for an act to amend section 307 of the Revision of 1860, fixing the time of meeting of the board of supervisors, have had the same under consideration and have instructed me to report the same back to the Senate with recommendation that it do not pass.

F. M. KNOLL, for Committee.

Ordered, the report pass on file.

By Senator Donnan from same committee :

The Committee on County and Township Organizations, to whom was referred Senate File No. 40, A bill for act to repeal a portion of section 6, chapter 129, of the Acts of the Eleventh General Assembly of Iowa, relating to salary of county treasurers, have had the same under consideration, and direct me to report the same back with the recommendation that it do not pass.

W. G. DONNAN, for Committee.

Ordered, the report pass on file.

By Senator Moore, from same committee :

To the Senate of the State of Iowa : We, your committee, to whom was referred Senate File No. 37 with the accompanying resolution, beg leave to report the same back with the recommendation that the bill do not pass.

By order of the committee.

N. B. MOORE.

Ordered, that the report pass on file.

By Senator Parvin, from the Committee on Claims, the following report :

The Committee on Claims, to whom was referred the joint resolution for the relief of Buchanan county, has examined the same and instructed me to report it to the Senate and recommend its adoption.

J. A. PARVIN, Chairman.

Ordered that the report pass on file.

BILLS ON SECOND READING.

Senate File No. 1, A bill for an act to amend an act for the relief of the widow and indigent children of Joseph Ketterer, with report of committee recommending that the bill do pass, was taken up.

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

On the question " Shall the bill pass ? "

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver,

Parvin, Patterson, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf. — 89.

The nays were none.

Absent, but not excused, Senator Reed.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT : — I am directed to inform your Honorable Body that the House of Representatives has passed Senate File No. 22, A bill for an act for the relief of Louisa county.

BENJ. VAN STEENBURG, Assistant Clerk.

Senate File No. 14, A bill for an act to authorize boards of supervisors to levy tax to pay county indebtedness, with report of committee recommending amendments, was taken up.

Senator Patterson moved to amend the report by striking out the words "bonds heretofore issued," and inserting the words "indebtedness heretofore contracted."

On motion of Senator Powers, the bill and amendments under consideration were made the special order for 11 o'clock on Wednesday next.

The following communication was received from His Excellency, the Governor, at the hands of his private secretary :

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, January 27, 1868.

Gentlemen of the Senate:—I have the honor to transmit herewith the Report of the State Geologist; also the scrap-books containing his published letters and those of his assistant.

SAMUEL MERRILL.

Senator Powers moved that the communication be referred to the Committee on Commerce, with instructions to have such portions printed as they may think necessary.

The motion was concurred in, and the communication was so referred.

Senate File No. 36, A bill for an act to amend section 720 of the Revision of 1860, and to assess improvements on real estate, with report of committee recommending that the bill do not pass, was then taken up, and on motion of Senator Fairall was laid on the table.

Senate File No. 25, A bill for an act to authorize city and county officers to sell real estate in certain cases for a sum less than the full amount of taxes, cost and penalties, with report of committee recommending amendments, was taken up.

Senator Richards moved to amend the report by adding at the end of fifth line of the bill the words "and five years' tax thereon are delinquent and unpaid."

The amendment was lost.

Senator Richards moved to amend the amendment proposed by the committee, by striking out "five" and inserting "three."

The amendment was not agreed to.

Senator Richards moved to amend by striking out "five" and inserting "four."

Pending the consideration of which, on motion of Senator Fellows the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
JANUARY 28, 1868,—10 O'CLOCK, A. M.

Senate convened pursuant to adjournment; the President in the chair.

Prayer by Reverend A. A. Dinsmore.

Journal of yesterday was read and approved.

The following message was received from the House.

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

House File No. 45, A bill for an act for the relief of Josiah Crom, *et al*, securing to them their homes on lands known as the excess of the 500,000 acre grant, at \$1.25 per acre.

House File No. 12, A bill for an act changing the time of holding court in the Third Judicial District.

I also return Senate File No. 34, An act to repeal section 3276, of the Revision of 1860, which has passed the House with the following amendment, in which the concurrence of the Senate is asked:

Also, Senate File No. 23. An act to provide for the custody of the records of the public surveys of the State.

Also, Senate joint resolution relative to the appointment of committees to visit the Soldiers' Orphans Homes, with the accompanying amendment.

Also, that the House has concurred in the Senate resolution relative to granting papers and postage to post-master and his assistant.

Also, that relative to the hours in which the post-office shall be kept open on the Sabbath.

Also, that relating to the joint committee to investigate the omission of the report of the committee to investigate the affairs and accounts of the Agricultural College and Farm at the last session, from the journals thereof.

Also, joint resolution relative to ratification of the proposed amendment of the Constitution of the United States in regard to representation, reconstruction, and the national debt.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

Senator Bulis submitted the following:

A petition from Thore Pederson and others, for the release of interest of the State in certain lands.

Referred to Committee on Public Lands.

By Senator Hamilton: A memorial from the board of supervisors of Wapello county and others, in relation to amending road laws.

Referred to Committee on Roads.

By Senator Needham: A petition of one hundred and ninety-nine men, one hundred and ninety-five women, and one hundred and seven youth of Mahaska county, praying for a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

INTRODUCTION OF BILLS.

By Senator Bulis: Senate File No. 70, A bill for an act for the relief of the widow and children of Steven Lawson.

Read first and second time, and referred to Committee on Public Lands.

By Senator Cattell: Senate File No. 71, A bill for an act to authorize J. A. Harvey to procure certificates of lands selected in lieu of the sixteenth section.

Read first and second time, and on motion of Senator Cattell, the eleventh rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthews, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson Smith, Smyth, Traverse, Tuttle, Walden, Wolf. — 40.

The nays were none.

Absent, but not excused, Senators, Dunham and Hawley.

So the bill passed, and the title was agreed to.

Senator Needham asked leave of absence for Senator Keller, which was granted.

By Senator Cattell: Senate File No. 72, A bill for an act in relation to balance due from county treasurers whose term of office has expired.

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

By Senator Needham: Senate File No. 73, A bill for an act fixing the time when taxes shall become a lien on real estate.

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

By Senator Knoll: Senate File No. 74, A bill for an act to amend section 2721, of chapter 115, of the Revision of 1860, in relation to jurors.

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

By Senator Long: Senate File No. 75, A bill for an act to amend section 840 of chapter 46 of the Revision of 1860, in relation to roads and highways.

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

By Senator Bulis: Senate File No. 76, A bill for an act legalizing the organization of the Independent School District of Decorah, Iowa.

Read first and second time, and on motion of Senator Bulis the 11th rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—39.

The nays were, none.

Absent, but not excused, Senators Fellows and Needham.

So the bill passed, and the title was agreed to.

By Senator Bennett: Senate File No. 77, A bill for an act to amend section 2700 of the Revision of 1860, by striking out therefrom the word "white."

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

By Senator Richards: Senate File No. 78, A bill for an act to authorize the sale of real estate in certain cases for less than full amount of taxes, interest and costs due thereon.

Read first and second time, and on motion of Senator Richards was referred to Committee on Ways and Means, together with Senate File No. 25, A bill for an act to authorize city and county officers to sell real estate in certain cases.

RESOLUTIONS.

Senator Doud offered the following:

Resolved by the Senate, the House concurring, That of all documents ordered printed by either branch of this General Assembly, the State Printer shall print five hundred additional copies, which additional number shall be retained by the State Binder, who shall bind the same with the legislative documents, required to be bound together by section 2, chapter 114 of the laws of the Tenth General Assembly; and such documents shall be excluded from the journals of the respective Houses of this General Assembly.

On motion of Senator Doud, the resolution was referred to Committee on Printing.

Senator Bulis offered the following resolution, which was adopted :

Resolved, That L. P. Baker be employed at a salary of two dollars per day to carry the mails to and from the capitol as often as is necessary to connect with the principal mails arriving and leaving.

By leave, Senator Cattell called up from the table the joint resolution authorizing the issue of warrants for the payment of the postage accounts of the Twelfth General Assembly.

On motion, the joint resolution was adopted.

HOUSE MESSAGES.

House File No. 45, A bill for an act to secure to certain persons, residents of Harrison county, their homes and lands known as the excess of the 500,000 grant, at the price of one dollar and twenty-five cents per acre, was taken up, read first and second time, and on motion of Senator Oliver, was referred to a special committee of three.

The President announced as such committee, Senators Oliyey, Casady and Pierce.

House File No. 12, A bill for an act changing the time of holding court in the Third Judicial District, was taken up, read first and second time, and on motion was referred to committee of Senators from Third Judicial District.

Senate File No. 34, A bill for an act to repeal section 3276 of Revision of 1860.

Senator Needham moved to refer to Committee on Judiciary.

The motion did not prevail.

Senator Powers moved to reconsider the vote just taken, which was seconded.

The motion prevailed.

The motion to refer to Committee on Judiciary was then adopted.

The Senate concurrent resolution relating to the appointment of committees to visit the Soldiers' Orphans Homes, with House amendment to appoint a committee to visit the Soldiers' Orphans Home at Glenwood, Mills county, was taken up.

The question being, "Shall the Senate concur in the amendment?" the yeas and nays were demanded, and were as follows :

The yeas were Senators Bill, Casady, Fellows, Hollman, Knoll, Matthies, Moore, Newell, Oliver, Patterson, Rice, Richards, Tuttle—13.

The nays were Senators Bennett, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hedges, Johnson, Larrabee, Long, McMillan, Needham, Parvin, Pierce,

Powers, Reed, Robertson, Smith, Smyth, Traverse, Walden, Wolf—28.

Absent but not excused, Senator Hawley.

So the Senate refused to concur.

House joint resolution ratifying the amendment to the constitution of the United States in regard to representation, reconstruction and the national debt, was taken up, read first and second time and referred to Committee on Constitutional Amendments.

A communication from the Superintendent of the Hospital for the Insane, in response to a resolution of the Senate, was presented by the Secretary, and on motion of Senator Bennett, the communication was laid on the table and ordered printed.

REPORTS OF COMMITTEES.

Senator Powers, from Committee on Judiciary, submitted the following:

The Judiciary Committee have had under consideration Senate File No. 58, A bill for an act in relation to the powers of successors in office of a justice of the peace; also Senate File No. 66, A bill for an act to amend section 2642, in relation to an argument term of the Supreme Court at Davenport, and recommend the passage of the same.

The committee have also had under consideration Senate File No. 67, A bill for an act to amend section 4221 of the Revision of 1860 and recommend that the bill be indefinitely postponed.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

Senator Fairall from same committee, submitted the following:

The Judiciary Committee to whom was referred the joint resolution from the House, instructing our Senators and Representatives in Congress to procure the passage of a law restoring to the District Court of the United States for the District of Iowa, such jurisdiction in civil cases as is now exercised by the Circuit Court has instructed me to report the same back with the recommendation that the Senate do not concur therein.

FAIRALL, for Committee.

Ordered, that the report pass on file.

By leave, Senator Doud called up Senate File No. 66, A bill for an act to amend section 2642 of the Revision of 1860, in relation to an argument term of the Supreme Court of Iowa, at Davenport.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady Cattell, Chapin, Donnan, Doud, Dunham, Fellows, Griffith, Grimes, Hamilton, Haw-

ley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf. — 30.

The nays were Senator Farwell. — 1.

Absent, but not excused, Senator Matthies.

So the bill passed, and the title was agreed to.

BILLS ON SECOND READING.

Senate File No. 38, A bill for an act amending section 824, of the Revision of 1860, relating to county roads, with report of committee recommending that it do pass, was taken up.

Senator Fairall moved to amend as follows: and personal service of such notice shall be made on all persons through whose lands the proposed road runs, the same as of actions pending in the District Court.

Senator Patterson moved to refer the bill and amendments to the Committee on Judiciary.

The motion prevailed, and the bill was so referred.

On motion of Senator Doud, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 29, 1868.

Senate convened at 10 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Hayhurst.

Journal of yesterday was read and approved.

The following message was received from the House:

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

House File No. 38, A bill for an act to amend chapter 123 of the laws of the Eleventh General Assembly relative to the grey uniforms, so called, furnished by the State to certain members of the Second and Third Iowa Infantry.

House File No. 75, A bill for an act granting to the United States Government the right of way for a ship canal around the Des Moines or Lower Rapids of the Mississippi river, on the Iowa side.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

Senator Smyth presented a petition, signed by thirty-one men, twenty-nine women, and six youths of Linn County, Iowa, praying for the passage of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

Also, a petition from same county signed by sixty-four men forty-eight women and twelve youths on same subject and referred to same committee.

Also, a petition from same county on same subject signed by eight-four men and thirty-four women, which was referred to same committee.

INTRODUCTION OF BILLS.

By Senator Walden: Senate File No. 79, A bill for an act in relation to libels and actions therefor.

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

By Senator Donnan: Senate File No. 80, A bill for an act to amend Section 2, Chapter 115, Laws of the Ninth General Assembly relating to the protection of game.

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

By Senator Cones: Senate File No. 81, A bill for an act to enable municipal and public corporations to settle, adjust, and compound their indebtedness, and to provide for the issue of new bonds and for payment of such new bonds by the levy of specific taxes, and for this purpose altering and amending existing charters and laws.

Read first and second time, and on motion of Senator Robertson was laid on the table and seven hundred copies ordered printed.

By Senator Needham: Senate File No. 82, A bill for an act in relation to independent school-districts.

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

By Senator Farwell: Senate File No. 83, A bill for an act to recover damages for crops destroyed by animals during the night.

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

By Senator Hawley: Senate File No. 84, A bill for an act to amend section 898 of the Revision of 1860.

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

By Senator Moore: Senate File No. 85, A bill for an act to establish a Court of Quarter Session, and defining the jurisdiction thereof.

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

Senator Reed moved that the regular order of business be suspended, and that Senate File No. 63, A bill for an act providing for

and requiring the early construction of the Chicago, Rock Island & Pacific Railroad from Davenport to Council Bluffs, Iowa, be taken up. The motion did not prevail.

RESOLUTIONS.

Senator Cones offered the following :

WHEREAS, One of the messengers of this Senate is the son of a Supreme Judge, and the other a son of a member of this body, and

WHEREAS, The children of dead and disabled soldiers have superior claims upon this body for those positions, the ignoring of which is rebuked by every motive of patriotism, therefore,

Resolved, That the messengers now employed in this Senate be dismissed without fault, and that Hugh D. Hunt, the son of W. A. Hunt of the 4th Iowa Infantry, who lost his right arm at the battle of Missionary Ridge, and George W. Duffin, son of Lieut. Duffin of Company K, 16th Iowa Infantry, who lost his life at Kenasaw Mountain, be, and are hereby appointed messengers of this Senate.

Senator Doud moved that the resolution lie on the table.

On which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Johnson, Larimer, Long, Matthies, Meyer, McMillan, Needham, Parvin, Patterson, Rice, Tuttle, Walden—22.

The nays were Senators Cones, Dunham, Fairall, Farwell, Fellows, Hamilton, Hawley, Hollman, Knoll, Larrabee, Moore, Newell, Oliver, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson, Wright—24.

Absent but not excused, Senator Hedges.

So the motion did not prevail.

The question being on the adoption of the resolution, Senator Hamilton moved that the further consideration of the resolution be postponed until Saturday at 11 o'clock.

The motion prevailed.

The President announced as Committee on the Suppression of Intemperance, Senators Bennett, Larimer, Parvin, Matthies, Hollman, Oliver, and Smyth.

HOUSE MESSAGES.

House File No. 88, A bill for an act to amend chapter 128 of the laws of the Eleventh General Assembly relative to the grey uniforms, so called, which were furnished by the State to certain members of the Second and Third Iowa Infantry, was taken up, read first and second time, and referred to Committee on Military Affairs.

Substitute for House File No. 75, A bill for an act granting to the

United States Government the right of way for a ship canal around the Des Moines or Lower Rapids in the Mississippi river, on the Iowa side, was taken up, read first and second times, and referred to Committee on Judiciary.

REPORTS OF COMMITTEES.

Senator Cattell, from the Committee on Ways and Means, submitted the following:

The Committee on Ways and Means has instructed me to report and recommend as follows:

Amend Senate File No. 78, A bill for an act to authorize the sale of real estate in certain cases, by striking the words "three or more years" out of the first section, and inserting the words "five or more years, and has been offered for sale twice or more, and not sold for want of bidders;" and strike out the words "hand over the same," and insert the words "deliver a list of the selections so made." Insert the word "several" before the word "county" in the second line of section 1, and strike out the word "pro rata" at the end of section 2, and insert it after the word "apportioned" in said section. That so amended, the bill be passed.

That Senate File 57, A bill for an act relating to settlement with county treasurers, be passed.

All of which is respectfully submitted.

CATTELL, Chairman.

Ordered, that the report pass on file.

By Senator Powers, from Committee on Judiciary:

The Judiciary Committee have had under consideration Senate File No. 34, being a bill for an act to repeal section 8276 of the Revision of 1860, in relation to the liability of officers of municipal corporations, and the amendments thereto made by the House of Representatives, and recommend that the amendments made by the House of Representatives be concurred in by the Senate.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

The President announced that the hour for the special order had arrived, it being the further consideration of Senate File No. 14, A bill for an act to authorize boards of supervisors to levy tax to pay county indebtedness, which was then taken up.

The question being on the amendment of Senator Patterson to amend the report of the committee by striking out the words "arising upon bonds heretofore issued," and inserting "indebtedness heretofore contracted."

By leave Senator Patterson added to his amendment the following words: "In counties having a population exceeding 5000 inhabitants."

On this question the yeas and nays were demanded and were as follows :

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Doud, Fairall, Fellows, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Patterson, Pierce, Powers, Rice, Richards, Traverse, Tuttle, Woolson. — 24.

The nays were Senators Casady, Donnan, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Reed, Robertson, Smith, Smyth, Walden, Wolf, Wright. — 23.

So the amendment was adopted.

Senator Larrabee moved that the further consideration of the bill be made the special order for 11 o'clock to-morrow.

The motion did not prevail.

The report of committee as amended was then adopted.

On motion of Senator Powers the bill was then read a third time.

On the question, " Shall the bill pass ? "

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattoll, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffiths, Hamilton, Hedges, Hollman, Johnson, Knoll, Long, Matthies, Meyer, McMillan, Moore, Newell, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson—35.

The nays were, Senators Donnan, Grimes, Hawley, Larimer, Larrabee, Oliver, Parvin, Smith, Smyth, Wright—10.

Absent, but not excused, Senators Dunham and Needham.

So the bill passed and the title was agreed to.

The following communication was received from the Governor, at the hands of his private secretary, which was read and referred to Committee on Railroads :

Gentlemen of the Senate :—In reply to a resolution of your Honorable Body calling for information from the Executive, with regard to the McGregor Western Railroad Company, I have the honor to submit,

1st. The opinion of Attorney-General O'Connor to the effect that the said Company have accepted a grant of land made to the State of Iowa by an act of Congress entitled An act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State.

The facts upon which said opinion is based are cited in the written opinion herewith transmitted.

2d. That such acceptance was made by the filing of a map in this office, showing the proposed route by which said road was to run.

This map was forwarded to the Department of the Interior, at Washington, D. C., and the lands contemplated in the act of Congress before alluded to, were in accordance therewith withdrawn from the market.

We have no record or documents in this office, and none can be

found in the office of the Secretary of State to show that a written acceptance under seal has ever been deposited with the authorities of the State. The further question involved in your resolution, viz : "What if any thing has said Company done toward a compliance with the terms of said grant?" is one to which allusion was made in my special message recently addressed to the Honorable Assembly.

Whatever I might say in addition thereto, would be merely the expression of individual opinion and entirely without the presence of this opinion.

SAMUEL MERRILL.

By leave Senator Richards presented a memorial from the members of the Bar at Dubuque, praying for an argument term of the Supreme Court at that place.

Referred to Committee on Judiciary.

Senator Reed moved that Senate File No. 63, A bill for an act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs, Iowa, be made the special order for 11 o'clock to-morrow.

The motion prevailed.

On motion of Senator Doud the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 30, 1868.

Senate convened at 10 o'clock, A. M.

The President in the chair.

Prayer by Rev. Mr. De Forest.

The journal of yesterday was read and approved.

The following message was received from the House :

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

Requiring the Secretary of State to file certified lists of the notaries public of the State of Iowa with Edwin S. Moore, of Washington, D. C.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Traverse : A memorial from the board of supervisors of Davis county, praying that the supervisor system may be abolished and three commissioners substituted therefor.

Referred to Committee on County and Township Organizations.

By Senator Walden: A petition from John Hughes and numerous other citizens of Appanoose county, asking the board of supervisor system be abolished and three commissioners substituted therefor.

Referred to same committee.

Also, a petition from the Bar of Appanoose county asking an increased jurisdiction for county courts.

Referred to Committee on Judiciary.

By Senator Parvin: A petition from Demorest C. Coe, and numerous others, praying for the suppression of "dental quackery."

Referred to Committee on Medical Institutions.

By Senator Larimer: A petition from Wm. Geddes and wife, praying for the perfection of their land title.

Referred to Committee on Judiciary.

By Senator Woolson: A memorial from the recorder of Henry county for the repeal of certain parts of the transfer law.

Referred to Committee on County and Township Organization.

INTRODUCTION OF BILLS.

By Senator Woolson: Senate File No. 86, A bill for an act allowing the accused party in a criminal proceeding to give evidence in his own behalf.

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

By Senator Cattell: Senate File No. 87. A bill for an act in relation to Insurance Companies under the laws of Iowa.

Read first and second time, and referred to Committee on Incorporations, and ordered to be printed.

By Senator Oliver: Senate File No. 88, A bill for an act to provide for the early publication and distribution of the laws of the Twelfth General Assembly.

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

By Senator Wright: Senate File No. 89, A bill for an act to amend article 3 of chapter 67, of the Revision of 1860, and section 2 of chapter 147, of the acts of the Eleventh General Assembly, relating to the Iowa Agricultural College.

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

By Senator Larimer: Senate File No. 90, A bill for an act to relinquish an escheat to Wm. Geddes of certain lands in Scott county.

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

By Senator Needham: Senate File No. 91, A bill for an act to legalize the official acts of Henry Temple, a Notary Public.

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

By Senator Griffith: Senate File No. 92, A bill for an act to legalize the establishment of county roads.

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

By Senator Oliver: Senate File No. 98, A bill for an act to authorize the Register of the State Land Office to deliver patents to parties who purchased land of the Commissioner of the Des Moines River Improvement, where the certificates have been lost or destroyed.

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

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from the State Librarian was taken up, and on motion referred to Committee on State Library.

A communication from the Attorney General in relation to taxing stock holders in Banks of the State of Iowa, organized under the National Banking Law, was taken up.

On motion of Senator Fellows it was laid on the table and ordered printed.

HOUSE MESSAGES.

House concurrent resolution in regard to the compilation of a complete list of all the notaries public of this State, to be forwarded to Edwin L. Moore, Paymaster United States army, at Washington, D. C., was taken up and adopted.

REPORTS OF COMMITTEES.

Senator Powers, from Committee on Judiciary, submitted the following:

The Judiciary Committee have considered Senate File No. 60, A bill for an act giving certain compensation to the prevailing party in suits in the Supreme and District Courts, and recommend that the bill be indefinitely postponed.

The committee have also had under consideration Senate File No. 74, A bill for an act to amend section 2721 of chapter 115 of the Revision of 1860, in relation to jurors; and House File No. 75, A bill for an act granting to the United States Government the right of way for a ship-canal around the Des Moines or Iowa Rapids in the Mississippi river, on the Iowa side, and recommend that the same do pass.

J. B. POWERS, Chairman.

Ordered that the report pass on file.

Senator Patterson moved that the order of business be suspended, and House File No. 75, title as above given, be taken up and read a third time.

The motion prevailed.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—46.

The nays were none.

Absent but not excused, Senator Moore.

So the bill passed, and the title was agreed to.

Senator Hedges asked leave of absence for Senator Hollman until Tuesday next, which was granted.

Senator Bennett, from Committee on Judiciary, submitted the following:

The Judiciary Committee to whom was referred Senate File No. 77, have had the same under consideration, and I am instructed by a majority of the committee to report the same back with the accompanying substitute, and recommended the passage of the substitute.

BENNETT, Chairman.

By Senator Bennett, from Committee on Federal Relations:

The Committee on Federal Relations to whom was referred preamble and resolutions relating to treatment of naturalized American citizens by foreign powers, have had the same under consideration and instruct me to report the same back with the following amendments:

1st. After the word "any" in the fifth line of second resolution, insert the word "foreign."

2d. Strike out the words "English law officers" as they occur in the second line of third resolution, and insert in lieu thereof the words "foreign powers."

3d. Strike out the word "England" in the ninth line of third resolution, and insert the words "foreign countries."

4th. Strike out the fifth section:

And so amended recommend their passage.

G. G. BENNETT, Chairman.

Ordered, the report pass on file.

By Senator Bennett, from same committee, the following:

Your Committee on Federal Relations to whom was referred a joint resolution asking for additional mail facilities from Charles City, in Floyd county, to Clear Lake, in Cerro Gordo county, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

BENNETT, Chairman.

Ordered, the report pass on file.

By Senator Bennett, from same committee, the following :

Your Committee on Federal Relations, to whom was referred joint resolutions relating to compensation for property used in constructing Mississippi river improvement, have had the same under consideration, and have instructed me to report the same back and recommend their passage.

BENNETT, Chairman.

Ordered, that the report pass on file.

Senator Oliver, from Committee on Constitutional Amendments, submitted the following :

The Committee on Constitutional Amendments, to whom was referred the joint resolution ratifying the proposed amendment to the Constitution of the United States, styled XIV., have considered the same, and a majority of said committee have instructed me to report the same back with the recommendation that it do pass.

OLIVER, Chairman.

Senator Oliver moved that the regular order of business be now suspended, and the joint resolution be taken up.

Senator Richards moved to amend by ordering the resolution to lie on the table, and be printed and made the special order for two weeks from to-day.

Pending which the President announced that the hour for the

SPECIAL ORDER

had arrived, it being the consideration of Senate File No. 63, A bill for an act providing for and requiring the early construction of the Chicago, Rock Island & Pacific Railroad, from Davenport to Council Bluffs, Iowa.

Senator Oliver moved to suspend the special order for ten minutes.

The motion did not prevail.

The special order was then taken up.

Senator Doud offered the following amendment :

Insert after the word "lands" in the eighth line of section 2, the following: "Provided said railroad company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further."

Senator Cattell offered the following substitute for the amendment offered by Senator Doud :

Sec.—"Nothing in this act shall be construed as a waiver or forfeiture of the right of the State of Iowa to regulate tariff on freight and passengers on said road, by a general law having uniform application to and operation upon all railroads in the State.

The following message was received from the House.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed Senate File No. 71, A

bill for an act to authorize J. A. Harvey to procure certificates of lands selected in lieu of the 16th sections. And

Senate File No. 76, A bill for an act legalizing the organization of the Independent School District of Decorah, Iowa.

BENJ. VAN STEENBURG, Ass't Clerk.

Pending the further consideration of the subject, Senator Rice moved to adjourn.

Senator Parvin moved to amend by adjourning till two o'clock this P. M.

The amendment did not prevail.

The motion to adjourn then prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
January 31, 1868.

Senate convened at 10 o'clock, A. M., and was called to order by the President.

Prayer by the Rev. Mr. Heacock.

The Journal of yesterday was read and approved.

The following message was received from the House.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following concurrent resolutions, in which the concurrence of the Senate is asked:

WHEREAS, The interests of the State demand the immediate settlement of her claims under the swamp land grant, therefore,

Resolved, by the House of Representatives, the Senate concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their best efforts to obtain the passage of an act whereby the provisions of the act of March 3rd, A. D., 1857, shall be extended so as to include in its operation all existing claims of the State against the General Government under the Swamp Land Grant.

Also, that the House having refused to recede from its amendment to the Senate resolution providing for the appointment of joint committees to visit the Soldiers' Orphans Homes, has appointed the following named gentlemen as a committee to confer with a like committee on the part of the Senate, in relation to the matter—Messrs. Burnett and Stone.

That the House has concurred in the Senate resolution relating to the visiting committees for the various State institutions mentioned therein.

I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 22, A bill for an act for the relief of Louisa county, Iowa.

Senate File No. 28, A bill for an act to provide for the custody of the records of the public surveys of this State.

M. C. WOODRUFF, Chief Clerk.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined the following bills and find the same correctly enrolled, viz :

Senate File No. 22, A bill for an act for the relief of Louisa county.

Senate File No. 28, A bill for an act to provide for the custody of the records of the public survey of this State.

THEO. HAWLEY, Chairman.

The Committee on Enrolled Bills report that they have presented to the Governor for his approval, this 31st day of January, 1868, the following bills, to-wit :

Senate File Nos. 21 and 22.

HAWLEY, Chairman.

PETITIONS AND MEMORIALS.

By Senator Hamilton: A petition from E. S. Burton and ninety-three others, citizens of Wapello county, praying for the establishment of a Court of Common Pleas.

Referred to Committee on Judiciary.

By Senator Hedges: A petition from John Bruce and numerous others, praying for aid to White's "Manual Labor School" for poor children.

Senator Woolson moved that a select committee of five be appointed to whom all petitions of like character be referred.

The motion prevailed.

By Senator Meyer: A petition from the Society of Friends, of Jasper county, Iowa, on same subject. Referred to same committee.

By Senator Rice: A petition from numerous citizens of Marshall county on same subject.

Referred to same committee.

By Senator Griffith: A petition from numerous citizens of Warren county on same subject. Referred to same committee.

Also, a petition from numerous citizens of Green county on same subject. Referred to same committee.

By Senator Woolson: A memorial of the Trustees of "White's Manual Labor School" for orphans, for assistance.

Referred to same committee and on motion of Senator Cattell was ordered printed.

By Senator Woolson: A petition from seventy-eight citizens of Henry county on same subject.

Referred to same committee.

By Senator Needham: A petition from one hundred and fifty-six citizens of Mahaska county on same subject.

Referred to same committee.

By leave, Senator Matthies submitted the following report:

The Committee on Military Affairs, having duly considered House File No. 28, have instructed the undersigned to report that the bill being of importance should be put to its final passage.

C. L. MATTHIES, Chairman.

Senator Matthies moved that the rule be suspended and that House File No. 38, A bill for an act to amend chapter 123 of the laws of the Eleventh General Assembly, relative to the grey uniform, so called, be taken up.

The motion prevailed.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden Wolf, Wright. — 45.

The nays were none.

Absent, but not excused, Senator Woolson.

The following message was received from the House:

MR. PRESIDENT: — I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 71, A bill for an act to authorize J. A. Harvey to procure certificates of lands selected in lieu of the sixteenth section.

M. C. WOODRUFF, Chief Clerk.

Senator Parvin moved to suspend the order of business that the select Committee on Reform Schools may make a report.

The motion prevailed.

Senator Parvin submitted the following report.

The select committee to whom whom was referred Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders, has considered the same, and have instructed me to report said bill to the Senate, with the following amendments, and with the amendments recommend its passage:

Amend section 3 in the second line, by striking out the word "forty," and insert the words "one hundred and sixty."

And amend the same section by striking out the words "in the county of — and," and insert as follows: "And after considering all the advantages and circumstances of each proffered location or

site, select that which they shall deem best for the future interest of the school, and proceed."

Also, amend section 12 in second line, by striking out the words "or manslaughter."

Amend section 18 in second line, by striking out the words "or manslaughter."

Amend the same section in fourth line, by striking out the word "shall" and insert "may."

Amend section 17 in third and fourth lines, by striking out the words "keeper of the jail of the county where the crime was committed," and insert the words "officer or person who had him or her in charge."

And fill the blank in section 22 with forty thousand.

Also, add another section as follows:

SEC. 24. This act shall take effect and be in force from and after its publication in the Daily State Register and Iowa Evening Statesman.

J. A. PARVIN, Chairman.

Senator Parvin moved to suspend the rule and the bill be considered now.

The motion prevailed.

On motion of Senator Fellows, the bill was then considered by sections.

Senator Bennett moved to amend section 8 as follows: Strike out in first line the words "or purchase."

On which amendment the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bill, Cones, Donnan, Fairall, Hawley, Knoll, Larrabee, Matthies, Newell, Oliver, Powers, Richards, Smyth, Traverse, Walden, Wolf—17.

The nays were Senators Bulis, Casady, Cattell, Chapin, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Johnson, Keller, Larimer, Long, Meyer, McMillan, Moore, Needham, Parvin, Patterson, Pierce, Rice, Robertson, Smith, Tuttle, Woolson, Wright—29.

The amendment did not prevail.

Senator Powers moved that the Senate go into Committee of the Whole for the further consideration of the bill.

The motion prevailed and the Senate resolved itself into Committee of the Whole and after some time spent therein the committee arose and through their chairman, Senator Needham, reported that the committee have had Senate File No. 2 under consideration, and having made some progress therein, ask leave to sit again at 2 o'clock this afternoon.

The report was adopted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File No. 71, A bill for an act to authorize J. A. Harvey to procure certificates of lands selected in lieu of the sixteenth section, and find the same correctly enrolled.

HAWLEY, Chairman.

By leave, Senator Wolf, from Committee on Printing, submitted the following report:

Your Committee on Printing, to whom was referred the accompanying resolution in relation to the printing of documents, have had said resolution under consideration and have directed me to report the same back to the Senate with the recommendation that it be passed with the following amendment, to-wit: Insert after the word "Assembly" in the fifth line the words "which would otherwise appear on the journals."

W. P. WOLF, for Committee on Printing.

By consent, and on motion of Senator Wolf, the resolution was considered; the amendment proposed by the committee was concurred in and the resolution was adopted.

Senator Bennett asked leave of absence for Assistant Secretary Hull until Tuesday morning next.

Leave was granted.

Senator Powers asked leave of absence for Senator Reed until next Tuesday morning.

Leave was granted.

By leave, and on motion of Senator Knoll, Senate File No. 4, A bill for an act to provide for the election of township collectors and to define their powers and duties, was taken from the table and referred to a select committee of five of which Senator Powers shall be chairman.

By leave, and on motion of Senator Hawley, Senate File No. 5, A bill for an act resuming certain rights conferred upon the Dubuque & Pacific (now the Dubuque & Sioux City) Railroad Company by an act approved July 14th, 1856, and acts amendatory thereof, and to repeal certain laws in relation thereto, was taken up and referred to Railroad Committee.

By leave, and on motion of Senator Casady, Senate File No. 13, A bill for an act providing for the erection of buildings for a Deaf and Dumb Asylum, was taken from the table and referred to Committee on Charitable Institutions.

The President announced as special committee on "White's Manual Labor Institute," Senators Hedges, Griffith, Bulis, Cattell and Needham.

On motion of Senator Larimer, the Senate then adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

The Senate convened pursuant to adjournment, and, in the absence of the President, was called to order by the Secretary.

On motion Senator Woolson was appointed temporary Chairman.

On motion of Senator Cattell, the Senate resolved itself into a Committee of the Whole for the purpose of considering Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders, and after spending some time therein, the President resumed the chair, when Senator Needham reported as follows :

That the Committee of the Whole having had Senate File No. 2 under consideration, have made some progress therein, and ask leave to sit again.

The report was adopted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have presented to the Governor for his approval, this 30th day of January, 1868, Senate File No. 71.

HAWLEY, Chairman.

By leave, Senator Needham submitted the following report :

MR. PRESIDENT:—I am instructed by the Committee on Schools, to report back Senate File No. 3, with recommendation that it pass. Senate File No. 82, with amendment and recommendation that it do pass.

JNO. R. NEEDHAM, Chairman.

By leave, and on motion of Senator Needham, Senate File No. 82, A bill for an act in relation to Independent School Districts, was taken up and the report of the committee recommending an amendment, was adopted.

Senator Needham moved that the bill be read a third time now. Objections being made, the motion was withdrawn and the bill was passed on file.

By leave, Senator Moore submitted the following report :

The special committee to whom was referred House File No. 12, A bill for an act changing the time of holding court in the third Judicial District, have had the same under consideration and have instructed me to report the same back without amendment, and recommend its passage.

N. B. MOORE, Chairman.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Patterson,

Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Woolson, Wright. — 89.

The nays were none.

Absent, but not excused, Senators Bennett, Bulis, Dunham Parvin, and Wolf. — 5.

So the bill passed, and the title was agreed to.

Senator Patterson asked for leave of absence for Senator Tuttle, which was granted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have examined Senate File No. 76, A bill for an act legalizing the independent school district of Decorah, Iowa, and find the same correctly enrolled.

HAWLEY, Chairman.

On motion of Senator Farwell the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 1, 1868.

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Summerbell.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 5, A bill for an act to legalize the organization and acts of the city of Mt. Pleasant, as a city of the second class.

Also, Senate File No. 62, A bill for an act making appropriations for payment of mileage, postage, &c., of the Twelfth General Assembly, with amendments.

Also, that the House has adopted the following resolutions :

That ordering the printing of 1,000 copies of the rules of this General Assembly.

That declaring the joint rules printed with the rules of the Twelfth General Assembly, to be the joint rules of the two Houses.

Also, that the House has appointed Messrs. Kasson, Williams and Stuart, as the House members of the joint committee to investigate the mutilation of the Senate and House Journals in omitting therefrom the reports of the visiting committee to the Agricultural College and Farm, appointed by the Eleventh General Assembly.

Resolved, the Senate concurring, That 1,000 copies of the laws of this General Assembly, including a diagram of the Senate, be ordered printed—five hundred to be delivered to the Secretary of State, to be bound up with the documents, and the balance distributed among the members and officers of the General Assembly.

Resolved, That the joint rules printed with the rules of the Twelfth General Assembly of the State of Iowa, with the concurrence of the Senate, be adopted as the joint rules of the two Houses.

M. C. WOODRUFF, Chief Clerk.

Leave of absence was asked for the following named Senators : Parvin, Johnson, Oliver, Wolf, Needham and Fellows.

Leave was granted.

PETITIONS AND MEMORIALS.

Senator Farwell presented petition of Geo. W. Lathrop, and eighty-eight others, relative to relief in matter of payment of taxes, by passage of an act for the election of township collectors, which was referred to its select committee on that subject.

RESOLUTIONS.

Senator Cattell offered the following, which was adopted :

Resolved, That the House of Representatives be requested to appoint a committee of seven members thereof, to act with the Senate committee of five members, to whom was referred the memorial of the trustees of "White's Manual Labor Institute," and that said committee so appointed by the respective Houses, be constituted a joint committee of the two Houses for the consideration of the memorial.

The President announced the following select committee on township collectors' Bill :

Senators Powers, Smith, Fairall, Newell, Farwell.

Also the following as committee of conference on the disagreeing votes of the two Houses, on the resolution for the appointment of committees to visit Soldiers' Orphans Home :

Senators Casady and Woolson.

HOUSE MESSAGES.

House resolution relating to settlement of claims under the swamp land grants was taken up and read, and on motion of Senator Woolson was referred to Committee on Public Lands.

House resolution relating to printing rules of House and Senate was taken up, and on motion was adopted.

The following message was received from the House :

MR. PRESIDENT :—I herewith present for your signature the follow-

ing bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Senate File No. 76, A bill for an act legalizing the organization of the independent school district of Decorah.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Hawley offered the following resolution, which was adopted :

Resolved, That the Governor be requested to inform the Senate whether the Des Moines Valley Railroad Company have ever filed, with the Secretary of State, their acceptance of the grant of lands made to said company by act of the General Assembly of March 28, 1861. Also whether said company have filed, with the Secretary of State, the bond required to be filed by them, by section 9 of chapter 108 of the Acts of the Tenth General Assembly. Also, whether said company have paid one-half in amount of the claims allowed against Des Moines River Improvements, required by section 12, of chapter 108, of Acts of the Tenth General Assembly.

REPORTS OF COMMITTEES.

Senator Matthies, from Committee on Military Affairs, submitted the following report :

The Committee on Military Affairs, to whom was referred Senate File No. 85, have carefully examined the same and instructed the undersigned to report that the bill do pass.

C. L. MATTHIES, Chairman.

Ordered, that the report pass on file.

Senator Walden submitted the following report :

Your Committee on Elections have considered Senate File No. 42, A bill providing for the registry of electors and to prevent fraudulent voting, and instruct me to report the same back with the recommendation that it pass.

M. M. WALDEN, Chairman.

Ordered, that the report pass on file.

Senator Hamilton submitted the following report :

The Committee on Incorporations have instructed me to report back Senate File No. 45, being A bill for an act to amend section 1102 of the Revision of 1860, in relation to cities and towns, and to recommend that the bill do pass.

A. H. HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Farwell submitted the following report :

The Committee on Public Lands have had the following named bills under consideration, and have instructed me to report as follows :

1st. Senate File No. 43, An act to release to Alfred Heber Reynolds any and all right of the State of Iowa, by way of escheat, to

certain lands in Buchanan county, Iowa. We recommend that the bill do pass.

2d. Senate File No. 64, An act to authorize the Governor to release lands which have been certified to the State, by authority of the Secretary of the Interior, under any of the grants where settlers' rights have intervened prior to the time when the title vested in the State, and for the purpose of correcting errors in transfers to the State. We recommend that the bill do pass.

3d. Senate File No. 70, An act for the relief of the widow and children of Steiner Larson. We recommend that the publication clause be stricken out, and as amended that the bill do pass.

S. S. FARWELL, Chairman.

Ordered, that the report pass on file.

Senator McMillan submitted the following report:

The Committee on Roads, to whom was referred Senate File No. 92, have considered the same, and instruct me to report the same back with the recommendation that the bill do pass.

McMILLAN, Chairman.

Ordered, that the report pass on file.

Senator Oliver, for special committee, submitted the following report:

MR. PRESIDENT:—The special committee, to whom was referred House File 45, A bill for an act to secure to certain persons, residents of Harrison county, their homes on lands known as the excess of the 500,000 acre grant, at the price of \$1.25 per acre, have considered the same, and have instructed me to report the same back with the recommendation that it be amended by striking out the words, "the south-west quarter of the north-west," after the words "Ezra Vincent," being the fourteenth line of section one, thereof, and inserting in lieu thereof, the words, "the north-west quarter of the north-east," and that so amended the bill do pass.

OLIVER, Chairman.

Ordered, that the report pass on file.

BILLS ON THIRD READING.

Senate File No. 62, A bill for an act making appropriation for the payment of the mileage of the members of the Twelfth General Assembly, and the per diem of the temporary officers and employes thereof, and for postage with House amendment thereto, was taken up.

The question being, "Shall the Senate concur in the House amendment?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies,

McMillan, Moore, Newell, Patterson, Pierce, Powers, Rice, Robertson, Smyth, Traverse, Tuttle, Wright. — 32.

The nays were Senators Bennett, Knoll, Richards, Smith, Walden. — 5.

Absent, but not excused, Senators Cones, Meyer, and Woolson. So the amendments were agreed to.

By leave, Senator Bill introduced Senate File No. 94, A bill for an act to establish a State Police, which was read first and second time.

Senator Bill moved to refer the bill to the Committee of Ways and Means, and that it be printed.

On motion of Senator Richards, the question was divided, the question being on a motion to refer to the Committee on Ways and Means.

The motion prevailed.

On the question to print, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Cattell, Chapin, Donan, Doud, Farwell, Hawley, Johnson, Larrabee, Meyer, Moore, Newell, Patterson, Rice, Robertson, Traverse, Tuttle, Walden, Woolson, Wright. — 20.

The nays were Senators Bennett, Bulis, Casady, Dunham, Griffith, Grimes, Hamilton, Hedges, Keller, Knoll, Larimer, Long, Matthies, McMillan, Pierce, Powers, Richards, Smith, Smyth. — 19.

Absent, without leave, Senator Cones.

So the motion prevailed.

Senator Hawley moved that the order of business be suspended, and that Senate File No. 64, A bill for an act to authorize the Governor to release lands which have been certified to the State by authority of the Secretary of the Interior, &c., be taken up.

The motion prevailed.

On motion, the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—39.

The nays were, none.

Absent, but not excused, Senator Dunham.

So the bill passed and the title was agreed to.

The hour for special order having arrived, it being the consideration of the resolution relating to Senate messengers, the resolution was taken up.

Senator Smith offered the following substitute:

Resolved, by the Senate of the State of Iowa, That George W. Duffin, son of the late Samuel Duffin, of the 16th Iowa Infantry,

who fell mortally wounded in a charge on the rebel works at Kennesaw Mountain, Georgia, June the 27th, 1864, be, and the same is hereby appointed additional messenger of the Senate.

Upon the adoption of the substitute, the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hedges, Johnson, Larimer, Matthies, Meyer, McMillan, Powers, Rice, Smith, Traverse, Tuttle, Walden, Woolson—23.

The nays were, Senators Bennett, Casady, Cones, Hawley, Keller, Knoll, Larrabee, Moore, Newell, Pierce, Richards, Robertson, Smyth, Wright—14.

Absent, but not excused, Senators Dunham and Long.

Not voting, Senator Patterson.

So the substitute was adopted.

Senator Richards offered the following amendment to the substitute: Strike out all after the word "hereby," and insert "substituted for one of the messengers now in the employ of this body."

Senator Woolson raised the point of order that the amendment can not now be entertained, for the reason that it is inconsistent with the previous action of the Senate in adopting the substitute.

On this the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Johnson, Keller, Larimer, Larrabee, Matthies, Meyer, McMillan, Moore, Newell, Pierce, Powers, Rice, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—29.

The nays were Senators Bennett, Casady, Cones, Dunham, Hawley, Hedges, Knoll, Richards, Robertson—9.

Absent but not excused—Senator Long.

Not voting—Senator Patterson.

Senator Woolson moved that the vote by which the substitute was adopted be reconsidered, upon which the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Casady, Cones, Hamilton, Hawley, Hedges, Keller, Knoll, Larrabee, Moore, Newell, Pierce, Rice, Richards, Smyth, Woolson, Wright—18.

The nays were Senators Bill, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Johnson, Larimer, Matthies, Meyer, McMillan, Powers, Robertson, Smith, Traverse, Tuttle, Walden—20.

Absent but not excused—Senator Long.

Not voting—Senator Patterson.

So the vote was not reconsidered.

The resolution, as amended, was then adopted.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body

that the House of Representatives has passed the following concurrent resolution, in which the concurrence of the Senate is asked.

WHEREAS, The duties of the legislative visiting committees to the various state institutions located at different points in the State, will require the absence from this body of a considerable number of our members; and,

WHEREAS, It is unsafe to pass laws when many members are absent, and the public interest will rather be promoted than otherwise by a legislative recess; therefore,

Be it Resolved by the House of Representatives, the Senate concurring, That both Houses of the General Assembly will adjourn on Thursday, the 13th day of February, until Tuesday, the 25th day of the same month.

Also, that the House has concurred in Senate resolution relative to the printing of documents for the General Assembly.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Meyer offered the following resolution which was adopted:

Resolved, That the Senate, until it otherwise orders, will after Monday next, each morning, after the reading of the journal and presentation of petitions, commence at that point of the order of business where it left off the preceding day.

On motion of Senator Powers, the regular order of business was suspended and the House concurrent resolution relative to adjourning from the 13th to the 25th of February, was taken up.

Senator Bennett moved to strike out the preamble, which was disagreed to.

Senator Larimer moved to amend by striking out all after the words "General Assembly," and inserting, "will adjourn *sine die* on the second Tuesday of March, 1868."

Senator Larrabee moved the previous question, which was seconded, and the main question ordered and put as follows:

First, Upon the amendment, upon which the yeas and nays were demanded and were as follows:

The yeas were, Senators Cattell, Cones, Farwell, Larimer, Rice, Smith, Walden, Woolson, Wright. — 9.

The nays were, Senators Bennett, Bill, Bulis, Casady, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larrabee, Long, Matthias, Meyer, McMillan, Moore, Newell, Patterson, Pierce, Powers, Richards, Robertson, Smyth, Traverse, Tuttle. — 30.

Absent but not excused, Senator Dunham.

So the amendment was disagreed to.

2d. Shall the resolution be adopted?

The yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Farwell, Grimes, Hawley, Larrabee, Matthias, Newell, Powers, Rice, Smith, Smyth, Traverse, Tuttle, Woolson, Wright—16.

The nays were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Griffith, Hamilton, Hedges, Johnson, Keller, Knoll, Larimer, Long, Meyer, McMillan, Moore, Patterson, Pierce, Richards, Robertson, Walden—28.

Absent but not excused, Senator Dunham.

So the resolution was lost.

Senator Moore moved that the Senate do now adjourn until two o'clock P. M.

Senator Powers moved to amend by striking out "two o'clock P. M." and inserting "ten o'clock on Monday morning," which was agreed to, and the motion as amended prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA.
February 3, 1868.

Senate met at 10 A. M.

President in the chair.

Prayer by Rev. Mr. Hobbs.

Journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Senator Knoll: a petition of D. A. Mahony, and five hundred other citizens of Dubuque, in regard to the Dubuque and Sioux City Rail Road, protesting against change of original line.

Referred to Committee on Railroads.

By Senator Bennett: petition of two hundred and twenty citizens of Washington county, asking that the game law be changed to read "December 1st," instead of February 1st.

Referred to Committee on Agriculture.

By Senator Powers: a memorial from the board of supervisors of Black Hawk county, in regard to change of supervision of roads from boards of supervisors to township trustees.

Referred to Committee on Roads.

By Senator Powers: memorial from the board of supervisors of Black Hawk county, asking the passage of a law restraining stock of all kinds, including horses, mules, jacks, cattle, sheep and swine from running at large.

Referred to Committee on Agriculture.

RESOLUTIONS.

Senator Larrabee introduced the following:

WHEREAS, It appears from the State Treasurer's report, page 8, that there are certain taxes delinquent from the railroad companies; and

WHEREAS, The Treasurer suggests that some legislation is necessary to enforce the collection of the same; therefore, be it

Resolved, That the Committee of Ways and Means be instructed to examine the subject, and, if legislation is thought necessary, to report a bill for that purpose.

The resolution was adopted.

INTRODUCTION OF BILLS.

By Senator Woolson: Senate File No. 95, A bill for an act in relation to the insane, the appointment of guardians therefor, and confirming their acts.

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

By Senator Grimes: Senate File 96, A bill for an act to amend section 3975, chapter 158, of the Revision of 1860.

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

HOUSE MESSAGES.

House File No. 5, A bill for an act to legalize the organization of the city of Mount Pleasant as a city of the second class, was taken up and read first and second time.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Newell, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—38.

The nays were none.

Absent but not excused, Senator Moore.

So the bill passed, and the title was agreed to.

REPORTS OF COMMITTEES.

Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means has instructed me to report back Senate File No. 24, and recommend its passage.

CATTELL, for Committee.

Ordered, that the report pass on file.

Senator Powers, from Judiciary Committee, submitted the following report :

The Judiciary Committee have considered Senate File No. 12, A bill for an act to amend Revision of 1860, in relation to land sold on execution, and Senate File No. 84, A bill for an act to amend section 898 of the Revision in relation to returning non-residents' road tax, and recommend the passage of the bill.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

Senator Woolson, from Committee on Judiciary, submitted the following report :

The Judiciary Committee, to whom was referred Senate File No. 18, A bill to provide for the appointment of official reporters &c., have considered the same, and report the bill back with sundry amendments, and as thus amended, they recommend that it do pass.

The Committee deem it proper to add that the importance of this measure deserves more than a bare recommendation, and they therefore beg the indulgence of the Senate while they state a few, of the many, reasons for its passage :

1st. The reporting of the evidence, objections and exceptions on the trial of a cause, by short-hand, will save nearly half the time usually consumed in the trial of the cause when the evidence is written out in long-hand, as it is given, thus facilitating the business to that extent.

2d. It will save to the counties and State a great share of the present expense of jurors and judge; thus the fifteen jurors summoned draw thirty dollars per day from the county treasury, and the judge six dollars from the State. In a term of three weeks, if one week is saved, it will amount to a saving of two hundred and sixteen dollars by this measure.

3d. It will save double that amount at the same time to the parties litigant in time, attorneys' and witness fees, waiting while the slow process is gone through with of writing out in long hand.

4th. The testimony being taken down in full, and as it falls from the lips of the witness it gives the assurance that it will be correct, and parties will then know they are not wronged by its falsification by dishonest attorneys.

5th. It avoids the trouble and difficulty which every lawyer knows exists in getting the evidence correctly set out in a bill of exceptions by reason of the attorneys remembering it differently, or refusing to a fair statement thereof.

6th. Although it creates an expense to the losing party, that will, in many cases, be more than made up in the time and other expenses it will thus save in trial.

7th. In criminal trials under the present law, the accused may require the evidence to be written out at length; this is not taxed as

costs against the defendant, but must always be paid by the county.

This bill will not only save more than half the time in writing out the evidence, thus saving half of the trial, but it charges the cost to the losing party, and at the same time presents a much more perfect record of the evidence than is possible under the present law.

8th. If it be urged that there are not a sufficient number of persons skilled in the art, it is answered that the art is easily learned, and if there be a demand for them, the supply will soon be furnished; if not by males it may be by females, who are proved by experience to be the most expert and accomplished phonographers.

9th. Wherever the system has been adopted, it has proved eminently satisfactory, and meets the fullest expectations of its friends.

T. W. WOOLSON, for the Committee.

AMENDMENTS TO SENATE FILE NO. 18.

1. In section 2 strike out of the second line "he may employ," and insert "the court or referee as the case may be, may direct."

2. Insert in the sixth line after the word "case," "within two days from the close of the trial, or in such time as the court shall fix."

3. Insert in the tenth line after the word "evidence," the words "or proceedings."

4. Strike out of the twelfth line the words "the evidence," and insert "what is contained in said report."

5. In section 3, strike out all the first line to the word "shall," and insert "if either party."

6. Strike out of the second line the word "his," and insert "the."

7. In section 4, strike out of the third line the word "certify," and insert "determine."

8. In section 6, insert in the first line after the word "reporter," the words "upon being appointed, &c."

9. Strike out of the second line the words "the case," and insert "each case reported."

10. In section 7, insert after the word "place" in the first line the words "or within such time after the close of the term as the court may, and is hereby authorized to fix for filing a bill for exceptions, not exceeding thirty days."

11. Strike out of the second line the words "of the evidence."

12. Strike out of section 8, in the fourth line, all after the word "dollars," to the end, and insert "or by both such fine and imprisonment, in the discretion of the court."

13. Insert a new section, as follows:

"SEC. 9. In case there shall be no official short-hand reporter in attendance at any time, the court may appoint another person to report in long-hand, the evidence and proceedings in any particular

case, by an entry of record therein, and such person shall thereupon take the oath prescribed for reporters by this act as near as applicable; and the report of such appointee when certified by him to be correct and filed in the case, shall have the same force and effect and be treated in the same manner as short-hand reports transcribed and filed under this act; and the person so reporting shall be liable to the punishment for the same cause and to the same extent provided for short-hand reporters in section 8 of this act."

T. W. WOOLSON, for Committee.

Ordered, that the report pass on file.

Senator Wright, from Committee on Agriculture, presented the following report:

The Committee on Agriculture, to whom was referred Senate File No. 65, A bill to protect hop growing, having examined the same, direct me to report it back and recommend its passage.

J. D. WRIGHT, Chairman.

Ordered, passed on file.

Senator Wright, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred Senate File No. 80 for the protection of game, direct me to report it back and recommend it do not pass.

J. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Senator Larrabee, from the Committee on Commerce, submitted the following report:

Your Committee on Commerce, to whom was referred the reports and accompanying papers of the State Geologist, report that they have examined the above, and authorize them to be printed.

W. LARRABEE, Chairman.

Ordered, that the report pass on file.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bill:

Senate File No. 8, A bill for an act to amend section 1, chapter 86, of the acts of the Eleventh General Assembly of the State of Iowa.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Bennett moved to reconsider the vote by which the Senate refused to concur in the House resolution relative to adjourning from February 13th to 25th.

The motion prevailed.

Senator Farwell moved to amend the resolution, by striking out all after the word "on," and inserting "Wednesday, the 12th day of February, instant, until Thursday, the 20th day of the same month," on which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Farwell, Grimes, Hamilton, Larimer, Smith, Woolson, Wright—7.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Griffith, Hawley, Hedges, Johnson, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Moore, Newell, Patterson, Pierce, Powers, Richards, Robertson, Smyth, Traverse, Tuttle, Walden—31.

Absent but not excused, Senator Rice.

So the amendment was not adopted.

Senator Farwell moved to amend by striking out "Tuesday, the 25th," and insert "Monday, the 24th."

The amendment was disagreed to.

Senator Larimer offered the following as a substitute for the resolution under consideration :

Resolved by the Senate, the House concurring, That both Houses of this General Assembly will adjourn on Wednesday, the 19th instant, to Thursday, the 27th.

The amendment was disagreed to.

The question recurring on the motion to concur in the House resolution, the yeas and nays were demanded, resulting as follows :

The yeas were Senators Bennett, Bulis, Donnan, Dunham, Griffith, Grimes, Hawley, Hedges, Knoll, Larimer, Larrabee, Long, Moore, Newell, Powers, Rice, Robertson, Smith, Smyth, Traverse, Tuttle—21.

The nays were Senators Bill, Casady, Cattell, Chapin, Cones, Doud, Farwell, Hamilton, Johnson, Keller, McMillan, Patterson, Pierce, Richards, Walden, Woolson, Wright—18.

So the resolution was concurred in.

Senator Hamilton asked leave of absence for Senator Matthies, which was granted.

BILLS ON SECOND READING.

The joint resolution relative to ratifying proposed amendment to the Constitution of the United States, was taken up.

Senator Richards moved that the further consideration of the resolution be made a special order for Wednesday, February 26th, at 7 o'clock P. M., and that the resolution be printed.

The motion prevailed.

A communication was received from the Governor at the hands of his private secretary, which was laid on the President's table.

Senate File No. 51, A bill for an act to amend section 2, of chapter 14, of the acts of the Tenth General Assembly, with report of committee recommending amendments thereto, was taken up, considered, and the report of the committee adopted.

Ordered, that the bill be engrossed, and read a third time tomorrow.

House resolution relative to binding five hundred copies of census report in half-sheep, with report of committee recommending that it be indefinitely postponed, was taken up, considered, and the report was adopted and the resolution was indefinitely postponed.

Senate File No. 21, A bill for an act to amend section 822 of the Revision of 1860, with report of committee recommending that the bill be indefinitely postponed was taken up, considered, and the report of the committee was adopted, and the bill was indefinitely postponed.

Senate File No. 56, A bill for an act relative to the claim of Joseph D. Hoag, as commissioner to locate a permanent seat of government, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Donnan moved to amend by striking out all that relates to paying interest, on which the yeas and nays were demanded.

The yeas were Senators Bennett, Casady, Donnan, Dunham, Grimes, Knoll, Rice, Richards, Smith, Traverse, Tuttle, Walden—12.

The nays were Bill, Bulis, Cattell, Chapin, Cones, Doud, Farwell, Griffith, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Moore Newell, Patterson, Pierce, Robertson, Smyth, Woolson, Wright—26.

Absent, but not excused, Senator Powers.

So the motion did not prevail.

Senator Cattell moved that the bill be read a third time now, which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Cattell, Chapin, Cones, Doud, Farwell, Griffith, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Long, Meyer, McMillan, Newell, Patterson, Pierce, Robertson, Smyth, Tuttle, Woolson, Wright—25.

The nays were Senators Bennett, Casady, Donnan, Dunham, Grimes, Knoll, Larrabee Moore, Rice, Richards, Smith, Traverse, Walden—18.

Absent, but not excused, Senator Powers.

So the bill passed, and the title was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have presented to the Governor for his signature this day, February 3, 1868, Senate File No. 76.

HAWLEY, Chairman.

By leave, Senator Patterson introduced Senate File No. 97, A bill for an act to provide for standard weights and measures in the counties of this State, which was read first and second time, and referred to Committee on County and Township Organization.

Senator Doud moved that the Senate do now adjourn.

Senator Bennett moved to amend by adding "until two o'clock P. M."

The amendment was disagreed to.

The motion to adjourn was then adopted, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 4, 1868.

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. P. P. Ingalls.

The Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate resolution relative to the appointment of a joint committee to consider the memorial of the trustees of "White's Manual Labor Institute."

And has also passed Senate File No. 64, without amendment, and which is herewith returned to the Senate.

Also, that the House has ordered to be printed 2,000 copies of the opinion of the Attorney General relative to the authority of the General Assembly to restrict and regulate railroad tariffs.

Also, that the House has ordered five hundred copies of the opinion of the Attorney General relative to the constitutional amendment to be printed.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Hollman: A petition from Henry Montgomery and seventy-five others, citizens of Lee county, praying for the repeal of the present liquor law, and the enactment of a license law in lieu thereof.

Referred to Committee on Suppression of Intemperance.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 51, and have found the same correctly engrossed.

MEYER, for the Committee.

BILLS ON SECOND READING.

Senate File No. 29, A bill for an act to repeal chapter 118, of the laws of the Eleventh General Assembly, and to enact a law to provide for the publication of the proceedings of the board of supervisors of the several counties, was taken up together with the report of the majority of the committee, recommending that the bill do pass, and the minority report recommending that the bill be indefinitely postponed.

Senator Doud moved to adopt the majority report,

Senator Donnan moved to amend by striking out "majority," and inserting "minority."

Senator Cattell moved that the further consideration of the bill be postponed until the 27th of February.

The motion prevailed, and the bill was postponed.

The petition of Wm. L. Toole and nineteen others praying that the plat of the town of Burris be vacated, with report of committee recommending that the prayer be not granted, was taken up and the report of the committee adopted.

Senate File No. 54, A bill for an act in relation to fugitives from justice, with report of committee recommending amendments, was taken up, and the report of the committee was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright
—44.

The nays were none.

So the bill passed, and the title was agreed to.

By leave and on motion of Senator Reed, Senate File No. 63, A bill for an act providing for and requiring the early construction of the Chicago, Rock Island, and Pacific Rail Road from Davenport to Council Bluffs, Iowa, was taken up.

The question being on the substitute of Senator Cattell for the amendment of Senator Doud, the substitute was withdrawn.

The question being on the adoption of the amendment, Senator Cones moved to amend by striking out the words "the rates of tariff."

Pending the consideration of which the following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following joint resolution, which has passed both branches of the

General Assembly, and been duly enrolled and signed by the Speaker of the House.

Authorizing the Auditor to issue warrants on the Treasurer on account of postage of the Senate and House.

M. C. WOODRUFF, Chief Clerk.

Pending the further consideration of the question, Senator Powers moved to adjourn.

Senator Cattell moved to amend by adjourning until 2 o'clock, P. M.

The amendment prevailed and the Senate adjourned.

TWO O'CLOCK, P. M.

By leave, Senator Robertson introduced Senate File No. 98, A bill for an act to advance the cause of dental science and suppress empiricism in the profession of dentistry.

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

By leave, Senator Donnan called up the joint resolution for the relief of Buchanan county, which was considered.

The question being, "Shall the resolution be adopted?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Cones, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Meyer, McMillan, Newell, Patterson, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—35.

The nays were none.

Absent but not excused, Senators Chapin, Long, Moore, Needham, Oliver, Powers, Reed, Woolson, and Wright.

So the resolution was passed.

The question being on the amendment to the amendment to section 2, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Griffith, Hedges, Hollman, Johnson, Long, Meyer, McMillan, Moore, Patterson, Powers, Reed, Tuttle, Walden, Wolf, Wright—21.

The nays were Senator Bennett, Donnan, Doud, Dunham, Farwell, Grimes, Hamilton, Hawley, Keller, Knoll, Larimer, Larrabee, Newell, Oliver, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Woolson—22.

Absent but not excused—Senator Needham.

So the amendment to the amendment was disagreed to.

The question being on the amendment offered by Senator Doud, Senator Wolf offered the following substitute:

Said railroad company accepting the provisions of this act shall at

all times be subject to such rules and regulations as may from time to time be enacted and provided for by the General Assembly of Iowa, not inconsistent with the provisions of this act and of the act of Congress making the grant. When the said consolidated railroad company shall have accepted said land-grant under the provisions of this act, it shall thereafter be precluded from denying the right of the State of Iowa to reasonably regulate the rates of charges for carrying freights and passengers over said road by general law applicable to and operating upon all railroads within the State.

Senator Oliver raised the point of order that the substitute was for an additional section, and not relevant to the amendment under consideration.

The substitute was decided by the President to be out of order, as it proposed a new section, and was not germane to the amendment under consideration.

Senator Patterson appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the Senate?"

The yeas were Senators Bill, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Meyer, McMillan, Moore, Newell, Oliver, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright—35.

The nays were Senators Bulis, Casady, Hawley, Larrabee, Long, Patterson, Tuttle—7.

Absent but not excused, Senator Needham.

So the decision of the Chair was sustained.

Senator Richards moved to postpone the further consideration of the bill until February 28th.

The motion did not prevail.

Senator Wolf moved to amend the amendment by inserting after Iowa, in last line, the words "general law."

The amendment to the amendment was agreed to.

The question being on the amendment as amended, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, McMillan, Moore, Newell, Oliver, Pierce, Powers, Rice, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright—84.

The nays were Senators Dunham, Hamilton, Long, Meyer, Patterson, Reed, Richards, Tuttle—8.

Absent but not excused, Senators Larimer and Needham.

So the amendment was agreed to.

Senator Cattell moved to amend as follows: add to section 6 the words "or under chapter 121 of the acts of the Eleventh General Assembly."

The motion prevailed.

Senator Moore moved to amend as follows:

1st. To amend section 5 by striking out in the twelfth line the words "three dollars," and inserting "one dollar and twenty-five cents."

2d. By striking out in the fifteenth line the words "the company," and inserting in lieu thereof "either party."

3d. By striking out, commencing with the word "service," in the seventeenth line, and ending with the word "company" in the eighteenth line, and inserting in lieu thereof the words "decision of the County Court."

The amendments were adopted.

Senator Donnan moved to amend the 11th line of section 5 by striking out "thirty" and inserting "ninety."

The amendment was adopted.

Senator Woolson moved to strike out in third and fourth line of third preamble the words, "including its franchises and the land so granted in aid of construction of said Rail Road."

The amendment was adopted.

Senator Woolson moved that at the end of section 2 the words "provided further" be added, and the 7th section be here inserted.

The motion was agreed to.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright. — 42.

The nays were none.

Absent, but not excused, Senators Dunham and Needham.

So the bill passed, and the title was agreed to.

On motion of Senator Larrabee, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
FEBRUARY 5, 1868.

Senate convened at 10 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Geiger.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Farwell: A petition from J. A. Bronson, and one hundred others, citizens of Jones county, praying for the enactment of a law providing for the election of township collectors.

Referred to select Committee on Township Collector Bill.

By Senator Needham: A memorial of the city of Oskaloosa, asking the legalization of certain city warrants.

Referred to Committee on Judiciary.

Also, a remonstrance of fourteen citizens of Oskaloosa on same subject.

Referred to same committee.

By Senator Walden: A petition from many citizens of Appanoose county, asking change of supervisor system to three commissioners.

Referred to Committee on Township and County Organization.

By Senator Grimes: A remonstrance of E. R. Conger and thirty other citizens of Delaware county against repealing present law regarding publication of general laws.

Referred to Committee on County and Township Organization.

By Senator Wolf: A petition from eighty-one citizens of Cedar county, praying for the passage of a more stringent liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Patterson: A petition from S. Stowe and twenty nine others, praying that township trustees may have power to lay out, alter and establish highways.

Referred to Committee on Roads.

The following communication from the Governor was taken up:

Gentlemen of the Senate: In reply to a resolution of your Honorable Body, of February 1st, asking for information;

1st. Whether the Des Moines Valley Railroad Company has filed with the Secretary of State an acceptance of land grant agreeable to Act of General Assembly of March 28, 1864.

2d. Whether a bond has been filed with the Secretary of State agreeable to section 9, chapter 108, Acts Tenth General Assembly, and

3d. If said railroad company has paid one claim allowed against the Des Moines River Improvement Company, as required by section 12, chapter 108, of Acts Tenth General Assembly.

I have the honor to report that the Des Moines Valley Railroad Company has filed with the Secretary of State an acceptance of the land grant, agreeable to act of March 28th, 1864, but that said company has not filed a bond with the Secretary of State, nor has said company paid any part of the claim allowed against the Des Moines River Improvement Company, as required by section 12, chapter 108, of Acts Tenth General Assembly.

SAMUEL MERRILL.

The communication was referred to Committee on Railroads.

BILLS ON SECOND READING.

Senate File No. 32, A bill for an act to repeal section 4786 of the Revision of 1860, with report of committee recommending that the bill be indefinitely postponed, was taken up and the report of the committee adopted.

Senate File No. 19, A bill for an act to amend section 1193, article 3, chapter 53, of the Revision of 1860, with report of a substitute bill, and recommending that the substitute be adopted, was taken up.

Senator Powers moved to amend the substitute by adding the following:

SEC. 2. All incorporations hereafter organized under said section 1193, which have neglected to file their articles of incorporation with the Secretary of State, are hereby declared as legally incorporated, and their acts valid, the same as though their articles of incorporation had been so filed with said Secretary of State.

The amendment was agreed to.

The substitute bill, as amended, was then adopted.

On motion the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were, Senator Needham—1.

Absent, but not excused, Senators Donnan, Meyer and Richards.

So the bill passed, and on motion of Senator Oliver the title was amended by adding "and legalizing such incorporations in certain cases" and so amended, the title was agreed to.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have compared the following, and find the same correctly enrolled:

Senate File No. 8, A bill for an act to amend section 1, chapter 36 of laws of the Eleventh General Assembly.

Senate File No. 62, A bill for an act making appropriations for the payment of the mileage of the members of the Twelfth General Assembly, and for postage.

Senate File No. 64, A bill for an act to authorize the Governor to release lands which have been certified to the State by authority of the Secretary of the Interior under any of the Land Grants, where settlers' rights have intervened prior to the time when the title vested in the State.

HAWLEY, Chairman.

Senate File No. 7, A bill for an act to amend section 3980 of the

Revision of 1860, with report of committee recommending a substitute bill, was taken up.

Senator Wolf moved to amend by striking out the publication clause.

The motion did not prevail.

The following message was received from the House :

MR. PRESIDENT: I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 88, A bill for an act to amend chapter 123, of the laws of the Eleventh General Assembly, relative to the gray uniform, so called, which was furnished by the State to certain members of the Second and Third Iowa Infantry.

House File No. 75, A bill for an act granting to the United States Government the right of way for a ship-canal around the Des Moines or lower rapids in the Mississippi river on the Iowa side.

Senate File No. 62, A bill for an act making an appropriation for the payment of the mileage of the members of the Twelfth General Assembly, and the per diem of the temporary officers and employes thereof, and for postage.

Senate File No. 8, A bill for an act to amend section one, of chapter 36, of the Eleventh General Assembly of the State of Iowa, entitled an act to annex the township of Charlestown, in the county of Lee, to the township of Jackson, Montrose, Des Moines, and Van Buren, in said county, for judicial purposes.

Senate File No. 64, A bill for an act to authorize the Governor to release lands which have been certified to the State by authority of the Secretary of the Interior.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Oliver moved to amend as follows :

Insert where the words "deceased persons" occurs, between such words, the words, "or insane," and before the words, "or assignee," wherever they occur, the words, "guardians and trustees."

Senator Richards moved to re-commit the bill and amendments to the Committee on Judiciary.

The motion prevailed.

By leave, Senator Cones called up Senate File No. 81, A bill for an act to enable municipal corporations at their election to settle, adjust, and compound their indebtedness.

Referred to Committee on Incorporations.

Senate File No. 52, A bill for an act for the encouragement of agriculture, with report of committee recommending that the bill do pass, was taken up, and on motion of Senator Farwell, the rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton,

Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, McMillan, Mitchell, Newell, Patterson, Pierce, Powers, Rice, Smyth, Tuttle, Walden, Wolf, Wright—83.

The nays were Senators Bennett, Donnan, Hollman, Knoll, Meyer, Needham, Oliver, Reed, Richards, Robertson, Smith, Traverse, Woolson—18.

Absent but not excused—Senator Moore.

So the bill passed, and on motion of Senator Oliver the title was amended by adding "and provide for the distribution of the reports of the State Agricultural Society;" and so amended the title was agreed to.

The petition of Salmon Howard, with report of committee recommending that the prayer of the petitioner be not granted, was taken up.

Senator Walden moved that the report of the committee and the petition be referred to Committee on Claims.

The motion prevailed.

The report of committee recommending that the communication of Otto Thieme, Commissioner to the Paris Exposition, and also the supplemental report of Register of State Land Office, be printed, was taken up, and report of committee adopted.

Senate File No. 28, A bill for an act making it unlawful for any member of the board of supervisors to become surety on any bond of county officers with report of committee recommending amendments, was taken up.

Senator Meyer moved to recommit to Committee on County and Township Organization.

Senator Knoll moved to amend by referring to Committee on Judiciary.

The amendment was lost.

The motion to refer to Committee on County and Township Organization being the question, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bulis, Casady, Cones, Farwell, Hamilton, Hawley, Hedges, Hollman, Larrabee, Meyer, Needham, Newell, Oliver, Richards, Smith, Smyth, Traverse, Wolf, Woolson, Wright—20.

The nays were Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Johnson, Keller, Knoll, Larimer, Long, McMillan, Mitchell, Moore, Patterson, Pierce, Powers, Reed, Rice, Robertson, Tuttle, Walden—27.

So the motion to recommit did not prevail.

The report of the committee recommending amendments was then adopted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have

presented to the Governor this 5th day of February, 1868, for his approval, Senate Files Nos. 8, 62 and 64.

HAWLEY, Chairman.

Senator Hawley offered the following resolution, which was adopted:

Resolved, That the Attorney-General be requested to give the Senate his opinion, whether the Cedar Rapids and Missouri River Railroad Company have so far complied with the terms and conditions of the act of the General Assembly, approved March 26, 1860, granting certain lands to aid in the construction of said road, so as to entitle said company to the lands so granted; and if they have not so complied, whether the State of Iowa, through her Legislature, has or can, in his opinion, exercise any control over the same.

Senator Casady, from Committee on Conference, submitted the following:

The Committee on Conference on the disagreement of the two Houses on the adoption of the amendment to Senate resolution for the appointment of committees to visit the Soldiers' Orphans Homes, have considered the matter referred to them, and report that the House amendment be so changed as to read as follows: Strike out all of the Senate resolution after the eleventh line, and insert, "That a like committee be appointed, whose duty it shall be to visit the branch of the Soldiers' Orphans Home at Glenwood, and also the site selected by the commissioners for the Deaf and Dumb Asylum at Council Bluffs, who shall report upon the situation, management, and propriety of the location of the same institution," and as so amended, that the amendment be concurred in.

J. P. CASADY, Chairman.

By leave, Senator Robertson, from Committee on Medical Institutions, submitted the following report:

Your committee, to whom was referred Senate File No. 98, A bill for an act to advance the cause of dental science, and suppress empiricism in the profession of dentistry, beg leave to report that they have examined the same, and recommend that the bill do pass.

J. M. ROBERTSON, Chairman.

Ordered passed on file.

By leave, Senator Bennett introduced Senate File No. 99, A bill for an act respecting the estates of non-residents and minors.

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

By leave, Senator Oliver introduced Senate File No. 100, A bill for an act to encourage the planting and growing of timber, orchards, hedges, and shade-trees.

Read first and second time, and referred to Committee on Horticulture and Forestry.

Senator Donnan moved to adjourn.

Senator Woolson moved to amend by adjourning until two o'clock P. M.

The amendment was lost.

The motion to adjourn then prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 6, 1868.

Senate convened at 10 o'clock, A. M.

The President in the chair.

Prayer by Rev. Mr. Lounsbury.

Journal of yesterday was read and approved.

The following message was received from the House:

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

House substitute for Senate File No. 9, A bill for an act to reimburse certain counties for swamp land indemnity warrants, misappropriated.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Bennett called up House message.

House substitute for Senate File No. 9, A bill for an act to reimburse certain counties for swamp land indemnity warrants misappropriated, was taken up and read.

Senator Woolson moved to refer to Committee on Ways and Means.

The motion did not prevail.

The question being "Shall the Senate concur in the House substitute?"

Senator Cattell moved to amend the title by striking out the word "misappropriated," on which motion the yeas and nays were demanded, and were as follows:

The nays were Senators Bennett, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Hamilton, Hawley, Johnson, Keller, Larabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—81.

The yeas were Senators Casady, Cones, Fairall, Fellows, Grimes, Hedges, Hollman, Knoll, Larimer, Newell, Oliver, Rice, Richards, Smith—14.

Absent but not excused, Senators Bulis and Bill.

So the motion prevailed.

On the question "Shall the Senate concur?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Griffith, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Oliver, Powers, Reed, Rice, Walden, Woolson—28.

The nays were, Senators Cones, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hollman, Knoll, Moore, Needham, Newell, Patterson, Pierce, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright—22.

Absent, but not excused, Senators Bulis and Fellows.

So the substitute not having received a constitutional majority, was not concurred in.

By leave, Senator Oliver called up House File No. 45, A bill for an act to secure to certain persons, residents of Harrison county, their homes on lands known as the excess of the 500,000 acre grant, at the price of one dollar and twenty-five cents per acre, with report of special committee recommending amendments, and so amended recommending that the bill do pass.

Senator Oliver moved that the rule be suspended and the bill be read a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—45.

The nays were—none.

Absent but not excused—Senators Bulis and Cones.

So the bill passed, and the title was agreed to.

Senator Traverse moved to reconsider the vote by which the Senate refused to concur in House substitute for Senate File No. 9.

The motion prevailed.

Senator Hawley moved to amend the title as follows: add the words "embezzled by the private secretary of the late Governor of the State."

Pending the consideration of which, the following message was received from the House:

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

House File No. 53, A bill for an act to amend section 2642, of chapter 109, of the Revision of 1860.

House File No. 55, A bill for an act to provide for an additional argument term of the Supreme Court.

M. C. WOODRUFF, Chief Clerk.

Senator Richards moved to amend the amendment by adding thereto the words "through the criminal negligence of that governor."

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

The motion prevailed and the Senate adjourned.

TWO O'CLOCK, P. M.

Senate convened pursuant to adjournment.

The President in the chair.

The further consideration of House substitute for Senate File No. 9, with amendments to the title of the bill, was resumed.

The question being on the amendment to the amendment, the yeas and nays were demanded and were as follows:

The yeas were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Richards—9.

The nays were Senators Bennett, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—34.

Absent but not excused, Senators Griffith and Long.

So the amendment was not adopted.

Senator Oliver asked leave of absence for Senator Bill, which was granted.

Senator Hawley asked leave of absence for Senator Robertson, which was granted.

The question being on the motion to amend the title, Senator Fairall moved to amend the amendment as follows:

"And lost by the negligence of Governor Stone."

On which question the yeas and nays were demanded.

The yeas were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Richards, Wright.—10.

The nays were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson.—82.

Absent, but not excused, Senators Griffith, Long, and Rice.

So the amendment to the amendment did not prevail.

Senator Needham moved to amend by striking out all words in the

title after the word "for," and insert "the loss of their several interests in the swamp land indemnity warrants, issued by the United States to the State of Iowa.

The motion prevailed.

On the question, "shall the House amendments be concurred in?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Pierce, Powers, Reed, Rice, Richards, Traverse, Tuttle, Walden, Wolf, Woolson—32.

The nays were Senators Cones, Fairall, Fellows, Hedges, Hollman, Knoll, Needham, Patterson, Smith, Smyth, Wright—11.

Absent but not excused—Senators Griffith and Dunham.

So the House amendments were concurred in, and the title to the bill, as amended, was agreed to.

PETITIONS AND MEMORIALS.

By Senator Smyth: A petition from fifteen men, twenty-two women, and fifteen youths, of Linn county, Iowa, praying for a more stringent liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Long: A petition of Isaac Goodin and one hundred and six others, citizens of Iowa county, asking that the present county supervisor system be abolished, and the commissioner system be adopted instead.

Referred to Committee on County and Township Organization.

By Senator Wolf: A petition of two hundred and twenty-two citizens of Cedar county, Iowa, praying for the enactment of a more stringent liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Mitchell: A memorial from the Board of Supervisors of Boone county, in relation to funding the outstanding county indebtedness.

Referred to Committee on County and Township Organizations.

By Senator Oliver: A petition from numerous citizens of Monona county, Iowa, in relation to the Cedar Rapids and Missouri River Rail Road.

Referred to Committee on Rail Roads.

BILLS ON THIRD READING.

Senate File No. 51, A bill for an act to amend section 2, chapter 114 of the acts of the Tenth General Assembly of the State of Iowa was taken up.

On the question "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needhan, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Bennett and Griffith.

So the bill passed, and the title was agreed to.

BILLS ON SECOND READING.

Senate File No. 28, A bill for an act making it unlawful for any member of the board of supervisors to become surety on the bond of any county officer was taken up, and on motion of Senator Meyer was referred to a select committee of three.

The President announced as such committee Senators Meyer, Traverse, and Reed.

By leave, Senator Hollman offered the following:

Resolved, by the General Assembly of the State of Iowa, That the committee appointed to visit the State Penitentiary be instructed to inquire into the necessity and expediency of purchasing the land lying between the land owned by the State for penitentiary purposes and the Mississippi river; to ascertain the value of said land and the improvements thereon, and the means of access from penitentiary grounds to said river and the sum for which same can be bought, and report the facts to this House.

The resolution was adopted.

Senate File No. 46, A bill for an act amending section 307 of the Revision of 1860, with report of committee recommending that the bill do not pass, was taken up, and on motion of Senator Wolf the bill was recommitted to the Committee on County and Township Organizations.

Senator Moore moved to suspend the regular order, for the purpose of taking up the special message of the Governor for reference.

The motion prevailed.

Senator Moore then moved to refer that part relating to Col. Dewey to Committee on Ways and Means; that part relating to railroads to Committee on Railroads; that part relating to the school fund, to Committee on Schools; that part relating to insurance, to be referred to Committee on Incorporations; that part relating to claims of Iowa soldiers, to be referred to Committee on Military Affairs; that part relating to rights of foreign-born American citizens, be referred to Committee on Federal Relations.

The motion prevailed.

Senate File No. 40, A bill for an act to repeal a portion of section 6, chapter 129, of the acts of the Tenth General Assembly of Iowa,

with report of committee recommending that it do not pass, was taken up.

And on motion of Senator Farwell, the bill was indefinitely postponed.

Senator Patterson asked leave of absence for Senator Tuttle, which was granted.

Senator Bennett asked leave of absence for Senator Woolson from next Saturday, which was granted.

On motion of Senator Reed, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 7, 1868.

Senate convened at 10 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Turnbull.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator McMillan: A petition from sixty-one men, fifty-seven women, and forty-seven youths, citizens of Marion county, asking the enactment of a more stringent liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Keller: A petition from the board of supervisors, attorneys, county officers, and numerous citizens of Decatur county, Iowa, asking that the board of supervisors be abolished, and three commissioners substituted therefor.

Referred to Committee on County and Township Organization.

By Senator Hollman: A petition of Noble Warwick and numerous other citizens of Ft. Madison, Iowa, praying that the pay of the guards of the Penitentiary be increased.

Referred to Committee on Ways and Means.

By Senator Patterson: A remonstrance from numerous citizens of Floyd county, Iowa, against repealing the act of the last General Assembly, providing for publication of general laws in county newspapers.

Which was on motion, passed on file.

The following message was received from the House:

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

Substitute for House File No. 50, A bill for an act to amend

section 115 of the Revision of 1860, in relation to the manner of drawing jurors.

Also, a joint resolution relating to the Johnson-Stanton-Grant imbroglio, and in approval of Gen. Grant, in which the concurrence of the Senate is respectfully asked.

M. C. WOODRUFF, Chief Clerk.

By Senator Rice: A petition of two hundred and forty citizens of Marshall county, praying the enactment of a license law.

Referred to Committee on Suppression of Intemperance.

By Senator Long: Petition of J. L. Williams and the full Grand Jury of Iowa county, asking that the office of County Auditor be established.

Referred to Committee on County and Township Organization.

By Senator Grimes: A memorial of the Iowa State Teachers' Association, praying the establishment of Normal Schools.

Referred to Committee on Schools.

By leave, Senator Casady introduced Senate File No. 101, A bill for an act to amend section 8, of chapter 172 of the acts of the Ninth General Assembly.

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

By leave, Senator McMillan introduced Senate File No. 102, A bill for an act to repeal section 8, of chapter 173 of the laws of the Ninth General Assembly, being an act to increase the compensation of township assessors.

Read first and second time, and referred to Committee on Township Organizations.

By leave, Senator Woolson from Committee on Charitable Institutions, submitted the following report:

The Committee on Charitable Institutions, to whom was referred Senate File No. 95, A bill for an act in relation to the insane, &c., have considered the same, and report the same back to the Senate with a recommendation that it do pass.

T. W. WOOLSON, Chairman.

Ordered, that the report pass on file.

By leave, Senator Hawley, from Committee on Railroads, submitted the following:

The Committee on Railroads, to whom was referred Senate File No. 5, A bill for an act resuming certain rights conferred upon the Dubuque and Sioux City R. R. Co., have had the same under consideration, and have instructed me to report the same back to the Senate with the following amendments, and recommend its passage:

Amend section 3 by striking out the words "and the Iowa North-West, published at Fort Dodge," and insert after the word "Register," the words, "the Iowa Statesman, and Iowa Homestead."

T. HAWLEY, for Committee.

Ordered, that the report pass on file.

By leave, Senator Wright, from Committee on Agriculture, reported as follows :

The Committee on Agriculture, to whom was referred Senate File No. 89, to change time of holding annual meeting and election of president of the board of trustees, direct me to report back the accompanying substitute, and recommended its passage.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Agriculture, to whom was referred the report of the Secretary of the State Agricultural Society, direct me to report it back, and recommended that 2000 copies be printed for general distribution.

JAS. D. WRIGHT, Chairman.

On motion of Senator Wright, the report was adopted.

By leave, Senator Meyer, from special committee, submitted the following report :

The committee to whom was referred Senate File, No. 28, report that they have had the same under consideration, and report a substitute therefor, and recommend its passage.

MEYER, for Committee.

Ordered, that the report pass on file.

By leave, Senator Fellows, from Committee on Judiciary, submitted the following :

The Committee on Judiciary, to whom Senate File No. 7, with a substitute for the same, was recommitted, have instructed me to report the same back with the recommendation that the amendments to the substitute, pending at the time of the recommitment of said bill and substitute, be adopted, as verbally changed by the committee.

L. E. FELLOWS, for Committee.

Ordered, passed on file.

By leave, Senator Reed, from Committee on Railroads, submitted the following report :

Your Committee on Railroads, to whom was referred Senate File No. 61, A bill for an act to resume all rights conferred upon the McGregor Western Railroad Company by an act of Congress approved May 12, 1864, have had the same under consideration, and a majority of the committee have instructed me to report the bill, without amendments, and recommend its passage.

REED, for Committee.

Ordered, that the report pass on file.

By leave, Senator Patterson, from Committee on County and Township Organization, submitted the following :

Your Committee on Township and County Organization have had under consideration Senate File No. 50, A bill for an act to reorgan-

ize boards of supervisors, and petitions and memorials from the boards of supervisors of Appanoose and Davis counties and from citizens of said counties, asking the abolition of the supervisor system and establishing, in lieu thereof, the commissioner system, and the majority have directed me to report the same back with the recommendation that a change in the present system is inexpedient at the present time, and therefore that said bill be indefinitely postponed and that the prayers of said petitions and memorials be not granted.

Your Committee on Township and County Organization have also had under consideration the memorial of the board of supervisors of Decatur county, praying a repeal of the transfer law, taking from the Governor the power to remit fines and forfeitures and that an assessor be elected by each county, and direct me to report the same back with a recommendation that no more legislation on those subjects is needed, and that the prayers be not granted.

J. G. PATTERSON, Chairman.

Ordered, the report pass on file.

By leave Senator Wright offered the following :

Resolved by the Senate, the House of Representatives concurring :
That two thousand copies of the report of the Secretary of the State Agricultural Society be printed for the use of the General Assembly, as recommended by the Committee on Agriculture.

The resolution was adopted.

By leave Senator Traverse called up substitute for Senate File No. 7, A bill for an act to amend section 3980 of the Revision of 1860, with report of committee.

The report was adopted.

Senator Fellows offered the following, which was adopted :

Insert before the last proviso, in section 1, the following :

But if the testimony of a party to the action or proceeding has been taken, and he shall afterward die, or become insane, and after his death the testimony so taken shall be used, upon any trial or hearing, in behalf of his executors, administrators, devisees, heirs-at-law, next of kin or assignees, or guardian of an insane person, the other party, or the assignor of a thing in action, shall be a competent witness, as to any and all matters to which the testimony so taken relates, notwithstanding any thing in this section contained to the contrary thereof.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has adopted the report of the conference committee, relating to the appointment of committees to visit the various Soldiers' Orphans Homes, recommending an amendment

to the Senate resolution, which, with the report of the conference committee, is herewith submitted.

M. C. WOODRUFF, Chief Clerk.

Senator Fairall moved to amend section 1 as follows:

“And provided further, that this act shall not apply to any action or proceeding now pending.”

On this question the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bulis, Casady, Cones, Dunham, Fairall, Farwell, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Long, Mitchell, Needham, Patterson, Rice, Richards, Smith, Smyth, Wolf, Wright—24.

The nays were Senators Bill, Chapin, Donnan, Doud, Fellows, Griffith, Hamilton, Keller, Larrabee, McMillan, Moore, Oliver, Parvin, Pierce, Reed, Robertson, Traverse, Walden—18.

Absent but not excused, Senators Cattell, Newell, Meyer and Woolson.

So the amendment was adopted.

The substitute was then adopted and ordered that the bill be engrossed and read a third time to morrow.

Senator Reed asked leave of absence for Senator Powers, which was granted.

Senator Larimer asked leave of absence for Senator Smith, which was granted.

Senator Parvin by leave called up Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders.

On motion of Senator Bennett the Senate went into Committee on the Whole for the consideration of the bill.

After spending some time therein, the committee rose.

In the absence of the President, the Secretary took the chair; when on motion of Senator Meyer, Senator Woolson was appointed temporary chairman.

The chairman of the Committee of the Whole, Senator Needham, reported that the committee had had Senate File No. 2 under consideration, and had made some progress therein, and asked leave to sit again at 2 o'clock P. M.

The report was adopted.

On motion of Senator Robertson, the Senate adjourned until 2 o'clock this P. M.

TWO O'CLOCK P. M.

Senate convened, and was called to order by the President.

Senator Larimer, by leave, called up House messages.

The report of the committee on the disagreement of the two Houses on the resolution respecting the committee to visit the Soldiers' Orphans Home, was taken up, and the report was concurred in.

By leave, Senator Fairall called up the resolution relative to the rights of adopted citizens, with report of committee recommending amendments.

The amendments were concurred in.

Senator Rice moved to amend as follows:

Insert the word "white," before the word "man," in the sixth resolution.

On which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Cones, Fairall, Fellows, Hedges, Hollman, Knoll. — 6.

The nays were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright. — 39.

Absent, but not excused, Senators Casady and Keller.

So the motion did not prevail.

Senator Richards moved to amend as follows:

Striking out after the word "citizen" the words "whether natural born or adopted." Strike out after the words "interfered with" in seventh line, and insert, "when a native-born citizen under like circumstances would not be, but that the native-born and adopted citizen alike should be protected by the government."

The amendment was lost.

The question being upon the adoption of the resolution, the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Wright—43.

The nays were none.

Absent but not excused, Senators Casady, Newell, Woolson.

So the resolution was adopted.

By leave, Senator Richards introduced Senate File No. 103, A bill for an act to amend an act entitled, the general school act, passed April 8, 1862, requiring county treasurers to pay over moneys to independent school-districts monthly.

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

By leave, Senator Donnan introduced Senate File No. 104, A bill for an act to amend chapter 57 of the laws of the Tenth General Assembly, and to authorize boards of school-directors to issue orders drawing ten per cent interest.

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

Senator Bennett moved that the Senate resolve itself into a committee of the whole, for the further consideration of Senate File No. 2.

The motion prevailed.

After spending some time therein the committee rose, and Senator Needham, chairman of committee, reported that they had had Senate File No. 2 under consideration, and that he was instructed by the committee to recommend that the same, with amendments, be referred to a select committee, with Senator Parvin as chairman.

The report was adopted.

By leave Senator Powers, from Committee on Judiciary, submitted the following report :

The Judiciary Committee have considered Senate File No. 79, A bill for an act in relation to libels and actions therefor, and recommend that the same be indefinitely postponed.

They have also had under consideration Senate File No. 96, A bill for an action in relation to fees of sheriffs in certain cases, and recommend that the same do pass.

They have also had under consideration Senate File No. 86, and are equally divided in regard to recommending its passage or postponement, and therefore report the same back without recommendations.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

By leave Senator Needham submitted the following report :

The Committee on Schools have had under consideration Senate File No. 6, and instruct me to report the same to the Senate, with a recommendation that it pass.

NEEDHAM, Chairman Committee.

By leave, Senator Powers called up Senate File No. 6, A bill for an act to legalize the organization of independent school districts of Epworth, county of Dubuque, Iowa, with report of committee recommending that the bill do pass.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Wolf, Woolson, Wright—43.

The nays were none.

Absent, but not excused, Senator Walden.

So the bill passed, and the title was agreed to.

On motion of Senator Powers House messages were taken up.

House File No. 53, A bill for an act to amend section 2642 of chapter 109 of the Revision of 1860, was taken up and read first and second time.

Senator Doud moved to amend as follows:

Strike out of seventh line in section 2 all after the word "shall," and also the eighth and nine lines, and insert "be heard at the term at Des Moines unless the Supreme Court shall otherwise order."

The amendment was agreed to.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Paterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Wolf, Woolson, Wright—41.

The nays were none.

Absent but not excused, Senators Dunham, Hedges, and Walden.

So the bill passed, and the title was agreed to.

On motion of Senator Hollman the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 8, 1868.

Senate met at 10 o'clock, A. M.

The President in the chair.

Prayer by Rev. Mr. Rice.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Dunham: A memorial of the board of supervisors of Jackson county in relation to the rights of naturalized citizens abroad.

Referred to Committee on Federal Relations.

Also a memorial from same body in regard equalization of assessment of personal property.

Referred to Committee on Ways and Means.

By Senator Keller: A remonstrance from W. T. Loughlin and

forty-seven other citizens of Ringgold county against the passage of Senate File No. 29, repealing the law for the publication of the laws of the General Assembly.

Referred to Committee on Printing.

By Senator Hawley: A remonstrance of J. H. Warner and thirty-five other citizens of Kossuth county, in regard to repealing the law providing for the publication of general laws.

On motion, it was passed on file.

By Senator Newell: A petition of Rialto E. Price and forty others, in relation to insurance companies.

Referred to Committee on Incorporations.

BILLS ON SECOND READING.

Senate File No. 37, A bill for an act for the better protection of books of records of deeds and mortgages with report of committee recommending that the bill do not pass was taken up.

And on motion of Senator Fellows was indefinitely postponed.

Senate File No. 58, A bill for an act in relation to the powers of a successor in the office of a justice of the peace, and repeal of Section 3977 of the Revision with report of committee recommending that the bill do pass was taken up, and on motion the rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Woolson, Wright. — 37.

The nays were Senators Needham, Richards. — 2.

Absent, but not excused, Senators Cones, Fairall, Hedges, and Mitchell.

So the bill passed, and the title was agreed to.

Senator Meyer asked for leave of absence for Senator Bill, which was granted.

Senator Wolf asked for leave of absence for Senator Moore, which was granted.

Senate File No. 67, A bill for an act to amend section 4221, chapter 165, of the Revision of 1860, laws of Iowa, with report of committee recommending that the bill be indefinitely postponed, was taken up.

On motion of Senator Cattell, the bill was laid on the table.

House concurrent resolution relating to jurisdiction of United States District Court for Iowa, with report of committee that the Senate do not concur, was taken up.

The question being, "Shall the Senate adopt the report of the committee?"

The yeas and nays were demanded, and were as follows :

The yeas were, Senators Bennett, Bulis, Cattell, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Long, Meyer, McMillan, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Woolson, Wright—36.

The nays were, Senators Casady, Chapin, Knoll, Larrabee, Richards—5.

Absent, but not excused, Senators Mitchell and Needham.

So the report was adopted.

Senate File No. 78, A bill for an act to authorize the sale of real estate in certain cases for less than the full amount of taxes, interest and costs due thereon, with report of committee recommending amendments, was taken up and report was adopted.

Senator Hawley moved to amend as follows, by adding :

SECTION 3. That whenever the board of supervisors of any county has heretofore ordered sold any lands or town lots in their respective counties, for the whole amount of taxes due thereon with ten per cent interest from the time such taxes become delinquent, to the date of such sale, such order and sale are hereby legalized and affirmed to all intents and purposes, as if the same had been sold for the whole amount of such taxes, interest and costs.

Which was disagreed to.

Senator Powers moved to amend as follows :

Add to section 1, *provided*, however, that such sale shall not discharge the owner of the land for the balance of tax remaining due after such sale, and such balance may be collected of such owner on this amendment.

The yeas and nays were demanded, and were as follows :

The yeas were Senators Cattell, Chapin, Donnan, Keller, Larimer, Larrabee, Meyer, McMillan, Newell, Oliver, Parvin, Powers, Rice, Robertson, Traverse, Walden, Woolson—17.

The nays were Senators Bennett, Bulis, Casady, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Long, Mitchell, Needham, Patterson, Pierce, Reed, Richards, Smyth, Wolf, Wright—26.

So the amendment did not prevail.

Senator Woolson moved to amend as follows :

Add to section 1, "Provided that no real estate shall be sold under this act for less than one-fourth of the last assessed value of such real estate.

On this question the yeas and nays were demanded, and were as follows :

The yeas were Senators Bulis, Cattell, Chapin, Donnan, Doud,

Dunham, Grimes, Hamilton, Keller, Long, McMillan, Newell, Parvin, Pierce, Powers, Traverse, Walden, Wolf, Woolson, Wright—20.

The nays were Senators Bennett, Casady, Cones, Fairall, Farwell, Fellows, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Meyer, Mitchell, Needham, Oliver, Patterson, Reed, Rice, Richards, Robertson, Smyth—22.

Absent but not excused, Senator Larimer.

So the amendment was disagreed to.

The bill was then ordered to be engrossed and read a third time Monday.

On motion of Senator Reed, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 10, 1868.

Senate convened at ten o'clock A. M., the President in the chair.
Prayer by Rev. Mr. Trusdell.

Journal of Saturday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Robertson: A petition from William Watsbee and numerous others, members of the medical profession, that they may become an incorporation.

Referred to Committee on Medical Institutions.

By Senator Cones: A memorial of the city of Davenport, in relation to settling and adjusting its liabilities.

Referred to Committee on Incorporations.

By Senator Oliver: A memorial of Thomas S. Lewis and two hundred others, citizens of Audubon county, asking that the Chicago, Rock Island & Pacific Railroad be confined to their land-grant, or that the land may revert to the United States.

Laid on the table to be considered with the bill on that subject.

The President announced the following committees;

Committee to visit Soldiers' Orphans Home at Davenport, Senator Larrabee.

Soldiers' Orphans Home at Cedar Falls, Senator Donnan.

Soldiers' Orphans Home at Glenwood, and Deaf and Dumb Asylum at Council Bluffs, Senator Smyth.

Select Committee on Reform School Bill, Senators Parvin, Powers, Fellows, Hamilton and Donnan.

By leave, Senator Newell introduced Senate File No. 105, A bill for an act to regulate the sale of malt, spirituous or vinous liquors.

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

By leave, Senator Hamilton introduced Senate File No. 106, A bill for an act to provide for the appointment of public administrators.

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

A communication was received from the Governor, at the hands of his private secretary, which was laid on the President's table:

BILLS ON SECOND READING.

Senate File No. 57, A bill for an act relating to settlement with county treasurers, with report of committee recommending that the same do pass, was taken up, ordered to be engrossed, and read a third time to-morrow.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT: The Committee on Engrossed Bills have examined the substitute for Senate File No. 7, and have found the same correctly engrossed.

MEYER, for Committee.

Senate File No. 84. A bill for an act to repeal section 3276 of Revision of 1860, with report of committee recommending that the House amendments thereto be concurred in, was taken up.

On the question "Will the Senate concur in House amendments?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larabee, Long, Matthies, Meyer, McMillan, Mitchell, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Traverse, Wolf—85.

The nays were Senators Hamilton, Needham, Newell, Oliver, Smyth, Walden, Wright—7.

So House amendments were concurred in.

Senator Richards asked leave of absence for Senator Knoll, which was granted.

Senate File No 60, A bill for an act giving certain compensation to the prevailing party in action in the Supreme Court, with report of committee recommending that the same be indefinitely postponed, was taken up.

On the question "Shall the report of the committee be adopted?" the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hamilton, Hedges, Hollman, Johnson, Keller, Long, Meyer, McMillan, Mitchell, Needham, Parvin,

Patterson, Powers, Reed, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright—30.

The nays were Senators Donnan, Doud, Farwell, Grimes, Hawley, Larimer, Larrabee, Matthies, Newell, Oliver, Rice—11.

Absent but not excused—Senator Cones.

So the report was adopted, and the bill was indefinitely postponed.

The following message was received from the House.

MR. PRESIDENT: I herewith return Senate File No. 63, relative to the early construction of the Chicago, Rock Island and Pacific Railway, with sundry amendments, in which the concurrence of the Senate is asked:

Strike out the words "by general law" in the thirty-fifth line of section 2.

Strike out all of the sixth section after the word "grant" in the sixth line, and in lieu thereof, insert the following: "and the provisions of an act of the General Assembly of Iowa, entitled, An act to quiet the title to certain lands sold by the State of Iowa, to individuals, as part of the Des Moines river grant, approved April 2, 1866, are hereby ratified and confirmed."

Insert after the word "thereon" in the eighty-seventh line, section 2, the word "and;" and after the word "provided" in the same line, the word "further."

Provided, That said consolidated railroad company shall relinquish to the county of Pottawattamie all right or claim which it now has or may hereafter acquire to any bonds or agreement to take stock or indebtedness heretofore voted by the county of Pottawattamie to, or in aid of the construction of the Mississippi and Missouri Railroad. So far as said consolidated railroad company is concerned, all acts, votes, decrees or agreements on the part of Pottawattamie county to issue bonds to the Mississippi and Missouri Railroad Company are hereby declared null and void.

Amend the title by adding thereto the words "upon certain conditions therein named."

M. C. WOODRUFF, Chief Clerk.

Senate File No. 74, A bill for an act to amend section 2721, of chapter 115, of the Revision of 1860, in relation to jurors, with report of committee recommending that the bill do pass, was taken up.

Senator Larimer moved to amend by striking out the words "school districts."

The amendment did not prevail.

Senator Fellows moved to amend as follows:

Strike out "amend as follows," and insert "is hereby repealed and the following enacted in lieu thereof."

The amendment prevailed.

The bill was then ordered to be engrossed and read third time to-morrow.

Senate File No. 77, A bill for an act to amend chapter 114, of the Revision of 1860, in relation to the qualifications of attorneys and counselors at law, with report of committee with substitute bill, was taken up.

Senator Fellows moved to amend the substitute by striking out in seventh line of section 1, the word "male," on which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Casady, Cattell, Chapin, Cones, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Larimer, Long, Meyer, Mitchell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wright—26.

The nays were Senators Bennett, Bill, Donnan, Doud, Griffith, Hamilton, Hollman, Johnson, Keller, Larrabee, Matthies, McMillan, Needham, Newell, Richards, Wolf—16.

So the amendment prevailed.

Senator Farwell asked leave of absence for Senator Pierce, for to-day, which was granted.

Senator Fairall moved to amend by striking out of eighth line, section 1, the words "twenty-one years of age," on which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Casady, Cones, Dunham, Fairall, Fellows, Hawley, Hedges, Hollman, Larimer, Larrabee, Matthies, Meyer, Mitchell, Newell, Oliver, Rice, Wright—17.

The nays were Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Johnson, Keller, Long, McMillan, Needham, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smyth, Traverse, Walden, Wolf—25.

So the amendment did not prevail.

Senator Richards moved to amend as follows : In thirteenth and fourteenth lines of section 1 strike out the words "that he;" also, strike out the word "he" in twelfth line, and insert "said person."

The motion prevailed.

Senator Fairall moved to amend as follows : By adding after the word "state" in twelfth line of section 1 as follows : "by certificate of admission from a court of record of any other State, or otherwise."

The amendment did not prevail.

Senator Fellows moved to amend section 1 by adding thereto as follows : "Wives of practicing attorneys shall be *ex-officio* members of the Bar, and be authorized to practice in any of the courts of the State."

On which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Cones, Fellows—2.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee,

Long, Matthies, Meyer, McMillan, Mitchell, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—40.

So the amendment did not prevail.

The question being on the adoption of the substitute bill recommended by the committee as amended, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mitchell, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Wright—81.

The nays were Senators Bill, Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, McMillan, Needham, Richards—11.

So the substitute was adopted.

Senator Oliver moved that the rule be suspended and the bill read a third time now, on which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mitchell, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Wright.—82.

The nays were Senators Bill, Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, McMillan, Richards.—10.

So the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mitchell, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Wright—81.

The nays were, Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, McMillan, Needham, Richards—11.

So the bill passed, and the title was agreed to.

The following message was received from the House :

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

House File No. 184, A bill for an act to attach certain territory in Union Township to Burlington Township, for school purposes, in Des Moines county.

Also, that the House has concurred in the Senate amendment to the title of the substitute for Senate File No. 9, relative to reimbursing certain counties for swamp land indemnity losses.

M. C. WOODRUFF, Chief Clerk.

Senator Hamilton moved that the vote by which Senate File No.

87, A bill for an act for the better protection of books, of record of deeds and mortgages, was indefinitely postponed, be reconsidered.

The motion prevailed.

On motion of Senator Hamilton, the bill was re-committed to the Committee on County and Township Organization.

Joint resolution relating to compensation for lands used by the General Government in Lee county, Iowa, with report of committee recommending its passage, was taken up, and the resolution adopted.

Senator Robertson moved that the Senate adjourn.

Senator Cattell moved to amend by inserting until two o'clock this P. M.

The amendment prevailed, and the Senate adjourned.

TWO O'CLOCK P. M.

Senate convened, and was called to order by the President.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate Files Nos. 9 and 34, and find the same correctly enrolled.

HAWLEY, Chairman.

HOUSE MESSAGES.

Senate File No. 68, A bill for an act providing for and requiring the early completion of the Chicago, Rock Island and Pacific Rail Road from Davenport to Council Bluffs, Iowa, with House amendments was on motion of Senator Casady taken up.

Senator Oliver moved to amend as follows: by inserting in place of "general laws" stricken out by the House, "provided that said road shall be constructed within the limits of the land-grant of said road and through the counties of Audubon and Shelby."

Senator Fellows moved to recommit to Committee on railroad and presented certain printed documents which the Secretary proceeded to read.

Senator Bennett moved that further reading be dispensed with.

The motion prevailed.

Senator Hawley moved the previous question which was seconded.

The question being shall the main question be ordered, the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell Griffith, Grimes, Hawley, Hedges,

Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Newell, Parvin, Patterson, Powers, Reed Robertson, Smyth, Traverse, Walden, Wolf, Wright—33.

The nays were Senators Cones, Fairall, Fellows, Hamilton, Hollman, Needham, Oliver, Rice, Richards—9.

So the main question was ordered.

The question being on the motion to recommit, the yeas and nays were demanded and were as follows :

The yeas were Senators Dunham, Fellows, Hamilton, Matthies, Oliver, Richards—6.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Needham, Newell, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Wolf, Wright—36.

So the motion to recommit did not prevail.

The question recurring on the amendment offered by Senator Oliver, the yeas and nays were demanded and were as follows :

The yeas were Senators Donnan, Hamilton, Hawley, Oliver, Traverse.—5.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Needham, Newell, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Walden, Wolf, Wright.—37.

So the amendment was disagreed to.

The question being, "Shall the Senate concur in House amendments?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright.—41.

The nays were none,

Absent, but not excused, Senator Hawley.

So the Senate concurred in the House amendments.

The following message was received from the House.

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

House File No. 136, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad. Also,

Substitute for House File Nos. 84 and 115, A bill for an act to

resume the lands and rights conferred on the McGregor Western Railroad Company, per act of Congress of May 12, 1864.

The House has also concurred in the Senate amendments of House File No. 53, and also to Senate amendments to House File No. 45.

M. C. WOODRUFF, Chief Clerk.

BILLS ON SECOND READING.

Senate File No. 3, A bill for an act in relation to the school fund and school lands, with report of committee recommending that the bill do pass, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Walden, Wolf Wright—42.

The nays were none.

So the bill passed, and the title was agreed to.

On motion of Senator Rice, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 11, 1868.

Senate convened at 10 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Buzzard.

Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Hedges: A petition from numerous citizens of Lee county in relation to "White's Manual Labor Institute."

Referred to committee on that subject.

By Senator Walden: A petition from the members of the Bar of Appanoose county, Iowa, in relation to a Court of Common Pleas.

Referred to Committee on Judiciary.

By Senator Moore: A petition from the members of the bar of Page county, on same subject.

Referred to same committee.

By leave, Senator Powers offered the following:

WHEREAS, The Dunleith and Dubuque Bridge Company are meeting with serious opposition in obtaining the right of way to connect with the railroad on the west side of the Mississippi river: therefore,
Be it Resolved by the Senate and House of Representatives, That said bridge company be and is hereby authorized to change the location of their bridge to any point on said river not more than a mile and a half south of its present location.

Referred to special committee of five.

The following message was received from the House:

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

House File No. 18, A bill for an act providing for the publication and distribution of the Adjutant-General's Report, January 1, 1867, to January 14, 1868.

I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 9, A bill for an act to reimburse certain counties for the loss of their several interests in the swamp-land indemnity warrants issued by the United States to the State of Iowa.

Also, Senate File No. 34, A bill for an act to repeal section 8276 of the Revision of 1860, in relation to the liability of officers of municipal corporations.

M. C. WOODRUFF, Chief Clerk.

HOUSE MESSAGES.

House File No. 18, A bill for an act providing for the publication and distribution of the Adjutant-General's Report from January 1, 1867, to January 14, 1868, was, on motion of Senator Matthies, taken up and considered.

Senator Matthies moved that the eleventh rule be suspended, and the bill read a third time.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cassady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Walden, Wolf, Wright—43.

The nays were Senator Traverse—1.

So the bill passed, and the title was agreed to.

By unanimous consent the President introduced Senate File No. 107, A bill for an act giving the consent of the Legislature of the

State of Iowa, to the purchase by the United States of certain real estate, and ceding to the United States jurisdiction over the same.

Read first and second time, and referred to Committee on Federal Relations.

Senator Hawley, from Committee on Enrolled Bills, submitted the following:

The Committee on Enrolled Bills would report that they have examined Senate File No. 63, and find the same correctly enrolled.

HAWLEY, Chairman.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bill, which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 63, A bill for an act providing for and requiring the early construction of the Chicago Rock Island & Pacific Railroad from Davenport to Council Bluffs, Iowa, upon certain conditions therein named.

M. C. WOODRUFF, Chief Clerk.

By leave Senator Parvin introduced Senate File No. 108, A bill for an act to amend article 3, chapter 64, of the Revision of 1860, for the suppression of intemperance.

Read first and second time.

Senator Fairall moved that the bill be laid on the table and ordered printed.

On this question the yeas and nays were demanded, and were as follows:

The yeas were Senators Casady, Fairall, Hedges, Hollman, Knoll, Larimer, Rice, Richards—8.

The nays were Senators Bennett, Bill, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Traverce, Walden, Wolf, Wright—36.

Absent but not excused, Senator Grimes.

So the motion did not prevail.

On motion of Senator Parvin the bill was then referred to Committee on Suppression of Intemperance.

The following message was received from the House.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has appointed the following Visiting Committees:

Agricultural College and Farm—Messrs. Kasson and Stuart.

Soldiers' Orphans Home at Davenport—Messrs. Bennett and Hatch.

Orphans' Home at Cedar Falls—Messrs. Gaylord and Knapp.

Orphans' Home at Glenwood and Deaf and Dumb Asylum at Council Bluffs—Messrs. Parker and Wright.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Wolf presented a petition of one thousand and ninety-one inhabitants of Cedar county, Iowa, asking for the repeal of the lager beer clause of the liquor law.

Referred to Committee on Suppression of Intemperance.

By leave, Senator Parvin introduced Senate File No. 109, A bill for an act to enable counties, townships and incorporated cities and towns to aid in the construction of railroads.

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

HOUSE MESSAGES.

By leave, Senator Larrabee called up substitute for House File Nos. 85 and 115, A bill for an act to resume all the lands and rights conferred upon the McGregor Western Railroad Company by or under an act of Congress approved May 12, A. D. 1864.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright—43.

The nays were Senator Farwell—1.

Absent but not excused Senator Griffith.

So the bill passed, and the title was agreed to.

On motion of Senator Oliver, the order of business was suspended for the purpose of allowing the introduction of bills.

INTRODUCTION OF BILLS.

By Senator Cattell: Senate File No. 110, A bill for an act supplemental to chapter 22 of the laws of the Eleventh General Assembly.

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

By Senator Larrabee: Senate File No. 111, A bill for an act to amend chapter 46 of the Revision of 1860, and chapter 163, laws of the Ninth General Assembly.

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

By Senator Patterson: Senate File No. 112, A bill for an act to provide for the taking of lands for school-house sites.

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

Senator Meyer from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 78, and have found the same correctly engrossed.

MEYER, for Committee.

By Senator Newell: Senate File No. 113, A bill for an act to legalize the acts of Thomas Arnold, a notary public of McGregor, Iowa.

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

By Senator Bill: Senate File No. 114, A bill for an act to authorize a change of venue on preliminary examination before a magistrate.

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

Also, Senate File No. 115, A bill for an act to amend section 8325 of Revision of 1860, in relation to sale on execution of decedent's real estate.

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

By Senator Bill: Senate File No. 116, A bill for an act to amend section 2558 of the Revision of 1860, in relation to estates of minors.

Read first and second time, and referred to same committee.

By Senator Oliver: Senate File No. 117, A bill for an act to abolish capital punishment and provide for solitary imprisonment in the Penitentiary for certain crimes.

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

By Senator Needham: Senate File No. 118, A bill for an act providing for enclosing railroads by fences and cattle-guards.

Read first and second time, and referred to Committee on Internal Improvements.

By Senator Larimer: Senate File No. 119, A bill for an act to legalize certain acts of the board of trustees of Le Claire Township in Scott county, and to fix the boundaries of independent school district No. 1, Le Claire Township, to which said acts relate.

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

Senator Oliver moved that the order of business be suspended for the purpose of considering House File No. 186, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific, now Dubuque and Sioux City Railroad.

The motion did not prevail.

Senator Hawley moved that House File No. 186 be taken up for the purpose of making it a special order for 10 o'clock A. M., to-morrow, on which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Casady, Cones, Doud, Fellows, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Matthies, Mitchell, Moore, Newell, Oliver, Reed, Rice, Richards, Robertson, Smyth.—20.

The nays were Senators Bennett, Bill, Cattell, Chapin, Donnan,

Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Johnson, Larimer, Long, Meyer, McMillan, Needham, Parvin, Patterson, Pierce, Powers, Traverse, Walden, Wolf, Wright.—25.

So the motion did not prevail.

BILLS ON SECOND READING.

Senate File No. 82, A bill for an act in relation to independent school districts with report of committee recommending amendments, was taken up and considered, and report of committee adopted.

The bill was then ordered to be engrossed and read a third time to-morrow.

Senate File No. 85, A bill for an act making it the duty of the clerk of the board of supervisors to make returns to the Governor of the location of the graves of deceased Iowa soldiers in their respective counties, and for other purposes, with report of committee recommending that the bill do pass, was taken up, considered, and ordered that the bill be engrossed and read a third time to-morrow.

Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting, with report of committee recommending that the bill do pass, was taken up, and on motion of Senator Donnan, was made the special order for February 29th, at 11 o'clock A. M.

Senate File No. 45, A bill for an act to amend section 1102, of the Revision of 1860, in relation to cities and towns, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Richards moved to amend by striking out the word "Homestead," and inserting "Statesman," on which motion the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Casady, Chapin, Cones, Dunham, Fairall, Farwell, Grimes, Hedges, Hollman, Knoll, Matthies, Newell, Patterson, Powers, Reed, Rice, Richards, Traverse, Walden, Wright—21.

The nays were Senators Bill, Cattell, Donnan, Doud, Griffith, Hamilton, Hawley, Johnson, Keller, Larimer, Long, Meyer, McMillan, Mitchell, Moore, Needham, Oliver, Parvin, Pierce, Robertson, Smyth, Wolf—22.

Absent but not excused, Senator Larrabee.

So the motion did not prevail.

Senator Donnan moved that the eleventh rule be suspended, and the bill be read a third time now, on which question the yeas and nays were demanded, and were as follows :

The yeas were Senators Bill, Cattell, Chapin, Donnan, Doud, Grimes, Hamilton, Johnson, Keller, Larimer, Matthies, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden—26.

The nays were Senators Bennett, Casady, Cones, Dunham, Fairall, Farwell, Hawley, Hedges, Hollman, Long, Needham, Parvin, Richards, Wolf, Wright—16.

Absent but not excused, Senators Fellows, Griffith, and Larrabee.

So the motion having failed to receive a two-third majority of all the votes cast, was lost.

The bill was then ordered to be engrossed, and read a third time to-morrow.

Senator Hedges asked for leave of absence for Senator Fellows, which was granted.

Senator Dorman asked for leave of absence for Secretary Weart, which was granted.

By leave, Senator Wright submitted the following report :

The committee on agriculture, to whom was referred Senate File No. 88, A bill for an act to recover damages for crops destroyed during the night, have had the same under consideration, and beg leave to report the accompanying substitute, and recommend that it do pass ; also, recommend it be printed.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

By leave, Senator Fairall, from Committee on Judiciary, submitted the following report :

The Judiciary Committee have instructed me to report to the Senate a substitute for Senate File No. 58, A bill for an act to more effectually protect society against damage by animals, and recommend the adoption of the same.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Also, the following :

The Judiciary Committee have instructed me to report back Senate File 91, A bill for an act to legalize the official acts of Henry Temple, a notary public, and recommend its passage.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Also the following :

The undersigned is instructed by the Judiciary Committee to report back Senate File No. 11, A bill for an act to legalize the acts of John S. Gilmore, a justice of the peace of Lee county, Iowa, and recommend its passage.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Also the following :

The Committee on Incorporations has instructed me to report a substitute for Senate File No. 44, A bill for an act to amend chapter 51 of the Revision of 1860 in relation to cities and towns and recommend the adoption of the substitute.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Senator Needham moved that the Senate do now go into executive session.

The motion prevailed.

The doors being opened the President announced as special committee on Dubuque bridge location as follows :

Senators Powers, Knoll, Donnan, Grimes and Farwell.

Senator Hollman moved to adjourn.

Senator Parvin moved to amend by adjourning until 2 o'clock. The amendment was lost.

The motion to adjourn prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 12, 1868.

Senate convened at 10 o'clock A. M. and was called to order by the President.

Prayer by Rev. Mr. Dinsmore.

Journal of yesterday read and approved.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 45, A bill for an act to secure to certain persons, residents of Harrison county, their homes on lands known as the excess of the five hundred thousand acre grant, at one dollar and twenty-five cents per acre.

Also House File No. 53, A bill for an act to amend section 2642 of chapter 109 of the Revision of 1860.

I am directed to inform your Honorable Body that the House of Representatives has passed the following bill, in which the concurrence of the Senate is asked :

Senate File No. 54, A bill for an act in relation to the payment of the expenses of agents appointed to demand fugitives from justice.

And has concurred in the following joint resolutions :

That instructing our delegation in Congress to urge the passage of a law indemnifying citizens of Lee county for property used in the improvement of rapids of the Mississippi river.

That for the relief of Buchanan county on account of money stolen from the county treasury.

That providing for the printing of two thousand copies of the Report of the State Agricultural Society for the use of this General Assembly.

That providing for the purchase of lands between the penitentiary building and the Mississippi river, and to ascertain the value thereof.
M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Wolf: A petition of residents of Cedar county, asking for protection against sale of intoxicating liquors.
Referred to Committee on Suppression of Intemperance.

REPORTS OF COMMITTEES.

By leave, Senator Farwell submitted report as follows:

The Committee on Public Lands have had House resolution relative to passage of an act to facilitate the settlement of swamp-land matters between the State and General Government under consideration, and recommend that the same be indefinitely postponed.

FARWELL, Chairman.

Ordered, that the report pass on file.

Senator Farwell submitted the following report:

The Committee on Public Lands have had Senate File No. 98 under consideration, and have instructed me to recommend that the same do pass.

FARWELL, Chairman.

Ordered, that the report pass on file.

Senator Powers submitted the following report:

The special committee to whom was referred Senate File No. 2, have had the same under consideration, and recommend that the amendments made to said bill by the Committee of the Whole, from the commencement of section 1 to section 13, be adopted. Your committee further recommend the following amendments:

Strike out the words "arrested upon complaint" in the first line of section 13, and insert in lieu thereof the words, "convicted in a court of a justice of the peace or other inferior court."

Strike out in second line of same section the words "excepting murder or manslaughter," and the word "county" in same line; the word "judge" in third line, and insert in its place the word "magistrate." Strike out the word "may" in third line, and word "taken," and insert in place of the word "taken" the word "convicted." Strike out all of said line after the word "convicted." Strike out all of the fourth line to the word "forthwith," and insert "to" before the word "forthwith." Insert after the word "judge" in fifth line the words "or a judge of a court of record."

Strike out in section 15 all of the fourth line after the word "*ad litem*." Strike out the fifth line to word "it." Strike out in eighth line all after the word "girl" to the word "is."

In the 17th section strike out the word "county" in first line.

Strike out all of second line in same section to the word "or" following the word "jury."

In third line, same section, strike out words "said judge," and insert the following: "the court in which the conviction was had;" strike out the words, "keeper of the," and insert "officer having him or her in charge, to be returned to the magistrate before whom the conviction was had." In fourth line, in same section, strike out all to the word "to." In section 18, in first line, insert after the word "judge," the words, "or judge of a court of record." In section 21, after word "girl," insert words, "convicted of a felony." In fourth line, same section, strike out the words, "there to be imprisoned." In section 22, fill blank in third line with words, "forty thousand."

So amended, your committee recommend that the same do pass.

J. B. POWERS, for Committee.

Ordered, that the report pass on file.

By leave, Senator Bennett of the Judiciary Committee, submitted the following report.

The Judiciary Committee, to whom was referred Senate File No. 99, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

BENNETT, for Committee.

Ordered, that the report pass on file.

By leave, Senator Powers, from Judiciary Committee, submitted the following report:

The Judiciary Committee, to whom was referred Senate File No. 85, report that they have had the same under consideration, and report a substitute therefor, and recommend its passage.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

By leave, Senator Knoll, from Committee on County and Township Organization, submitted the following report:

The Committee on County and Township Organization, to whom was referred Senate File No. 102, A bill for an act to repeal section 3, chapter 173, of the laws of the Ninth General Assembly, being an act to increase the compensation of township assessors, have had the same under consideration, and have instructed me to report the same back to the Senate with the following recommendations:

First, strike out the second section, of the bill, being the publication clause.

Second, strike out from the title of the bill, in the third line, the words, "being an act to increase," and insert in lieu thereof, the words, "and fixing." So amended, the committee recommend the passage of the bill.

F. M. KNOLL, for Committee.

Ordered, that the report pass on file.

Senator Fairall, from special committee on Senate File No. 4, submitted the following report:

By direction of special committee on Senate File No. 4, A bill for an act to provide for the election of township collectors, and define their duties, I herewith submit a substitute therefor.

FAIRALL, for Committee.

Senator Needham, from Committee on Schools, submitted the following report :

Your Committee on Schools have had under consideration certain bills referred to them, and I am instructed to report the same back as follows :

Senate File No. 101, strike out section 2, and with this amendment recommend that the bill do pass.

Senate File No. 108; amend section 1, fourth line and second paragraph, strike out the words "in separate books," and with this amendment recommend its passage.

NEEDHAM, Chairman.

Ordered, that the report pass on file.

Senator Farwell moved that substitute for Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties, be printed and made a special order for March 3d, at eleven o'clock, A. M.

The motion prevailed.

Senator Reed moved that Senate File No. 85, A bill for an act to establish a Court of Quarter Sessions, and defining the jurisdiction thereof, be made a special order for February 28, at two o'clock, P. M.

The motion was agreed to.

BILLS ON SECOND READING.

Senate File No. 43, A bill for an act to release to Alfred Heber Reynolds any and all right of the State of Iowa by way of escheat, to certain lands in Buchanan county Iowa, with report of committee recommending that the bill do pass, was taken up.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright—41.

The nays were none.

Absent but not excused, Senator Dunham.

So the bill passed, and the title was agreed to.

Senator Mitchell asked for leave of absence for Senator Rice.

Leave was granted.

The following message was received from the House :

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

House File No. 120, A bill for an act for the relief of Hardin county for money stolen from the county safe, September 14, 1865.

M. C. WOODRUFF, Chief Clerk.

Senator Hedges moved to suspend the rule to enable Senator Hollman to introduce a bill.

Two-thirds of the Senate voting in the affirmative, the rule was suspended.

Senator Hollman introduced Senate File No. 120, A bill for an act to amend an act of the Twelfth General Assembly of the State of Iowa, which was read first and second time.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Parvin Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright.—43.

The nays were none.

Absent, but not excused, Senator Needham.

So the bill passed, and the title was agreed to.

Senate File No. 70, A bill for an act for the relief of the widow and children of Steiner Larson, with report of committee recommending amendments, was taken up, and the amendments adopted.

Senator Bulis moved that the rule be suspended and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Wright—48.

The nays were none.

So the bill passed, and the title was agreed to.

HOUSE MESSAGES.

By leave, Senator Knoll called up House File No. 55, a bill for an act to provide for an additional argument term of the Supreme Court.

which was read a first and second time, and referred to Committee on Judiciary.

Senate File No. 24, A bill for an act for the more efficient collection of certain delinquent taxes, with report of committee recommending that the bill do pass, was taken up.

Senator Hamilton moved that the rule be suspended and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Traverse, Walden, Wolf, Wright—42.

The nays were none.

Absent but not excused, Senator Donnan.

So the bill passed, and the title was agreed to.

Senate File No. 12, A bill for an act to amend the Revision of 1860 in relation to land sold on execution, with report of committee recommending that the bill do pass, was taken up and considered.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Richards, Robertson, Smyth, Walden, Wolf, Wright—38.

The nays were, Senator Traverse—1.

Absent, but not excused, Senators Bill, Cones and Powers.

So the bill passed, and the title was agreed to.

Senator Farwell moved that the House joint resolution relating to the Johnson-Stanton-Grant embroglio be taken up and referred to select committee of five.

On which motion the yeas and nays were demanded, and were as follows:

The yeas were Senators Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hollman, Long, Matthies, Mitchell, Moore, Parvin, Smyth, Traverse, Wolf—19.

The nays were Senators Bennett, Bill, Bulis, Casady, Doud, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Meyer, McMillan, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Walden, Wright—24.

The motion did not prevail.

Senator Newell moved that the resolution be taken up for the purpose of referring to Committee on Suppression of Intemperance.

Senator Farwell moved to amend by referring to Committee on Federal Relations; pending which, by leave, Senator Knoll called up the following House resolution, and moved its adoption, which was agreed to.

Resolved by the House of Representatives, the Senate concurring, That a joint committee, consisting of two members of the Senate and three of the House, be appointed to draft and forward to the Legislature of Illinois, a memorial on behalf of this General Assembly, asking for such legislation as will enable the Dubuque & Dunlieth Bridge Company to construct said bridge as a wagon as well as a railroad bridge.

On motion of Senator Doud the Senate adjourned until two o'clock, P. M.

TWO O'CLOCK, P. M.

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

The consideration of House resolution relating to President Johnson and General Grant was resumed.

The question being on the motion of Senator Farwell to amend the motion to refer the resolution to the Committee on Suppression of Intemperance, by referring to Committee on Federal Relations.

By leave, Senator Farwell withdrew the amendment.

The question recurring on the motion to take up the resolution and refer, it was divided, and the question being "Shall the resolution be taken up?" the yeas and nays were demanded.

The yeas were Senators Bennett, Cones, Donnan, Fairall, Farwell, Hedges, Hollman, Matthies, Meyer, McMillan, Mitchell, Newell, Oliver, Patterson, Powers, Smyth, Wolf—17.

The nays were Senators Bill, Casady, Cattell, Doud, Dunham, Grimes, Hamilton, Hawley, Keller, Knoll, Larrabee, Long, Moore, Parvin, Pierce, Reed, Richards, Robertson, Traverse, Wright—20.

Absent but not excused, Senators Chapin, Johnson, Larimer, Noeham, Walden.

So the motion did not prevail.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 85 and have found the same correctly engrossed.

MEYER, for Committee.

Senator Hollman moved that the Senate adjourn.
The motion did not prevail.

BILLS ON SECOND READING.

Senate File No. 84, A bill for an act to amend section 898 of the Revision of 1860, with report of committee that the bill do pass, was taken up.

Senator Hawley moved that the bill be recommitted to Committee on Judiciary, with instructions.

The motion prevailed.

Senator Powers moved to adjourn.

The motion was disagreed to.

Senator Bennett moved that when the Senate adjourn it be to a quarter past eight o'clock to-morrow.

The motion prevailed.

Senator Doud asked for leave of absence for Messenger Duffin.

Leave granted.

Senator Bill asked for leave of absence for the Sergeant-at-Arms.

Leave granted.

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 resolutions, and asks the Senate's concurrence therein:

M. C. WOODRUFF, Chief Clerk.

Senator Hollman asked for leave of absence for the door-keeper, which was granted.

Senate File No. 20, A bill for an act to repeal section 901 of the Revision of 1860, with report of committee recommending that it do not pass was taken up considered, and on motion of Senator Hawley was recommitted to Committee on Roads with instructions.

Senate File No. 98, A bill for an act to advance the cause of dental science and suppress empiricism in the profession of dentistry, with report of committee recommending that the bill do pass was taken up and considered.

Senator Fairall moved that the bill lie on the table and be printed.

The motion did not prevail.

Senator Newell moved to reconsider the vote just taken. The motion prevailed.

On motion the bill was then laid on the table and ordered printed.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed Senate File No. 120, A bill for an act to amend an act of the Twelfth General Assembly of the State of Iowa.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Patterson asked leave of absence of himself and son until Wednesday, February 26. Granted.

Senator Grimes asked leave of absence for himself until same time, which was granted.

Senator Reed moved to adjourn.

The motion did not prevail.

The following message was received from the House.

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

House File No. 117, A bill for an act making appropriation for two Lawson Wood Furnaces, pipes and registers, furnished, and put in the Adjutant-General's office, and State Arsenal, by Fuller, Warren & Co.

House File No. 29, A bill for an act to change the time of holding court in Waverly, Bremer county, in the Twelfth Judicial District.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Traverse moved to adjourn.

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 18, 1868.

Senate convened at 8½ o'clock, and was called to order by the President.

Senator Farwell moved that the Senate do now adjourn.

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 25, 1868.

The Senate convened at 10 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Heacock.

Journal of February 12th and 13th read and approved.

By leave, Senator Bennett introduced the following resolution :

Resolved, by the General Assembly of Iowa, That it is the deliberate judgment of this body, that the action of the President of the United States in the attempted removal of Secretary Stanton, in

violation of the law regulating the tenure of office, and his defiant attitude toward Congress, clearly indicates a determination and disposition on his part to disregard existing laws, override the law making power of the land and trample on the will of the people, as expressed through their chosen Senators and Representatives.

Resolved, That we indorse the action of Mr. Stanton in retaining the office of Secretary of War, as a measure vital to the peace and safety of the nation.

Resolved, That the majority in Congress have our confidence and shall receive the unqualified support of Iowa, in all the measures inaugurated by them for the restoration of a lasting peace, based on principles of justice; for the vindication of the authority of the Government against all treasonable combinations and usurpations, and for the subordination and punishment of all lawless officials who seek to arrogate to themselves powers vested in co-ordinate branches of the Government in violation of their official oath, and the constitution which they have sworn to protect and defend.

Resolved, That in the present emergency, involving a conflict of authority between the President and Congress, we demand and expect prompt and decisive action on the part of our Representatives and Senators, and such as will finally and effectually remove any and all organized opposition to the reconstruction policy of the nation, and to the peaceful and harmonious adjustment of national troubles.

Resolved, That the Secretary of State be, and he is hereby instructed to transmit a copy of these resolutions to our Representatives and Senators in Congress.

Senator Robertson moved to adopt.

Senator Fairall moved to refer to Committee on Federal Relations.

Senator Farwell moved to amend by instructing the committee to report at 2 o'clock this afternoon.

On which the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bill, Cattell, Chapin, Doud, Farwell, Hawley, Johnson, Keller, Long, Moore, Newell, Pierce, Reed, Robertson, Smith, Traverse, Tuttle, Wolf, Woolson—20.

The nays were Senators Bulis, Cones, Dunham, Fairall, Hamilton, Hedges, Hollman, Knoll, Richards—9.

Absent but not excused, Senators Fellows, Griffith, Larimer, Matthies, Meyer, McMillan, Mitchell, Needham, Oliver, Parvin, Powers, Rice, Smyth, Walden, Wright.

So the motion prevailed, and the resolution was referred.

PETITIONS AND MEMORIALS.

Senator Fairall presented a petition from the Johnson county

fruit growers association, which was referred to Committee on Horticulture and Forestry.

Senator Cones asked leave of absence for Senator Casady, which was granted.

Senator Bulis asked leave of absence for Senator Larrabee, which was granted.

By Senator Wolf: A petition from the citizens of Cedar county asking that townships be empowered to levy a tax for railroad purposes.

Referred to Committee on Ways and Means.

INTRODUCTION OF BILLS.

By Senator Woolson: Senate File No. 121, A bill for an act to give additional jurisdiction and powers to County Courts.

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

By Senator Chapin: Senate File No. 122, A bill for an act to provide for the recovery of taxes paid on real estate by persons claiming title thereto, in certain cases.

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

By leave, Senator Richards presented a petition from numerous citizens of Dubuque county in relation to railroad bridge.

Referred to special committee on that subject.

REPORTS OF COMMITTEES.

Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means has instructed me to report back Senate File No. 73, with the following amendments, and so amended recommend its passage:

Amend section 1 by inserting in the fifth line thereof, after the word "estate" the words "levied for any year," and strike out the word "each" in the eighth line, and insert "such."

J. W. CATTELL, for Committee.

Ordered, passed on file.

Also the following:

The Committee on Ways and Means has directed me to report back the petition relating to the increase of the pay of penitentiary guards, and recommend that it be committed to the committee appointed to visit said institution.

CATTELL, for Committee.

The report was adopted, and the resolution was so referred.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have compared Senate File No. 120, and find the same correctly enrolled.

HAWLEY, Chairman.

By leave, Senator Fairall offered the following resolution, which was adopted:

Resolved, That the Secretary of State be requested to report to the Senate the number of volumes of Withrow's Reports, of Dillon's and Hammond's Digests, received by him and his predecessors in office; how and when disposed of, and what number, if any, are on hand.

Senator Farwell moved that the Senate do now adjourn until two o'clock P. M.

The motion prevailed and the Senate adjourned.

TWO O'CLOCK, P. M.

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

The hour having arrived for special order, it being the resolution referred to Committee on Federal Relations, with instructions for them to report the same at two o'clock P. M.

Senator Knoll moved that the special order be postponed one hour.

The motion prevailed.

On motion of Senator Woolson,

HOUSE MESSAGES

were taken up.

House File No. 29, A bill for an act changing the time for holding court in Waverly, Bremer county, in the Twelfth Judicial District, was taken up.

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

House File No. 117, A bill for an act making appropriation for two Lawson Wood Furnaces, pipes and registers furnished, and put in the Adjutant-General's office and State Arsenal, by Fuller, Warren & Co., was taken up.

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

House File No. 120, A bill for an act for the relief of Hardin,

county, Iowa, for money stolen from the county safe September 14, 1865, was taken up.

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

House File No. 136, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad, was taken up.

Read first and second time, and ordered passed on file with Senate File No. 5.

The resolution relating to the Johnson-Stanton-Grant imbroglio was taken up and considered.

Senator Hollman offered the following amendment: - "provided, that if General Grant should be elected President of the United States, and is sworn to protect and defend the constitution, and by doing so he should Tylerize, Filmoreize, or Johnsonize the radical party, that they pledge themselves that they will not denounce him as a traitor to the constitution or party."

Senator Woolson moved that the amendment and resolution be referred to Committee on Federal Relations.

The motion prevailed.

House File No. 134, A bill for an act to attach certain territory in Union township to Burlington township for school purposes in Des Moines county, was taken up.

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

House File No. 50, A bill for an act to amend section 115, of the Revision of 1860, in relation to the manner of drawing jurors, was taken up.

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

By leave, Senator Farwell called up Senate File No. 65, A bill for an act to protect the hop-growing interests of the State.

Senator Farwell offered the following amendment to section 1, which was adopted:

"Provided that no suits shall be sustained during the year 1868 upon hop roots raised in the states of Illinois and Wisconsin, and brought into this State."

Senator Fairall moved to amend as follows in fourth line of section 3, strike out the words, "attachment upon," and insert "a warrant authorizing any peace officer to seize."

Adopted.

Senator Farwell moved to amend section 4 by striking out the words "seven bushels, strict measure," and insert "thirty six inches long, eighteen inches wide, and twenty-three and one-fourth inches deep, inside measure."

The amendment was adopted.

Senator Richards moved to amend by striking out "Homestead" and inserting "Statesman."

The motion was lost.

On motion the bill was ordered to be engrossed and read a third time to-morrow.

BILLS ON SECOND READING.

Senate File No. 89, A bill for an act to amend article 3 of chapter 67 of the Revision of 1860, and section 2, chapter 147 of the acts of the Eleventh General Assembly, relating to the Iowa Agricultural College, with the substitute bill, was taken up and considered, pending which, the hour having arrived for the report of the Committee on Federal Relations upon the Stanton-Johnson imbroglia resolutions, Senator Bennett submitted the following majority report:

The Committee on Federal Relations to whom was referred the resolutions relating to the conflict of authority between Congress and President Johnson, have had the same under consideration and I am instructed by a majority of the committee to report the same back and recommend their passage.

G. G. BENNETT, Chairman.

Senator Knoll, from same committee, submitted the following minority report:

To the Senate of Iowa: The undersigned, a minority of the Committee on Federal Relations, to whom was referred the resolutions relative to the Johnson and Stanton imbroglia, being unable to agree with the majority of said committee, assign the following reasons and submit a substitute therefor:

That the question of the legality of the removal of Mr. Stanton from the office of Secretary of War is one only cognizable before the courts, and any attempt by any State or by the federal legislature to determine the rights of the parties thereto will be an unwarrantable assumption of authority, an infringement upon the rights and prerogatives of a co-ordinate branch of the government, revolutionary in its tendencies and subversive of the fundamental law of the land.

I therefore submit the following substitute for the resolutions referred to the committee:

1st. *Resolved*, That the maintenance intact of the three equal, co-ordinate and independent branches of the federal government—the legislative, executive and judicial—is essential to the preservation of civil liberty, and that any encroachment by one branch upon the dignity, prerogatives and rights of another as established by the constitution and the uniform precedent of three-quarters of a century, is an assault upon free constitutional government, dangerous to the liberties of the people, revolutionary and destructive.

2d. *Resolved*, That we deprecate all conflict between the different branches of the government in this crisis of our history, and amidst the manifest dangers that threaten our prosperity and peace, and

invite the horrors of another civil war, we call upon our Representatives in Congress, and instruct our Senators to lay aside all scheming for partizan advantage, and with a solemn sense of their duty to the constitution and to the whole country, and with a view to preserve its peace, to permit no hasty or inconsiderate action, and take no steps not clearly warranted by the constitution and sanctioned by the uniform precedents of the nation.

All of which is respectfully submitted.

F. M. KNOLL, of Committee.

The question being on the adoption of the minority report, Senator Hawley moved that the further consideration of the subject be made special order for Thursday evening, February 27, at 7 o'clock P. M.

The motion prevailed.

Senator Knoll moved when the Senate adjourn it be until Thursday morning at 9 o'clock.

The motion was concurred in.

Senator Knoll from Committee on Engrossed Bills submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 65, and they have found the same correctly engrossed.

F. M. KNOLL, for Committee.

On motion of Senator Reed the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
FEBRUARY 27, 1868.

Senate convened at nine o'clock, A. M., the President in the chair.
Prayer by Rev. Mr. DeForest.

The journal of February 25th was read and approved.

PETITIONS AND MEMORIALS.

By Senator Traverse: A petition of Company A, Second Iowa Volunteer Infantry, praying for an appropriation to reimburse them for a suit furnished at private expense.

Referred to Committee on Claims.

By Senator Doud: A petition from Samuel Whitten and twenty-eight others, praying the repeal of the laws providing for the publication of the laws in county newspapers.

Laid on the table to be considered with the bill on that subject.

Also a petition from E. M. Kirkendale and numerous others, on same subject, with same reference.

Also a petition of James Crawford and numerous others, on same subject, disposed of in same manner.

By Senator Powers: A remonstrance from John H. Keatley and three hundred others, against the repeal of the publication laws.

Laid on table to be considered with bill on that subject.

By Senator Patterson: A remonstrance on same subject, signed by J. L. Chase and one hundred and twelve others, disposed of in same manner.

By Senator Farwell: A remonstrance on same subject, numerous signed, disposed of in same manner.

By Senator Moore: A petition from numerous citizens of Page county, in relation to lands claimed by the Burlington & Missouri River Railroad Company.

Referred to Committee on Railroads.

By Senator Wolf: A petition of two hundred and twenty-seven inhabitants of Cedar county, Iowa, praying for the enactment of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Fairall: A petition from D. Racon, praying the establishment of an asylum for blind soldiers.

Referred to Committee on Charitable Institutions.

By Senator Donnan: A petition of Messrs. Conable & McGowan, and eighty-seven others, citizens of Buchanan county, in regard to the Dubuque and Dunlieth Bridge Company.

Referred to special committee on that subject.

By Senator Powers: A petition from five hundred citizens of Black Hawk county, in regard to the Dubuque & Sioux City Railroad Company.

Referred to Committee on Railroads.

By Senator Hawley: A petition of Jacob Brown and one hundred and twenty others, citizens of Webster county, in regard to the Dubuque & Sioux City Railroad Company.

Referred to Committee on Railroads.

By Senator Donnan: A petition of George Lyman and numerous others, citizens of Hardin county, Iowa, on same subject.

Referred to same committee.

By Senator Patterson: A petition and copy of proceedings of the board of supervisors with clerk's certificate, in case of equalization of bounty.

Referred to Committee on Military Affairs.

By Senator Donnan: A memorial of J. S. Woodard and one hundred and twenty-eight others, citizens of Buchanan county, against any appropriation by the present General Assembly, for the erection of a new State House.

Referred to Committee on Public Buildings.

By Senator Smyth: A petition from thirty-seven citizens of Linn

county, Iowa, praying for the enactment of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Powers: A petition from William H. Curtis and numerous others, citizens of Black Hawk county, Iowa, praying the establishment of a Court of Common Pleas.

Referred to Committee on Judiciary.

By Senator Mitchell: A petition of citizens of Hamilton county, Iowa, asking the legislature to re-grant lands to Dubuque & Sioux City Railroad Company.

Referred to Committee on Railroads.

Senator Woolson moved the reconsideration of the vote by which the Stanton-Johnson resolutions were made special order for 7 o'clock this evening.

The motion prevailed.

The question recurring on the motion to lay the resolutions and amendments on the table, and be made special order for 7 o'clock this P. M.

Senator Doud moved the previous question.

The question being, "Shall the main question be now put?"

The yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Doud, Farwell, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, McMillan, Mitchell, Moore, Newell, Parvin, Pierce, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—31.

The nays were Senators Casady, Cones, Donnan, Dunham, Fairall, Fellows, Hollman, Knoll, Needham, Oliver, Patterson, Powers, Richards—13.

Absent but not excused, Senators Hedges and Larimer.

So the previous question was seconded, and the main question was ordered.

Senator Meyer was excused.

Senator Woolson asked leave of absence for Senator Matthies, which was granted.

The question being on adoption of the minority report as a substitute for the resolutions, the yeas and nays were demanded, and were as follows:

The yeas were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Richards—9.

The nays were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—36.

Absent but not excused, Senator Larimer.

So the minority report was not adopted.

The question being on the motion to adopt the majority report, the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson.—35.

The nays were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Richards, Wright.—10.

Absent, but not excused, Senator Larimer.

So the majority report was adopted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The following communication was received from the Secretary of State in regard to the incorporation of cities, which was ordered passed:

STATE OF IOWA, OFFICE SECRETARY OF STATE,
DES MOINES, FEBRUARY 27, 1868.

Gentlemen of the Senate, and House of Representatives:

In compliance with the requirements of chapter 51, of the Revision of 1860, I have the honor to transmit, herewith, a statement prepared pursuant to the provisions of section 49, of said chapter 51, and published by order of the Governor in one paper printed in the city of Des Moines, and also, in one paper printed in each of the cities and incorporated towns, the grade of which is entitled to be advanced, said publication having been made as follows, to-wit:

In the Iowa State Register, January 28, 1868: in the Davenport Daily Gazette, January 28, 1868; in the Fairfield Ledger, January 30, 1868; in the Weekly McGregor News, February 1, 1868; in the Marshall County Times, February 1, 1868; in the Bremer County Phoenix, February 13, 1868.

ED WRIGHT, Secretary of State.

STATE OF IOWA, OFFICE SECRETARY OF STATE,
DES MOINES, FEBRUARY 23, 1868.

STATEMENT.

In accordance with the requirements of section 1079, of the Revision of 1860, it has been officially ascertained, on examination of the returns of the census of the State of Iowa for the year 1867, that the following named city, having attained a population of fifteen thousand (15,000) inhabitants, is entitled to become a city of the first class, to-wit:

The city of Davenport, in the county of Scott.

And that the following named towns, having attained a population of two thousand (2,000) inhabitants, are entitled to become cities of the second class, to-wit :

Marshalltown, in the county of Marshall ; Waverly, in the county of Bremer ; McGregor, in the county of Clayton ; Fairfield, in the county of Jefferson.

ED WRIGHT, Secretary of State.

BILLS ON SECOND READING.

Senate File No. 5, A bill for an act resuming certain rights conferred upon the Dubuque and Sioux City Railroad, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Hawley moved that House File No. 136, be substituted for Senate File No. 5, and that the rule be suspended and the bill be read a third time now.

Senator Powers moved that the bill be recommitted to Committee on Railroads.

Senator Oliver moved that the bill under consideration be made the special order for Monday, March 2, at 10½ o'clock, A. M.

The motion prevailed, and the bill was made the special order for that time.

The hour for the special order having arrived, it being Senate File No. 29, A bill for an act to repeal chapter 118 of the laws of the Eleventh General Assembly, and to enact a law to provide for the publication of the proceedings of the board of supervisors of the several counties, with report of majority of committee recommending that the bill do pass, and the report of the minority of the committee recommending that it be indefinitely postponed, was taken up.

The following message was received from the House :

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

That resolving that President Johnson should be impeached for high crimes and misdemeanors.

M. C. WOODRUFF, Chief Clerk.

The question being on the adoption of the minority report, Senator Cattell offered the following resolution :

Resolved, That this bill be committed to the Committee on Printing, with instructions to amend it so as that laws which take effect by publication in newspapers be published in the county papers, and if done in a reasonable time after their passage, that the board of supervisors of each county, when they are of opinion that the people of their respective counties desire it, may order the laws of a general nature published in the county papers, and that the cost of publication shall be paid by the county.

Senator Doud moved to amend as follows:

Strike out after the words "with instruction to amend it," all that part of the resolution to the words "and the board of supervisors."

Pending the consideration of this, Senator Richards rose to a question of privilege, and moved that two ex-United States Senators now in the gallery be invited to take seats on this floor.

The motion prevailed, and Senator Richards was appointed to inform ex-United States Senators A. C. Dodge and G. W. Jones, of the action of the Senate.

Pending the further consideration of this subject, the following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 115, A bill for an act to resume all the lands and rights conferred upon the McGregor Western Railroad Company, by or under an act of Congress approved May 12, A. D. 1864.

House File No. 18, A bill for an act providing for the publication of the Adjutant-General's Report, January 1, 1867, to January 14, 1868.

House File No. 5, A bill for an act to legalize the organization and acts of the city of Mount Pleasant as a city of the second class.

Senate File No. 120, A bill for an act to amend an act of the Twelfth General Assembly of the State of Iowa, by which section 1, chapter 86 of the acts of the Eleventh General Assembly was amended.

BENJ. VAN STEENBURG, Assistant Clerk.

The question being on the amendment to the resolution under consideration, by leave Senator Patterson moved that a committee of five be appointed to investigate and report upon the necessity of increasing the force of the capitol police.

The motion prevailed.

By leave Senator Cattell introduced Senate File No. 128, A bill for an act relating to insurance companies not incorporated under the laws of Iowa.

Read first and second time and referred to Committee on Incorporations and ordered printed.

By leave, Senator Fairall offered the following resolution which was adopted:

Resolved, That Professor Leonard be and hereby is invited to deliver an address to the General Assembly in the Hall of the House of Representatives on to-morrow evening, on the subject of the condition and necessity of a State University.

Senator Woolson offered the following resolution:

Resolved, That until further ordered the Senate will convene at nine o'clock, A. M., each day.

The resolution was adopted.

Senator Oliver offered the following resolution :

Resolved by the Senate, the House concurring, That the Twelfth General Assembly adjourn *sine die* on the 25th day of March, at one o'clock, A. M.

Senator Bulis moved to amend by adding, "and that no new business shall be introduced after March 10th."

Pending which, on motion of Senator Powers, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 28, 1868.

Senate convened at nine o'clock, A. M., the President in the chair.

Prayer by Rev. Mr. Heacock.

Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Traverse: A petition of S. L. Hubbard *et al*, praying that the said Hubbard be reimbursed for property lost and destroyed while in the service of the State of Iowa.

Referred to Committee on Claims.

By Senator Oliver: A petition of D. B. Landon and forty-seven other citizens of the Maple Valley, in Monona county, asking that the Dubuque and Sioux City Railroad be located in that valley.

Referred to Committee on Railroads.

By Senator McMillan: A petition from one hundred and eighty-one citizens of Marion county, praying for the enactment of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Oliver: A petition of Dr. A. R. McCall and forty-nine others, citizens of Woodbury county, asking that the Dubuque and Sioux City Railroad be located on Maple Valley route.

Referred to Committee on Railroads.

Also a petition of H. C. Laub and forty-one other citizens of Crawford county on same subject with same reference.

By Senator Grimes: A petition of C. W. Pierce and six hundred other citizens of Delaware county, Iowa, in relation to extending time to the Dubuque and Sioux City Railroad Company.

Referred to Committee on Railroads.

By Senator Reed: A petition of E. Williard and one-hundred and sixty other citizens of Dallas county, praying for the establishment of a State Normal School at Adel.

Referred to Committee on Schools.

By Senator Donnan: A petition of R. Campbell and three hundred and forty-four other citizens of Buchanan county, Iowa, in relation to extending time for the construction of the Dubuque and Sioux City Railroad.

Referred to Committee on Railroads.

Also a petition of J. D. Caldwell and one hundred and thirty-four other citizens of Buchanan county, Iowa, on same subject.

Referred to same committee.

Also a petition of S. W. Rich and one hundred and eight other citizens of Buchanan county, Iowa, on the same subject with the same reference.

Also a petition from L. D. Tracy and numerous other citizens of Grundy county, Iowa, on same subject.

Referred to same committee.

Also a petition of D. Guthrie and one hundred and thirty other citizens of Buchanan county, Iowa, asking the establishment of the commissioner system instead of the supervisor system of county government.

Referred to Committee on County and Township Organization.

By Senator Keller: A petition of E. F. Alden and fifty other citizens of Ringgold county, Iowa, praying for the establishment of a Court of Common Pleas.

Passed on file with bill on that subject.

By Senator Hawley: A petition of J. Swain and forty other citizens of Webster county, asking the resumption of the land grant to the Dubuque and Sioux City Railroad Company and the re-grant of the same.

Passed on file to be considered with bill on that subject.

By leave, Senator Bennett, from Committee on Federal Relations, submitted the following report:

MR. PRESIDENT:—The Committee on Federal Relations, to whom was referred Senate File No. 107, have had the same under consideration, and have instructed me to report the same back, and recommend its passage.

G. G. BENNETT, Chairman.

Senator Bennett moved that the rule be suspended, and that Senate File No. 107, A bill for an act giving the consent of the legislature of the State of Iowa to the purchase by the United States of certain real estate, and ceding to the United States jurisdiction over the same, be now taken up and considered.

The motion prevailed.

Pending its consideration, Senator Woolson moved that the further consideration of the bill be made the special order for half-past nine o'clock, A. M., on February 29th.

The motion prevailed.

The following message was received from the House.

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

That instructing our delegation in Congress to urge the removal of the National Capitol to some point in the West.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Farwell, bills on third reading were taken up.

BILLS ON THIRD READING.

Senate File No. 78, A bill for an act to authorize the sale of real estate in certain cases, for less than the full amount of taxes, interest and costs due thereon, was taken up and read.

On the question, "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Chapin, Cones, Donnan, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Moore Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Tuttle, Wright—32.

The nays were Senators Bennett, Bill, Bulis, Doud, Keller, Larimer, McMillan, Mitchell, Reed, Smith, Traverse, Walden, Wolf, Woolson—14.

Absent but not excused, Senator Fairall.

So the bill passed, and the title was agreed to.

Senate File No. 7, A bill for an act to amend section 3980, Revision of 1860, and repeal section 3982 of Revision of 1860, in relation to evidence, was taken up and read.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Larrabee, Long, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—33.

The nays were Senators Bill, Bulis, Casady, Cones, Hamilton, Hedges, Hollman, Knoll, Larimer, Parvin, Pierce, Robertson, Smith—13.

Absent but not excused, Senator Needham.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed Senate File No. 6, A bill for an act to legalize the organization of the independent school-district of Epworth, Dubuque county, Iowa.

BENJ. VAN STEENBURG, Assistant Clerk.

Senate File No. 35, A bill for an act making it the duty of the clerk of the board of supervisors to make returns to the Governor:

the location of the graves of deceased Iowa soldiers, and for other purposes, was taken up and read.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Mitchell, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—45.

The nays were none.

Absent but not excused, Senators Hollman and Needham.

So the bill passed, and the title was agreed to.

Senate File No. 65, A bill for an act to protect the hop-growing interests of the State of Iowa, and to indicate the size of boxes used in picking hops in the State, was taken up and read.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Long, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—40.

The nays were, Senator Casady, Hollman, Parvin, Traverse—4.

Absent but not excused, Senators Cattell, Larabee and Needham.

So the bill passed, and the title was agreed to.

By leave, Senator Fairall presented a memorial from the board of supervisors of Johnson county, in relation to various matters which were disposed of by referring the first resolution to Committee on Roads; second resolution to Committee on Railroads; third resolution to Committee on Judiciary.

By leave, Senator Hollman submitted a proposition from H. W. Sample of Keokuk, Iowa, in relation to a donation of land for a Reform School.

Referred to committee on that subject.

The following communication was received from the Governor at the hands of his private secretary, which was read:

STATE OF IOWA, EXECUTIVE DEPARTMENT,

DES MOINES, February 29, 1868.

Gentlemen of the Senate: I herewith submit to your Honorable Body a communication from the Governor of Wisconsin, and an accompanying memorial from the legislature of the same State.

SAMUEL MERRILL.

STATE OF WISCONSIN, EXECUTIVE DEPARTMENT,

MADISON, February 10, 1868.

To his Excellency, HON. SAMUEL MERRILL, Governor of Iowa, Sir :

I am advised that General Warren holds to the opinion that it is entirely practicable to connect the Mississippi river and Lake Michigan by a navigable channel through the Wisconsin and Fox rivers.

It is claimed by those who have given attention to the subject, that a low water channel of quite or nearly four feet can be had at a cost comparatively inexpensive. Should the depth require six, nine or more feet it is thought the cost would more nearly approximate to the cost of proposed channels of like depths elsewhere.

While the channel must be made ultimately of the greater depth and sufficient for military purposes, yet a temporary channel of four feet would give a great relief to commerce.

Such is the size of the locks on the completed portions of the work, and the quantity of water in the Wisconsin and Fox rivers, that boats, flat-bottomed, and much larger than any on the Erie canal can make the passage; and it is hoped by the parties referred to that a low water channel of four feet will have capacity for commerce little less than the Erie canal. In this view, I suggest that brief memorials be prepared and passed, urging upon Congress at its session an appropriation more or less great. Should the Legislature of Minnesota and Iowa unite with Wisconsin in urging this, it is hoped that Congress at its present session may make a beginning which shall guarantee the ultimate completion of the work.

I enclose copies of a memorial passed by the Wisconsin Legislature of 1867, and of one to be submitted to the present Legislature; possibly they may be of use in the preparation of a memorial for your State (if one should be required).

Respectfully, your obedient servant,

LUCIUS FAIRCHILD.

On motion of Senator Hawley the communication was referred to the Committee on Commerce.

By leave, Senator Smith presented a memorial of the board of supervisors of Clinton county, asking that the law regulating roads and highways shall be amended so as to place the same under the control of the County Court or township trustees.

Referred to Committee on County and Township Organizations.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from the Attorney-General in relation to Cedar Rapids and Missouri railroad company was taken up and read.

Senator Mitchell moved that the communication lie on the table and be printed.

The motion prevailed.

By leave, Senator Robertson introduced Senate File No. 124, A bill for an act to regulate the practice of medicine, and promote medical science in the State of Iowa.

Read first and second time, and referred to Committee on Medical Institutions.

By leave, Senator Long introduced Senate File No. 125, A bill for an act to legalize the official acts of Wm. Moreshall, a notary public of Iowa county, Iowa.

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

By leave, Senator Woolson introduced Senate File No. 126, A bill for an act in relation to the qualifications of notary public.

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

By leave, Senator Bulis introduced Senate File 127, A bill for an act in relation to towns incorporated under the provisions of chapter 42 of the Code of 1851.

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

By leave, Senator Fairall introduced Senate File No. 128, A bill for an act releasing to Iowa City certain lands, and to authorize the disposition thereof by said city.

Read first and second time, and referred to Committee on Public Lands.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 12, A bill for an act changing the time of holding courts in the Third Judicial District.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Mitchell introduced Senate File No. 129, A bill for an act to release an escheat of the property of George Grechanch, deceased.

Read first and second time, and referred to Committee on Public Lands.

By leave, Senator Reed presented the claim of S. K. Scovell, late school fund commissioner of Dallas county, for moneys overpaid by him at time of final settlement on October 20, 1858.

Referred to Committee on Claims.

By leave, Senator Rice introduced Senate File No. 130, A bill for an act for the protection of passengers traveling on the railroads in the State of Iowa.

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

By leave Senator Powers, from Committee on Judiciary, submitted the following report :

The Judiciary Committee have had under consideration the following bills which were referred to them, and report thereon as follows, viz. :

Senate File No. 90, A bill for an act to relinquish an escheat to William Geddes of certain land in Scott county. Committee recommend that the bill do pass.

Senate File No. 114, A bill for an act to authorize a change of venue on preliminary examination. Majority of Committee recommend that the bill be indefinitely postponed.

Senate File No. 106, A bill for an act to provide for the appointment of a public administrator. Committee recommend that the bill be indefinitely postponed.

Senate File No. 116, A bill for an act to amend section 2553 of the Revision of 1860, in relation to estates of minors. Committee recommend that the bill be indefinitely postponed.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have this 28th day of February, 1868, presented Senate File No. 120 to the Governor for his approval.

HAWLEY, Chairman.

The resolution relating to adjourning on the 25th of March was taken up and on motion of Senator Wolf was laid on the table.

By leave, Senator Griffith offered the following resolution which was adopted :

Resolved by the Senate, the House concurring, That General Geddes, Superintendent of the Blind Asylum, be requested to visit the General Assembly, during its present session, with as many of the teachers and pupils of the school as he shall see fit to bring with him.

BILLS ON SECOND READING.

Senate File No. 89, A bill for an act to amend article 3 of chapter 67 of the Revision of 1860, and section 2 of chapter 147 of the acts of the Eleventh General Assembly, relating to the Iowa Agricultural College and Farm, with report of committee recommending the passage of a substitute bill, was taken up and considered.

The report was adopted, and the bill was ordered to be engrossed and read a third time to-morrow.

Senate File No. 28, A bill for an act to prohibit members of the boards of supervisors and county officers from becoming surety on the official bond of any county officer, with report of committee recommending a substitute bill, was taken up and the report adopted.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Concs, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright.—42.

The nays were Senator Larimer.—1.

Absent, but not excused, Senators Fairall, Fellows, Larrabee, and Woolson.

So the bill passed, and the title was agreed to.

Senate File No. 61, A bill for an act to resume all rights conferred upon the McGregor Western Railroad Company by an act of Congress, approved May 12th, 1864, with report of Committee was taken up, and by consent laid on the table.

Senator Bennett asked leave to withdraw the report of Committee on Federal Relations on Senate File No. 107.

Leave was granted.

Senate File No. 50, A bill for an act to reorganize the boards of supervisors, with report of committee that the bill be indefinitely postponed, was taken up.

On motion of Senator Patterson, the bill was recommitted to Committee on County and Township Organizations.

The memorial of the board of supervisors of Decatur county with report of committee recommending that no action be taken on said memorial, was taken up, and the report of committee adopted.

The following message was received from the House:

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

House File No. 220, A bill for an act fixing the time of holding district courts in Pottawattamie county, in the Third Judicial District.

BENJ. VAN STEENBURG, Assistant Clerk.

Senate File No. 79, A bill for an act in relation to libels and actions therefor, with report of committee recommending that the bill be indefinitely postponed, was taken up and the report was adopted.

Senate File No. 96, A bill for an act to amend section 3975, chapter 158 of the Revision of 1860, with report of committee recommending that the bill do pass, was taken up.

Senator Reed moved to amend as follows:

Strike out of section 1 all after the word "entitled" and insert "to such fees as he now receives for similar services in the District Court."

The amendment did not prevail.

Senator Powers moved that the rule be suspended and the bill be read a third time now.

The motion prevailed.

By unanimous consent the publication clause was stricken out.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright. — 40.

The nays were Senators Farwell, Mitchell, Moore, Needham, Reed. — 5.

Absent but not excused, Senators Fairall and Rice.

So the bill passed, and the title was agreed to.

Senate File No. 86, A bill for an act allowing the accused party in a criminal proceeding to give evidence in his own behalf, with report of committee without recommendation was taken up, and on motion of Senator Woolson was laid on the table.

The concurrent resolution for additional mail facilities in Floyd and Cerro Gordo counties, Iowa, was taken up and adopted.

Senate File No. 83, A bill for an act to recover damages for crops destroyed by animals during the night, with report of committee recommending a substitute, was taken up.

Senator Oliver moved that the bill be indefinitely postponed.

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

The motion prevailed.

TWO O'CLOCK P. M.

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

The hour having arrived for special order, it being Senate File No. 85, A bill for an act to establish a Court of Quarter Sessions and define the jurisdiction thereof, with report of committee recommending a substitute bill, was taken up.

On motion of Senator Powers the Senate resolved itself into Committee of the Whole for the consideration of this bill.

After spending some time therein, the committee rose, and the chairman thereof, Senator Cattell, reported that the Committee of the Whole have had under consideration Senate File No. 85, have made sundry amendments thereto, and asked that it be made the special order for to-morrow afternoon at 2 o'clock.

On motion of Senator Hawley the report was adopted.

On motion of Senator Hawley the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
February 29, 1868.

Senate convened at nine o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Summerbell.

Journal of yesterday was read and approved.

Senator Meyer from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have had under consideration Senate File Nos. 57 and 74, and have found the same correctly engrossed.

MEYER, for Committee.

PETITIONS AND MEMORIALS.

By Senator Hawley: A petition from B. F. Gue and others, praying the resumption of land grant of the Dubuque and Sioux City Railroad, and the re-granting the same to the Iowa Falls and Sioux City Railroad Company.

Passed on file, to be considered with bill on that subject.

By Senator Parvin: A petition of George Parks and others, praying that farming land shall be exempted from taxes by municipal corporations.

Referred to Committee on Incorporations.

By leave, Senator Griffith from Committee to visit the Blind Asylum, submitted a report, which was ordered passed on file.

BILLS ON SECOND READING.

Senate File No. 83, A bill for an act to recover damages for crops destroyed by animals during the night, with report of committee recommending a substitute, was taken up and further considered.

The question being on the motion of Senator Oliver to indefinitely postpone the bill.

By leave, Senator Oliver withdrew the motion.

Senator Wright moved to strike out "fifteenth" and insert "first" in second line of third section.

The motion prevailed, and the substitute as amended was then adopted.

Senator Farwell moved that the rule be suspended and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Wright.—39.

The nays were Senators Donnan, Dunham, Grimes, Hedges, Hollman, Oliver, Traverse, Woolson—9.

So the bill passed, and the title was agreed to.

The following message was received from the House :

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

House File No 176, A bill for an act to protect fish in the inland streams of Iowa.

Also, House File No. 280, A bill for an act relating to the qualifications of notaries public.

M. C. WOODRUFF, Chief Clerk.

The President announced as special committee on capitol police, Senators Patterson, Pierce, Bill, McMillan and Reed.

Senate File No. 59, A bill for an act to more effectually protect society against damage by animals, with report of committee recommending the passage of a substitute, was taken up and considered, and the substitute was adopted.

Senator Fairall moved to recommit the bill to the Committee on Judiciary.

The motion prevailed.

By leave, Senator Fellows, from committee to visit the State University, submitted a report, which was ordered passed on file.

By leave, Senator Griffith called up Senate File No. 92, A bill for an act to legalize the establishment of county roads, with report of committee that the bill do pass.

Senator Griffith moved that the rule be suspended, and the bill be read a third time now.

The hour for the special order having arrived, it being the consideration of Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting.

On motion of Senator Griffith the special order was postponed for ten minutes, and Senate File No. 92 was further considered.

The hour for special order having arrived, Senator Powers moved that the special order be postponed for ten minutes.

The motion prevailed.

The question being on the motion to suspend the rule and read Sen-

ate File No. 92 a third time now, the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Larimer, Long, McMillan, Mitchell, Moore, Newell, Parvin, Patterson, Pierce, Powers, Rice, Robertson, Smith, Smyth, Tuttle, Wright.—35.

The nays were Senators Hamilton, Hawley, Knoll, Meyer, Needham, Oliver, Reed, Richards, Traverse, Walden, Wolf.—11.

Absent, but not excused, Senators Larrabee and Woolson.

So the bill passed, and the title was agreed to.

The hour for the special order having arrived, it being Senate File No. 42, on motion of Senator Powers, the Senate resolved itself into Committee of the Whole for the consideration of the bill.

After spending some time therein, the committee rose, and the chairman of the Committee of the Whole, Senator Cattell, reported that the committee have had under consideration Senate File, No. 42, have had some progress therein, and ask leave to sit again on March 2d. at two o'clock, P. M.

The report was adopted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report.

The Committee on Enrolled Bills would report that they have examined Senate File No. 6, and find the same correctly enrolled.

HAWLEY, Chairman.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 45, and have found the same correctly engrossed.

MEYER, for Committee.

By leave, Senator Donnan offered the following resolution:

WHEREAS, Governor Merrill has publicly announced the following rules to be invariably followed at the executive office, to-wit:

No application for pardon will be entertained at this office except in special cases, unless the following conditions are complied with:

A notice of intention to apply for a pardon must be published in some newspaper in the county where the judgment was rendered, or in case of a change of venue in the county where the crime was committed. When the application is made, it must be accompanied with evidence of publication, an authenticated copy of the indictment and trial judgment, and date of the latter, and should be signed by the judge, a majority of the jurors, the district attorney, county officers, and citizens. If the aforesaid parties, except the citizens, do not sign the petition, the reason for this refusal should be rendered in writing; therefore,

Resolved, That the Governor be requested to furnish information to the Senate whether in the recent pardon of Rorabacher, who was convicted of robbing the treasury of Buchanan county in March, 1864, of a sum exceeding \$2,600, and was sentenced to six years' imprisonment in the penitentiary, the said rules were in this case adhered to, and if not, the reasons why his was a *special case*; and also to furnish any information received from the warden of the penitentiary relative to the penitence and conduct of said Rorabacher during his imprisonment.

Pending the consideration of which, Senator Bulis moved to adjourn until two o'clock, P. M.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK, P. M.

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

The President presented the following communication which was read:

Resolved by this Iowa State Christian Convention, assembled in Des Moines February 20th, 1868, That the interest of our State, as well as the dictates of christian philanthropy, demand the establishment of State Reform Schools for the reformation of criminals; and we do hereby memorialize the General Assembly of the State, now in session, to establish such school or schools at as early a day practicable.

Resolved, That the President and Secretary of this Convention be instructed to forward certified copies of this paper to the President of the Senate and Speaker of the House.

S. N. FELLOWS, President.

A. A. DINSMORE, Secretary.

Referred to Committee on Reform School.

Preamble and resolutions on Temperance, for the Iowa State Christian Convention, held in the city of Des Moines February 19th and 20th, 1868.

WHEREAS, The Legislature of the State of Iowa did, in the year 1855, pass a wise and efficient prohibitory liquor law, which was submitted to the people, and strongly ratified by the popular vote.

WHEREAS, The legislature of the State of Iowa did, in 1858, repeal that part of said law relating to wine and beer; and

WHEREAS, There is now pending before the Senate of the State of Iowa, a bill to restore the clause that was repealed; therefore be it

Resolved, by the Iowa State Christian Convention, That we hereby express our opinion that the clause in the law above referred to should be restored, and we pledge our hearty co-operation in the restoration

of the prohibitory liquor law, in its original purity, as ratified by the people in 1855.

Resolved, That the President and Secretary of this convention be instructed to forward certified copies of this paper to the President of the Senate and Speaker of the House.

S. N. FELLOWS, President.

A. A. DINSMORE, Secretary.

Referred to Committee on Suppression of Intemperance.

Senator Patterson moved that the report of the committee to visit the State University be taken up and ordered printed.

The motion prevailed.

By leave, Senator Oliver offered the following concurrent resolution asking for additional mail facilities :

Be it Resolved by the Senate, the House concurring, That our Senators in Congress be instructed and our Representatives requested to use their influence for the establishment of the following mail route, to-wit :

A mail route with tri-weekly service from Onowa city in Monona county, via Oliver's School House, Crabb's Bridge, Belvidere Post Office, Spring Valley, St. Clair and Emigrant settlement to Denison in Crawford county, and be it further

Resolved, That the Secretary of State furnish a copy of this resolution to each of our Senators and Representatives in Congress.

The resolution was adopted.

By leave, Senator Casady called up House File No. 220, A bill for an act fixing the time of holding District Courts in Pottawattamie county in Third Judicial District, which was read first and second time, and on motion of Senator Casady the eleventh rule was suspended and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—38.

The nays were none.

Absent but not excused, Senators Cattell, Cones, Griffith, Hedges, Hollman, Keller, Needham, Rice, and Woolson.

So the bill passed, and the title was agreed to.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT: The committee on Engrossed Bills have examined Senate File No. 82, and have found the same correctly engrossed.

MEYER, for Committee.

By leave, Senator Traverse introduced Senate File No. 131, A

bill for an act to amend section 3380 of the Revision of 1860, and to prevent and punish fraud.

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

By leave, Senator Fairall introduced Senate File No. 132, A bill for an act to legalize the acknowledgment, and entitle to record a deed from George J. Meredith and wife to William Haldeman.

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

SPECIAL ORDER.

The hour for the special order having arrived, it being the consideration of Senate File No. 83, A bill for an act to establish a Court of Common Pleas, Senator Bennett moved that the circuits be numbered from one to twenty-four, on which the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Cattell, Doud, Hamilton, Hawley, Hollman, Knoll, Larrabee, Long, McMillan, Mitchell, Newell, Parvin, Fierce, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Woolson—21.

The nays were Senators Bill, Bulis, Casady, Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Keller, Larimer, Meyer, Moore, Oliver, Powers, Reed, Rice, Traverse, Wolf, Wright—21.

Absent but not excused, Senators Cones, Griffith, Hodges, and Needham.

So the motion, not having received a majority of all the votes cast, was lost.

Senator Patterson asked for leave of absence for this afternoon, which was granted.

Senator Wolf asked for leave of absence for Senator Johnson, which was granted.

Senator Powers offered the following as a substitute for section 23 :

SECTION 23. The counties of _____ in the First Judicial District shall compose the first circuit therein.

The counties of _____ in said Judicial District shall compose the second circuit therein.

The counties of Wapello, Van Buren and Davis in the Second Judicial District shall constitute the first circuit therein.

The counties of Appanoose, Monroe, Lucas and Wayne shall constitute the second circuit therein.

The counties of Page, Montgomery, Fremont, Mills, and Pottawattamie in the Third Judicial District shall constitute the first circuit therein.

The counties of Clark, Decatur, Union, Ringgold, Adams and Taylor shall constitute the second circuit in said Judicial District.

The counties of Harrison, Shelby, Crawford, Monona, Woodbury, Ida, Cherokee, Plymouth, Sioux, O'Brien, Osceola and Lyon shall constitute the first circuit of the Fourth Judicial District.

The counties of Sac, Calhoun, Humboldt, Pocahontas, Buena Vista, Clay, Palo Alto, Kossuth, Emmett and Dickinson shall constitute the second circuit in said district.

The counties of Warren, Polk and Dallas shall constitute the first circuit in the Fifth Judicial District.

The counties of Madison, Adair, Cass, Audubon, Carroll, Greene, and Guthrie shall constitute the second circuit in said district.

The counties of Washington, Jefferson, Keokuk and Poweshiek shall constitute the first circuit in the Sixth Judicial District.

The counties of Mahaska, Marion and Jasper shall constitute the second circuit in said district.

The counties of Scott and Muscatine shall constitute the first circuit in the Seventh Judicial District.

The counties of Clinton and Jackson shall constitute the second circuit in said district.

The counties of Benton, Tama, Iowa and Johnson shall constitute the first circuit in the Eighth Judicial District.

The counties of Cedar, Linn and Jones shall constitute the second circuit in said district.

The counties of Dubuque and Delaware shall constitute the first circuit in the Ninth Judicial District.

The counties of Buchanan, Black Hawk and Grundy shall constitute the second circuit therein.

The counties of Allamakee, Winneshiek and Howard shall constitute the first circuit in the Tenth Judicial District.

The counties of Clayton, Fayette and Chickasaw shall constitute the second circuit therein.

The counties of Marshall, Story and Boone shall constitute the first circuit in the Eleventh Judicial District.

The counties of Hardin, Franklin, Hamilton, Wright and Webster shall constitute the second circuit in said district.

The counties of Bremer, Floyd and Butler shall constitute the first circuit in the Twelfth Judicial District.

The counties of Mitchell, Worth, Winnebago, Hancock and Cerro Gordo shall constitute the second circuit therein.

Senator Hollman moved to fill the first blank in section 23 with the words "Lee and Des Moines."

Senator Woolson moved to amend by striking out "Des Moines" and inserting "Henry," on which question the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Hamilton, Hawley, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Needham, Newell, Parvin, Pierce,

Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—32.

The nays were Senators Casady, Dunham, Fairall, Fellows, Grimes, Hollman, Knoll, Moore, Oliver, Powers, Reed—11.

Absent but not excused, Senators Cones, Griffith and Hedges.

So the amendment prevailed, and the blank was so filled.

By consent, the words Des Moines and Louisa were inserted in the second blank of the section, and the substitute for the section was then adopted.

Senator Powers moved that the amendments reported by the Committee of the Whole be adopted, on which question the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—37.

The nays were Senators Hollman, Knoll, Richards—8.

Absent but not excused, Senators Casady, Cones, Fellows, Griffith, Hedges and Wright.

So the motion prevailed.

Senator Powers moved to amend section 12 by striking out all after the word "judge" in sixth line.

The motion prevailed.

On motion of Senator Bennett, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 2, 1868.

Senate convened at nine o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Remsburg.

Journal of Saturday was read and approved.

Senator Meyer from Committee on Engrossed bills, submitted the following report:

MR. PRESIDENT:—Your Committee on Engrossed Bills have examined Senate File No. 89 and have found the same correctly engrossed.

MEYER, for Committee.

The following message was received from the House:

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

Substitute for House File No. 173, A bill for an act to appropriate money for the use of the State University.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Woolson: A memorial from the trustees of White's Manual Labor Institute.

Referred to select committee on that subject.

By Senator Mitchell: A petition from James Corbin and thirty-seven others, in relation to the resumption of the land grant of Des Moines Valley Railroad, and the regulating the same.

Referred to Committee on Railroads.

Also, a memorial of the board of supervisors of Boone county asking the General Assembly for the passage of a law for the relief of settlers upon lands known as the Des Moines River Lands.

Referred to Committee on Public Lands.

By Senator Hawley: A remonstrance of eighteen citizens of Webster county against the repeal of the law in relation to publishing the laws in county newspapers.

Passed on file to be considered with bill on that subject.

Also, a petition of Wm. Williams and fifty-three others, citizens of Webster county, praying the resumption of the Dubuque and Sioux City Railroad land grant, and a re-grant of the same.

Passed on file to be considered with bill on that subject.

By Senator Moore: A petition of Frank M. Davis, and others, members of the Bar, praying the establishment of a Court of Common Pleas.

Passed on file to be considered with bill on that subject.

Also, a remonstrance of J. M. Ellis and others, in relation to the repeal of the present liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Larimer: A petition from three hundred citizens of Iona, praying for a more stringent liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Donnan: A petition of Mr. Burris, and numerous others, citizens of Buchanan county, Iowa, in relation to the Dubuque and Sioux City Railroad Company, asking that further time be granted.

Passed on file.

By Senator Griffith: A petition of four hundred citizens of Warren county, praying the enactment of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Oliver: A petition of F. A. Day, and numerous others, citizens of Maple Valley, asking that the Dubuque and Sioux

City Railroad be permitted to construct their road by the Maple Valley route.

Referred to Committee on Railroads.

By Senator Powers: A petition from 1,000 citizens of Iowa in relation to the Dubuque and Sioux City Railroad.

Referred to Committee on Railroads.

By leave, Senator Donnan introduced Senate File No. 133, A bill for an act extending the time for the completion of the Dubuque and Sioux City Railroad.

Read first and second time, and referred to Committee on Railroads, with authority to print if the committee deem it proper.

By leave, Senator Traverse introduced Senate File No. 134, A bill for an act to amend section 1568 of the Revision of 1860, relative to the punishment of persons found in a state of intoxication.

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

By leave, Senator Mitchell introduced Senate File No. 135, A bill for an act for the relief of John Kelley and Mary Ann Kelley, parents of James Kelley, deceased.

Read first and second time, and referred to Committee on Public Lands.

By leave, Senator Wolf introduced Senate File No. 136, A bill for an act to amend section 1068 of Revision of 1860, in relation to sale of intoxicating liquors.

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

By leave, Senator Parvin from the Committee on Claims, submitted the following report:

The Committee on Claims to whom was referred the petition of Solomon Howard, have examined the same and instructed me to make the following report:

It appears from evidence before your committee that the said Howard was a soldier in Company B, 2d Battalion South Border Brigade, and as such, rendered efficient service to the State. That in consequence of his bold and determined course in putting down the rebellion, he incurred the hatred of the Border Ruffians, and some of them threatened to destroy his property, which threat they carried into execution, and did do private injury to a considerable amount by burning his property.

As this was a private injury done by an incendiary, your committee do not feel at liberty to recommend that the State pay him for his damages sustained as aforesaid, but refer the whole subject back to the Senate without recommendation.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Also, the following:

The Committee on Claims, to whom was referred the petition of L. E. Hubbard, asking compensation from the State for a "black

mare". injured, as he alleges, while in the service of the State, has carefully considered the same and has instructed me to report said petition back to the Senate, and recommend that it be not allowed.

J. A. PARVIN, Chairman.

Also the following :

The Committee on Claims, to whom was referred House File No. 120, A bill for an act for the relief of Hardin County, Iowa, for money stolen from the county safe, September 14th 1865, has considered the same and instructed me to report as follows: When a county holds the funds of the State it does so at its own risk; and if it suffers thieves and robbers to get the money it is the loss of the county, and the State is neither legally nor morally bound to pay the county for any part of the money stolen. Your committee, therefore, recommend that the bill be indefinitely postponed.

Ordered, that the report pass on file.

Senator Donnan from Committee on Judiciary submitted the following report:

The Judiciary Committee to whom was referred Senate File No. 30, report that they have had the same under consideration, and have instructed me to report the accompanying substitute therefor, and recommend its passage.

W. G. DONNAN, for Judiciary Committee,

Ordered, that the report pass on file.

By leave, Senator Richards presented a communication relative to the appointment of an agent for foreign immigration, which was read and referred to Committee on Commerce.

By leave, Senator Donnan called up the resolution relating to the pardon of one Rohrabacher.

Pending the consideration of which the hour for the special order having arrived, it being the consideration of Senate File No. 5, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company.

Senator Bulis moved that the special order be postponed for fifteen minutes.

The motion prevailed, and the Rohrabacher resolutions were further considered.

Senator Bulis moved to lay the resolution on the table.

On this question the yeas and nays were demanded, and were as follows:

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Needham, Newell, Oliver, Pierce, Rice, Richards, Robertson, Woolson, Wright—29.

The nays were Senators Bill, Donnan, Griffith, Hamilton, Johnson, Larimer, Mitchell, Moore, Parvin, Patterson, Powers, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—17.

Absent but not excused, Senator Reed.

So the motion prevailed.

Senator Bulis asked leave of absence for Senator Cones, which was granted.

The hour for the special order having arrived, Senate File No. 5 was taken up and read.

Senator Hawley moved that House File No. 136, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad be taken up, which motion prevailed, and the bill was taken up and read.

Senator Hawley moved that the rule be suspended, and the bill be read a third time now.

Senator Powers moved to re-commit the bills to the Railroad Committee, and that the committee be instructed to report the same back on March 4th at ten o'clock A. M., and that it be made the special order for that hour.

The motion prevailed.

On motion of Senator Doud the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 3, 1868.

Senate convened at 9 o'clock, A. M., and was called to order by the President.

Prayer by Rev. P. P. Ingalls.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Traverse: A petition of members late of Company G, Second Iowa Infantry Volunteers, praying for reimbursement for the entire amount charged up against them for grey uniforms.

Referred to Committee on Military Affairs.

By Senator Hawley: A petition of Charles B. Richards, and others, praying to have the county of Webster changed from Eleventh to Fourth Judicial District.

Referred to special committee of Senators from Fourth and Eleventh Judicial Districts.

On motion of Senator Donnan,

BILLS ON THIRD READING

were taken up

Substitute for Senate File No. 89, A bill for an act to provide for

the election of a president of the board of trustees of the Iowa State Agricultural College and Farm, and to change the time and place of holding the annual meetings of the same, was taken up and read.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright.—46.

The nays were none.

Absent, but not excused, Senators Fairall and Needham.

So the bill passed, and the title was agreed to.

Senate File No. 82, A bill for an act in relation to independent school districts was taken up and read.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larrabee, Long, Meyer, Mitchell, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smyth, Wolf, Woolson, Wright—33.

The nays were Senators Fellows, Griffith, Grimes, Knoll, Larimer, McMillan, Patterson, Richards, Smith, Traverse, Tuttle, Walden—12.

Absent but not excused, Senators Fairall, Moore and Needham.

So the bill passed, and the title was agreed to.

Senate File No. 45, A bill for an act to amend section 1102 of the Revision of 1860 in relation to cities and towns, was taken up and read.

By unanimous consent Senator Bennett, offered the following amendment to section 1:

After the word "question" in the last line add "and shall sign all ordinances passed by the council."

The amendment was adopted.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were Senators Bulis and Larimer—2

Absent but not excused, Senators Fairall, Hedges and Needham.

So the bill passed, and the title was agreed to.

Senate File No. 57, A bill for an act relating to settlement with county treasurers, was taken up and read.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Parvin, Patterson, Pierce, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson—42.

The nays were Senators Oliver, Reed, Traverse—3.

Absent but not excused, Senators Fairall, Powers and Wright.

So the bill passed, and the title was agreed to.

Senate File No. 74, A bill for an act to amend section 2721 of chapter 115 of the Revision of 1860, in relation to jurors, was taken up and read.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright—39.

The nays were Senators Bulis, Dunham, Farwell, Larimer, Oliver, Parvin—6.

Absent but not excused, Senators Cones, Fairall and Tuttle.

So the bill passed, and the title was agreed to.

On motion of Senator Cattell,

HOUSE MESSAGES

were taken up.

Senate File No. 176, A bill for an act to protect fish, was taken up, read first and second time.

Senator Richards moved that the eleventh rule be suspended and the bill read a third time now.

Senator Larrabee moved to refer to Committee on Agriculture.

Senator Wright moved to amend by striking out Agriculture and inserting Judiciary.

The amendment prevailed, and the bill was so referred.

Substitute for House File No. 173. A bill for an act to appropriate money for the use of the State University, was taken up, read first and second time, and referred to Committee on State University.

House joint resolution relative to the removal of the national capitol was taken up, read first and second time, and referred to Committee on Federal Relations.

House File No. 280, A bill for an act relating to the qualifications of notaries public, was taken up, read first and second time, and referred to Committee on Judiciary.

House joint resolution, relating to the impeachment of Andrew

Johnson, President of the United States, was taken up, read first and second time.

Senator Hollman moved to refer the resolution to the Committee on Federal Relations.

On this question the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Farwell, Hamilton, Hawley, Hollman, Johnson, Keller, Larrabee, Long, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—28.

The nays were Senators Bulis, Casady, Chapin, Cones, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges, Knoll, Larimer, Meyer, McMillan, Mitchell, Newell, Powers, Richards, Robertson, Wright.—20.

So the motion to refer prevailed.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate resolution, inviting Gen. Geddes, the teachers and pupils of the Blind Asylum, to visit the General Assembly during the present session.

M. C. WOODRUFF, Chief Clerk.

Senator Griffith called for the reading of the concurrent resolution, which had passed both Houses relating to excluding from the journals of the two Houses of the General Assembly certain documents usually printed in the journals, and asked for information as to what construction shall be put upon the resolution in relation to the reports of visiting committees.

On motion of Senator Oliver the resolution was referred to the Committee on Printing.

By consent, Senator Powers called up Senate File No. 85, A bill for an act to establish a Court of Common Pleas, which was taken up and considered.

The question being, "Shall the bill be engrossed and read a third time to-morrow?" the yeas and nays were demanded and were as follows :

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Johnson, Keller, Larrabee, Meyer, McMillan, Mitchell, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Traverse, Tuttle, Walden, Wolf, Woolson—30.

The nays were, Senators Casady, Cones, Doud, Dunham, Grimes, Hedges, Hollman, Knoll, Larimer, Long, Needham, Parvin, Pierce, Richards, Robertson, Smith, Smyth, Wright—18.

So the bill was ordered engrossed, and to be read a third time to-morrow.

Senator Oliver moved that the joint resolution relating to ratifying amendment to the Constitution of the United States, be taken up and be made the special order for March 9th, at ten o'clock A. M.

The motion prevailed.

By leave, Senator Walden offered the following resolution :

Resolved, That the Committee on County and Township Organization be instructed to report as early as practicable, a bill for an act to change the supervisor system to that of three commissioners.

Senator Larrabee moved to amend by striking out the words, "change the supervisor system to that of three commissioners," and insert the words "to reduce the number of supervisors who shall be elected by districts."

The hour for the special order having arrived, it being Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties.

Senator Bill moved that the special order be postponed for fifteen minutes.

The motion prevailed, and the resolution was farther considered.

Senator Fellows offered the following as a substitute for the resolution under consideration :

Resolved, That any change of our system of county government is inexpedient at the present time.

Senator Fellows moved that the resolution be made the special order for two o'clock P. M., on March 4.

The motion prevailed.

By leave, Senator Long, from Committee on Internal Improvement, submitted the following report :

The Committee on Internal Improvement have had under consideration the various petitions of citizens of Louisa county, asking the Legislature to memorialize Congress to declare the Iowa river from the city of Wapello, in said county, north, not navigable, and direct me to report favorable, and to offer the following resolution, and recommend its passage.

LONG, Chairman.

To the Senate and House of Representatives of the United States, in Congress assembled :

Your memorialists, the General Assembly of the State of Iowa, would respectfully represent that at an early period of territory which compose the State of Iowa, the Congress of the United States declared the Iowa river, in said State, to be a navigable stream ;

That if parties were allowed to bridge or throw dams across said river, the community would receive much more benefit by reason of such improvements than they now do ; therefore,

Be it Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives be requested to use their influence to have Congress, by an act, declare

the Iowa river not a navigable stream from Wapello, in Louisa county, north.

Resolved, That a copy of this memorial and resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

The memorial and resolution were taken up and considered.

Senator Fairall moved to amend the resolution by striking out the word "Wapello" and insert "Iowa City," pending which the hour for the special order having arrived, it being Senate File No. 4 with substitute bill reported by committee, was taken up and the report of the Committee on Internal Improvements was ordered, passed on file.

On motion of Senator Powers the Senate resolved itself into Committee of the Whole for the consideration of Senate File No. 4 and substitute.

After spending some time therein the committee rose, and the Chairman, Senator Reed, reported that the Committee of the Whole have had under consideration Senate File No. 4 with substitute bill, have made some progress therein, and ask leave to sit again.

The report of the Committee of the Whole was adopted.

By leave, Senator Mitchell, from Committee on Printing, introduced Senate File No. 137, A bill for an act to provide for the publication and distribution of the laws of the Twelfth General Assembly of the State of Iowa.

Read first and second time, and passed on file.

By leave, Senator Richards introduced Senate File No. 138, A bill for an act to regulate the transportation of freights on railroads, and to prevent discrimination in charges unfavorable to the trade and commerce of the State.

Read first and second time, and referred to Committee on Railroads, and ordered printed.

By leave, Senator Griffith introduced Senate File No. 139, A bill for an act making appropriations for covering the Blind Asylum with a fire-proof roof, attaching a veranda, and the erection of a wing to the main building, and for additional workshops.

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

Senator Powers moved to make Senate File No. 4 special order for Wednesday, March 4th, at 11 o'clock A. M.

The motion prevailed.

By leave, Senator Newell introduced Senate File No. 140, A bill for an act making a grant of land to the Forty-third Parallel Railway Company, and to execute the trust conferred by act of Congress entitled an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State, approved May 12, 1864.

Read first and second time, and referred to Committee on Railroads, and ordered printed.

By leave, Senator Robertson submitted the following report:

The committee to whom was referred a petition from the members of the Iowa State Medical Society, asking that their reports and proceedings be published by authority of the State, ask leave to report the following bill, and recommend that it do pass.

Senate File No. 141, A bill for an act to publish the proceedings of the State Medical Society.

ROBERTSON, for Committee.

Read first and second time, and passed on file.

By leave, Senator Hawley introduced Senate File No. 142, A bill for an act giving to the prevailing party in cases appealed to the Supreme Court of this State, certain compensation as costs.

Read first and second time.

Senator Patterson moved to suspend the eleventh rule and read the bill a third time now.

The motion did not prevail.

Senator Hawley moved to refer to Committee on Judiciary.

Pending which, on motion of Senator Woolson, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 4, 1868.

Senate convened at 9 o'clock A. M. and was called to order by the President.

Prayer by Rev. Mr. Lounsbury.

Journal of yesterday read and approved.

The President announced as committee on change of Webster county from the Eleventh to Fourth Judicial District, Senators Hawley and Oliver.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution in which the concurrence of the Senate is asked:

Be it Resolved by the General Assembly of Iowa, That the recent insults and injuries to American citizens, both native and naturalized, while traveling through, or temporarily sojourning in, foreign countries demand the earnest attention and most emphatic interposition of the government of the United States.

2d. That the European doctrine which renders perpetual the allegiance of the person to the government within whose jurisdiction

he was born, can under no circumstances, be allowed by the government of the New World which so largely owes its prosperity to the influences of emigration; and they owe it to themselves and to their people to make common cause in resisting all enforcement of this doctrine upon their citizens.

8d. That the principle and practice of voluntary expatriation are essential to American prosperity and to the general happiness of the human family, and are so vital to the interests of the United States as to admit of no compromise of them with any foreign power whatever.

4th. That in extending its protection to our citizens abroad, the government of the United States can not discriminate between the native-born and the foreign-born who have been in good faith naturalized in this country—the latter being fully entitled to protection in return for their faithful allegiance.

5th. That the recent attempts in Great Britain to hold American citizens in confinement and to put them on trial for words spoken or acts done without her jurisdiction, is a gross outrage upon our national rights and must be resisted as an insult to our national independence and power.

6th. And, finally, that if all peaceful means fail to secure the recognition, from foreign governments, of the rights of our citizens to protection against the reclamation of their allegiance by the governments of their birth, after the same has been in good faith and lawfully transferred to the government of this Union, it will be the duty of the United States to maintain their rights by an appeal to the final arbitrament of war.

The Secretary of State shall transmit a copy of this joint resolution to our Senators and Representatives in Congress.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Bulis, from Committee on State University, submitted the following report:

The Committee on State University, to whom was referred House File No. 173, A bill for an act to appropriate money for the use of State University, have had the same under consideration, and instruct me to report it back with the recommendation that it do pass.

H. C. BULIS, Chairman.

Senator Bulis moved that the rule be suspended, and the bill be taken up and considered.

The motion prevailed.

Senator Pierce moved to amend by striking out "twenty-five," and inserting "fifteen," in the fifth line of section 1.

Pending the consideration of which, the following message was received from the House.

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution in which the concurrence of the Senate is asked.

Resolved, by the House of Representatives, the Senate concurring, That the committee already appointed to visit the State Penitentiary be instructed to inquire into the expediency and necessity of at once accepting the generous offer of H. W. Sample, to donate to the State for the purposes of a reform school, or house of refuge, the tract of land and improvements thereon, in Lee county, Iowa, known as "Solferino," or the "Floyd Farm," and to report thereon to the General Assembly, and also the necessity of an appropriation to to secure said donation.

BENJ. VAN STEENBURG, Assistant Clerk.

Pending the further consideration of the same, the hour for the special order having arrived, it being House File No. 136, A bill for an act resuming certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad, Senator Bulis moved that the bill under consideration be made the special order for this afternoon at 2 o'clock P. M.

The motion prevailed.

Senator Hawley submitted the following report from the Committee on Railroads :

The Committee on Railroads, to whom was referred House File No. 136, A bill for an act resuming certain rights conferred upon the Dubuque and Sioux City Railroad Company, would report that they have had under consideration, and after hearing all parties who desire to be heard, have directed me to report the same back, and recommend its passage.

T. HAWLEY, for the Committee.

By leave, Senator Reed, from Committee on Railroads submitted the following report :

The Committee on Railroads have instructed me to report back the memorial of board of supervisors of Johnson county, praying the passage of a law empowering county boards of supervisors to compromise certain indebtedness of their counties, with the recommendation that the same be committed to the Committee on Incorporations.

REED, for Committee.

The report was adopted.

House File No. 36 was taken up and read.

Senator Hawley moved to suspend the rule and read the bill a third time now.

Senator Richards moved to amend section 1 by striking out all of seventh line after the word "State," and insert as follows :

Provided there is hereby excepted and reserved from the operation of the foregoing provision of this act, eight hundred and sixty-one sections of said lands embracing those lands situated in that portion of said land grant through which the railroad has been completed, and those which are most contiguous to the same and nearest the terminus of the present completed road, being the amount of land which the said company is entitled to, for the construction of 143½

miles of the road, the title to which lands is hereby confirmed to said company and its grantees.

Pending the consideration of which the hour for the special order having arrived, it being Senate File No. 4, A bill for an act providing for the election of township collectors, and to define their powers and duties, Senator Hawley moved that the special order be postponed for thirty minutes.

The motion prevailed, and House File No. 136 was further considered.

The question being on the amendment of Senator Richards, Senator Smith moved the previous question, which being seconded, the main question was ordered, and put first on the pending amendment, on which the yeas and nays were demanded, and were as follows :

The yeas were, Senators Cones, Donnan, Dunham, Fairall, Fellows, Grimes, Knoll, Long, Matthies, Patterson, Powers, Reed, Richards, Smyth, Walden. — 15.

The nays were, Senators Bennett, Bill, Casady, Cattell, Chapin, Doud, Farwell, Griffith, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Pierce, Rice, Robertson, Smith, Traverse, Tuttle, Wolf, Woolson, Wright. — 33.

Absent but not excused, Senator Bulis.

So the amendment was lost.

The question recurring on the motion to suspend the rule and read the bill a third time now, the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were, Senators Donnan, Patterson, Powers, Reed—4.

Absent but not excused, Senators Bulis and Fairall.

So the bill passed, and the title was agreed to.

A communication was received from the Governor, at the hands of his private secretary, which was laid on the table.

By leave, Senator McMillan submitted the following report from Committee on roads :

Your Committee on Roads, to whom was referred Senate File No. 39, have considered the same, and instruct me to report the same back to the Senate, with the recommendation that it do not pass.

The committee have also considered Senate File No. 41, and instruct me to report the same back, with the recommendation that it do not pass.

The committee have also considered Senate File No. 111, and

instruct me to report the same back, with the recommendation that it do not pass.

The committee have also considered Senate File No. 75, and instruct me to report the same back with the recommendation that it do pass.

The committee further instruct me to report that Senate File No. 83 is incorporated in Senate File No. 68.

McMILLAN, Chairman.

Ordered, passed on file.

By leave, Senator Patterson, from special committee on capitol police, submitted the following report:

Your special committee on the subject of additional guards to the capitol building, have had the subject under consideration, and have instructed me to report the following joint resolution, and recommend its passage.

J. G. PATTERSON, Chairman.

Resolved by the General Assembly of the State of Iowa, That the census board of this State be and are hereby authorized to put up proper shelving in the vault of the Treasurer's office, and make such other repairs as they may deem proper, at a cost not exceeding two thousand dollars.

That said board is hereby further authorized and required to employ an additional night-watch, whose duty it shall be to remain in and guard the Treasurer's office.

Read first and second time, and on motion of Senator Patterson, the eleventh rule was suspended, and the joint resolution read a third time and passed.

The hour for the special order having arrived, it being substitute for Senate File No. 4, the Senate resolved itself into Committee of the Whole for the further consideration of the bill.

Having spent some time therein, the committee rose, and the chairman thereof, Senator Reed, reported that the Committee of the Whole, having had under consideration substitute for Senate File No. 4, have instructed me to report that they have made some progress, and ask leave to sit again.

The report was adopted.

Senator Farwell moved that substitute for Senate File No. 4 be made the special order for March 5th, at ten o'clock A. M.

The motion prevailed.

By leave, Senator Tuttle introduced Senate File No. 144, A bill for an act to change the boundaries and enlarge the Twelfth Judicial District of Iowa.

Read first and second time, and referred to committee of Senators from Eleventh and Twelfth Judicial Districts.

By leave, Senator Doud, from Committee on Roads, submitted the following report.

The Committee on Roads and Highways, to whom was referred

Senate File Nos. 68 and 69, have considered the same, and have instructed me to report the following substitute.

DOUD, for the Committee.

Ordered, that the report pass on file.

By leave, Senator Hamilton submitted the following report :

The Committee on Incorporations, to whom was referred Senate File No. 81, have instructed me to report the same back with recommendation that it do pass with the amendments thereto as noted in the bill.

A. H. HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Cones moved that Senate File No. 81, A bill for an act to enable municipal and public corporations at their election, to settle, adjust, and compound their indebtedness, and to provide for the issue of new bonds, and for the payment of such new bonds by the levy of specific taxes, and for this purpose altering and amending existing charters and laws, be taken up and made the special order for Tuesday, March 10th, at 10 o'clock, A. M.

The motion prevailed.

On motion of Senator Farwell, the Senate adjourned until two o'clock this P. M.

TWO O'CLOCK, P. M.

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

The hour for the special order having arrived, it being the resolution on instructing the Committee on County and Township Organizations in relation to boards of supervisors, the question being on the amendment offered by Senator Larrabee, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, McMillan, Moore, Oliver, Parvin, Pierce, Reed, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—35.

The nays were Senators Farwell, Hamilton, Hedges, Hollman, Knoll, Meyer, Mitchell, Newell, Patterson, Powers, Rice, Richards.—12.

Absent, but not excused, Senators Donnan and Needham.

So the amendment was adopted.

The question recurring on the substitute offered by Senator Fellows, the yeas and nays were demanded, and were as follows :

The yeas were, Senators Bennett, Chapin, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hedges, Hollman, Knoll, Long, Matthies, Meyer, Nowell, Parvin, Patterson, Richards, Robertson, Smith, Tuttle, Wolf—22.

The nays were, Senators Bill, Bulis, Casady, Cattell, Cones, Dunham, Griffith, Hawley, Johnson, Keller, Larimer, Larrabee, McMillan, Mitchell, Moore, Needham, Oliver, Pierce, Powers, Reed, Rice, Smyth, Traverse, Walden, Woolson, Wright—26.

Absent but not excused, Senator Donnan.

So the substitute was lost.

The question being on the adoption of the resolution as amended, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bill, Bulis, Casady, Cattell, Cones, Dunham, Griffith, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Matthies, McMillan, Mitchell, Moore, Needham, Oliver, Pierce, Powers, Reed, Rice, Smyth, Traverse, Walden, Woolson, Wright—28.

The nays were Senators Bennett, Chapin, Doud, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Knoll, Long, Meyer, Newell, Parvin, Patterson, Richards, Robertson, Smith, Tuttle, Wolf—20.

Absent but not excused, Senator Donnan.

So the resolution as amended prevailed.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 85, and present the same correctly engrossed.

MEYER, for Committee.

The hour for the special order having arrived, it being House File No. 173, the bill was taken up and considered, the question being on the amendment of Senator Pierce—pending which, Senator Hawley moved that the Senate do now adjourn, on which question the yeas and nays were demanded and were as follows :

The yeas were Senators Hamilton, Hawley, Johnson, Larimer, Larrabee, Wright—6.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchell, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—42.

Absent but not excused, Senator Moore.

So the motion did not prevail.

The question recurring on the amendment, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bill, Grimes, Hamilton, Hawley, Keller, Knoll, Larimer, Larrabee, Matthies, Mitchell, Needham, Parvin, Pierce, Rice, Traverse, Tuttle, Walden, Woolson, Wright—19.

The nays were Senators Bennett, Bulis, Casady, Cattell, Chapin,

Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hedges, Hollman, Johnson, Long, Meyer, McMillan, Newell, Oliver, Patterson, Powers, Reed, Richards, Robertson, Smith, Smyth, Wolf—29.

Absent but not excused, Senator Moore.

So the amendment did not prevail.

Senator Woolson moved to amend by striking out the words in eighth and ninth section, "and to effect an adequate insurance upon them."

The motion prevailed.

Senator Larimer moved to amend by striking out "twenty-five" and inserting "twenty" in the fifth line of section 1, on which question the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bill, Grimes, Hamilton, Hawley, Johnson, Keller, Knoll, Larimer, Larrabee, Matthies, Meyer, McMillan, Mitchell, Needham, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—24.

The nays were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hedges, Hollman, Long, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Wolf—24.

Absent but not excused, Senator Moore.

The vote being a tie, the President voted in the affirmative, and the amendment was adopted.

The question being on the suspension of the rule and reading the bill a third time now, the motion prevailed and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchell, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Wolf, Wright—41.

The nays were Senators Bill, Hamilton, Hawley, Knoll, Pierce, Traverse, Walden, Woolson—8.

So the bill passed, and the title was agreed to.

On motion of Senator Larimer the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 5, 1868.

Senate convened at 10 o'clock A. M.
The President in the chair.

Prayer by Rev. Mr. Geiger.

Journal of yesterday was read and approved.

The following message was received from the House :

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

House File No. 227, A bill for an act to change the time of holding courts in Hardin county, in the Eleventh Judicial District.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Woolson, House message in relation to a resolution instructing the Penitentiary visiting committee to enquire into the expediency of accepting the donation of H. W. Sample of Lee county, for the use of a reform school or house of refuge, was taken up and considered.

Senator Hollman moved to amend by instructing the committee to visit White's Manual Labor School.

The motion prevailed, and the resolution as amended was concurred in.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The following communication from the Secretary of State was taken up and read, and ordered passed on file :

OFFICE OF SECRETARY OF STATE,
DES MOINES, March 2, 1868.

HON. JOHN SCOTT, *President of the Senate* :

SIR:—In compliance with the following resolution :

“ *Resolved*, That the Secretary of State be requested to report to the Senate the number of volumes of Withrow's Reports, of Dillon's and Hammond's Digests, received by him and his predecessors in office ; how and when disposed of ; and what number, if any, are on hand,”

I have the honor to inform the Senate that, pursuant to sections 117 and 118 of the Revision of 1860, the Governor subscribed for four hundred and fifty-one copies each, of Volumes 9, 10, 11, 12, and 13, Iowa Reports, (being Volumes 1, 2, 3, 4, and 5 of Withrow's Reports,) and that such number of copies of said Reports was received by the Secretary of State as follows, to-wit :

Volume 9.....	December 29, 1860.
“ 10.....	April 17, 1861.
“ 11.....	September 5, 1861.
“ 12.....	July 26, 1862.
“ 13.....	April 27, 1863.

And that pursuant to the provisions of section 8, of chapter 22, acts of Tenth General Assembly, the Secretary of State subscribed for 500 copies each, of volumes 14, 15, 16, 17, 18, 19, and 20, Iowa

Reports, (being volumes 6, 7, 8, 9, 10, 11, and 12 of Withrow's) and that such number of said reports was received by the Secretary of State, as follows, to-wit:

Volume 14.....	June 16, 1864.
“ 15.....	November 12, 1864.
“ 16.....	May 23, 1865.
“ 17.....	July 1, 1866.
“ 18.....	November 14, 1866.
“ 19.....	December 10, 1866.
“ 20.....	December 12, 1866.

Of “Dillon's Digest,” 183 copies were purchased by the Secretary of State in pursuance of a concurrent resolution passed by the Eighth General Assembly, April 2d, 1860, directing the Secretary of State to purchase and forward to each of the members of that General Assembly, the clerks of the House, the Secretary of the Senate, and the Library of each State and Territory, one copy of Dillon's Digest of the reports of the Supreme Court of the State of Iowa, and that said Digest was received by the Secretary of State, as follows:

April 20, 1860.....	100 copies.
June 4, 1860.....	88 copies.

(See also section 7, of chapter 125, acts of Eighth General Assembly.)

Of Hammond's Digest, 500 copies were subscribed for by the Secretary of State, pursuant to section 1, of chapter 99, of the acts of the Eleventh General Assembly, and received by said Secretary of State on the eighth of September, 1866.

From the foregoing, it will be seen that there were received by my predecessors, 5755 volumes of Withrow's Reports, 183 volumes of Dillon's Digest, and 500 volumes of Hammond's Digest.

The second part of the resolution, as to “how and when disposed of,” it is impossible for me, from any records I have been able to find in this office, to answer definitely. I find, however, that in addition to one copy of each of the reports to each county judge in the State, and one to each of the States and Territories of the Union, many of them were distributed pursuant to resolutions of the General Assembly, both joint and concurrent, and of the House separately. But I would call the attention of the Honorable Senate to the following designated laws and resolutions provided for the distribution of the reports, hoping that the same will be satisfactory:

1st. Section 119 of the Revision of 1860, taken in connection with section 2, chapter 108, of the acts of the Sixth General Assembly. The latter made it “the duty of the Secretary of State to send one copy of each volume of such reports to each of the county judges of this State, and also one copy thereof to the State Librarian of each of the United States,” while the Revision authorized the Secretary of State “to exchange one hundred copies of each volume of said reports for such other books on law and equity as the Supreme

Court may select;" "the books obtained by such exchange" to "be deposited in the State Library." I was informed when I came into office by my predecessor, Hon. James Wright, that this law had been complied with as far as he had been authorized by the Supreme Court to make such exchanges, and that all volumes of Reports below, and including volume twenty then in possession of the State, had been retained by him in pursuance of said section 119.

2. Section 10, chapter 22, acts of the Tenth General Assembly. The distribution therein provided for requires two hundred and fifty-four volumes. This distribution, I was informed by my predecessor, had been made in all cases, and for all volumes, from volumes fourteen to twenty, both inclusive.

8d. The following resolutions, copies of which are on file in this office:

Concurrent Resolution, passed April 2, 1860:

Resolved, by the Senate, the House concurring, That it is hereby made the duty of the Secretary of the State to furnish one copy of the "Revised Statute" of Iowa to each member of this General Assembly, and the clerks of the Senate and House of Representatives, as soon as they are published, also purchase and deliver one copy of the Iowa Digest (by Dillon) of the Supreme Court of this State to each of said members, secretaries, and clerks as aforesaid; also purchase one copy of said Digest and forward it, with a copy of the revised statutes, to the library of each State in the Union."

Senate Resolution, passed May 24, 1861:

[Extract.]

"*Resolved,* That the Secretary of State furnish the new members of the Senate the * * Supreme Court Reports, * * * so far as they may be on hand belonging to the State, and not needed for other distribution provided by law; *provided,* this shall not include any documents not distributed to the members of the last session."

House Resolution, passed May 27, 1861:

"*Resolved,* That the Secretary of State be requested to furnish each member and the clerks of this House, with the eighth, ninth and tenth volumes of Iowa Reports, if the same are in his possession."

Senate Resolution, passed May 27, 1861:

"*Resolved,* That the Secretary of State be requested to furnish each member of the Senate with the eighth, ninth and tenth volumes Iowa Reports, if the same are in his possession."

House Resolution, passed May 27, 1861:

[Extract.]

"*Resolved,* That the Secretary of State be authorized to furnish to the members of this House elected to fill vacancies, and also to the officers of this House who were not officers of the House at the last session, the following books: * * * * * one copy of Dillon's Digest. * * * *

"*Resolved,* That the Secretary of State be requested to furnish

each member and the clerk of this House, with the eighth, ninth and tenth volumes of Iowa Reports, if the same are in his possession."

Senate Resolution, passed May 29, 1861:

Resolved, That the Secretary of State be instructed to furnish to the secretary, assistant secretary, sergeant-at-arms, and janitor of the Senate, and reporters on the floor of the Senate, with the eighth, ninth, and tenth volumes of Iowa Reports.

Joint Resolution, approved April 8, 1862:

Be it Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be and is hereby instructed to furnish to each member of this General Assembly, and to the regular secretaries, clerks, and reporters thereof, one copy of such volumes of the Supreme Court Reports as are on hand, or that may be received during the present session; provided, the same can be furnished without additional expense to the State.

Joint Resolution, approved September 11, 1862:

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the General Assembly, the President, Secretary, and clerks of the Senate, the clerks of the House of Representatives, and the reporters in both branches of the General Assembly with a copy of the twelfth volume of Iowa Reports.

Joint Resolution, approved February 12, 1864:

Resolved, by the General Assembly of the the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, the President, Secretary, and clerks of the Senate, and clerks of the House of Representatives, and the reporters, post-masters, sergeant-at-arms, and door-keepers of both branches of this General Assembly, with a copy of all Reports of the Supreme Court of this State now on hand, or which shall be published during the session of this General Assembly.

Joint Resolution of the Eleventh General Assembly.

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State be instructed to furnish the members of the present General Assembly, and the President of the Senate, with a copy of all the Reports of the Supreme Court of this State now on hand, or which shall be published during the present term of office of the members of this General Assembly.

Chapter 81, Laws Eleventh General Assembly, approved March 30, 1866.

[Extract.]

SECTION 1. *Be it enacted by the General Assembly of the State of Iowa*, That it is hereby made the duty of the Secretary of State to furnish to the Library of Congress two copies of all laws, legislative journals, Supreme Court reports * * * * h. reafter published, immediately upon the publication thereof, and also, as soon as may be, two copies of such * * * journals and reports heretofore published, and not furnished to said Library.

In answer to your third inquiry, as to "what number, if any, are on hand," I have the honor to submit the following statement of the number of copies in my possession of the books in question:

Volume 9.....	6 copies.
" 10.....	1 copy.
" 11.....	7 copies.
" 12.....	80 "
" 13.....	33 "
" 14.....	50 "
" 15.....	61 "
" 16.....	57 "
" 17.....	72 "
" 18.....	98 "
" 19.....	81 "
" 20.....	92 "
Dillon's Digest.....	5 "
Hammond's Digest.....	77 "

The copies of Dillon's Digest were obtained by exchanging a similar number of Hammond's Digest for them. This was done for the purpose of placing a few copies of the former work in the State Library; but before the exchange was effected, the State Librarian had procured twenty-five copies of Dillon's Digest by a similar exchange, thus rendering it unnecessary for me to put those I obtained in the Library. I therefore retained them for the use of the State officers.

ED WRIGHT, Secretary of State.

The following communication from His Excellency the Governor, was taken up, read, and ordered passed on file:

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 4, 1868.

Gentlemen of the Senate:

I herewith submit to your Honorable Body a communication from the Governor of Illinois, accompanying a report of the trustees of the Lincoln Monument Association.

SAMUEL MERRILL.

STATE OF ILLINOIS, EXECUTIVE DEPARTMENT,
SPRINGFIELD, FEBRUARY 13, 1868.

To His Excellency, Governor of Iowa:

SIR:—Under a resolution of the Board of Directors of the National Lincoln Monument Association, I have the honor to address your Excellency, and beg leave most respectfully to state that although we have now on hand and invested in national securities, the sum of eighty-five thousand dollars (\$85,000), and the additional sum (subject to our order) of fifty thousand dollars

(\$50,000), appropriated by the Legislature of the State of Illinois, a total in available means of one hundred and thirty-five thousand dollars (\$135,000), to be used in erecting a monument over the remains of the lamented Abraham Lincoln, late President of the United States. Considering the serious responsibility imposed upon us of erecting a suitable monument over the grave of this great man whose name has become national and historic; the deeds of whose administration are interwoven with the startling and imposing events of four years of national calamity and civil war; by so many venerated as the Statesman and Patriot, I take the liberty under the authority of the Board of Directors, and the solemn dignity of the subject, to call your attention to the subject matter of this communication, and to most respectfully request your assistance and good offices in our behalf. May we request that you will call the attention of the Legislature of your State to the whole subject, and to recommend an appropriation to aid in the building of the monument.

It may not be necessary that the amount appropriated shall be paid to us this year; we only wish to be assured that we shall feel confident we are to have the necessary means before the plan shall be adopted.

I shall be most happy to hear from you on this subject, at your convenience. A similar letter has been addressed to the Governors of other States.

I am, most respectfully, your obedient servant,

R. J. OGLESBY, Governor of Illinois,
and President of Association.

REPORT OF EXECUTIVE COMMITTEE.

The Executive Committee, to whom was referred the subject of advertising for plans for the Lincoln Monument, would respectfully report:

That in their judgment it is best to ask for plans for a monument in accordance with the enclosed advertisement, marked "A," and that we ask all newspapers throughout the United States, friendly to the cause, to give it one or more insertions, which will be accepted as a donation to the monument, and also would suggest the propriety of inviting the Governor of all the States to meet us on the 14th of April to aid in selecting a plan.

JOHN WILLIAMS.
JOHN T. STUART.
JACOB BUNN.

Springfield, Ills., Jan. 23, 1868.

By leave, Senator Fellows, from Committee to visit the Deaf and Dumb Asylum, submitted a report, which was passed on file.

By leave, Senator Walden called up Senate File No. 137, A bill

for an act to provide for the publication and distribution of the laws of the Twelfth General Assembly of the State of Iowa.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—45.

The nays were none.

Absent but not excused, Fairall, Farwell, Hedges, and Needham. So the bill passed, and the title was agreed to.

PETITIONS AND MEMORIALS.

By Senator Cones: A petition from one hundred and sixty voters of Marion county for the enactment of a judicious license law.

Referred to Committee on Suppression of Intemperance.

By Senator Pierce: A petition of fifty-seven male citizens of Jefferson county, asking for a more stringent prohibitory liquor law.

Referred to same committee.

By Senator Larrabee: A memorial of Board of Supervisors of Fyaette county, in relation to Forty-Third Parallel Railroad Company.

Referred to Committee on Railroads.

Senator Bennett from Committee on Suppression of Intemperance, submitted the following majority report:

The Committee on Suppression of Intemperance to whom was referred Senate File No. 136, being equally divided (Senator Matthies absent), the undersigned members of the committee report the same back with accompanying substitute and recommend the passage of the substitute.

G. G. BENNETT.

A. M. LARIMER.

ADDISON OLIVER.

Ordered, that the report pass on file.

Also the following:

The Committee on Suppression of Intemperance, to whom was referred Senate File No. 105, and Senate File No. 108, have had the same under consideration, and I am instructed by a majority of the committee to report the same back and recommend their indefinite postponement.

G. G. BENNETT, Chairman.

Ordered, that the report pass on file.

Senator Parvin from same committee, submitted the following minority report:

Senator Needham, from Committee on Schools, submitted the following report:

The School Committee have had under consideration House File No. 134, and recommend its passage.

NEEDHAM, Chairman.

Ordered, that the report pass on file.

By leave, Senator Needham introduced Senate File No. 145, A bill for an act to amend chapter 169 of the acts of the Ninth General Assembly, in relation to the duties of railroad companies.

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

By leave, Senator Needham introduced Senate File No. 146, A bill for an act declaring certain written instruments not negotiable.

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

By leave, Senator Needham introduced Senate File No. 147, A bill for an act for the protection of game.

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

The hour for the special order having arrived, it being Senate File No. 4, A bill for an act to provide for the election of township collectors and to define their powers and duties, Senator Powers moved that the special order be postponed for twenty minutes, and bills on third reading be taken up.

The motion prevailed.

BILLS ON THIRD READING.

Senate File No. 85, A bill for an act to establish Circuit Courts, was taken up and read.

Senator Fellows moved to suspend that part of rule seventeen which requires a motion to reconsider to be made the same or following day, on which the yeas and nays were demanded and were as follows:

The yeas were Senators Bennett, Bill, Casady, Cattell, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Traverse, Tuttle, Walden, Wolf, Woolson—85.

The nays were Senators Bulis, Larimer, Matthies, Meyer, McMillan, Needham, Parvin, Pierce, Richards, Robertson, Smith, Smyth, Wright—13.

Absent but not excused, Senator Chapin.

So the motion prevailed.

Senator Fairall moved to reconsider the vote by which the bill was ordered read a third time.

The motion prevailed.

Senator Hollman moved that section 23 be amended as follows:

By striking out of first circuit of First Judicial District, the word "Henry" and inserting "Des Moines"; by striking out of second circuit of First Judicial District, the word "Des Moines" and inserting "Henry."

The motion prevailed.

Senator Powers moved that the bill be read a third time now.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Hollman, Keller, Larrabee, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Traverse, Tuttle, Walden, Wolf, Woolson—30.

The nays were, Senators Bill, Cones, Doud, Dunham, Grimes, Hedges, Johnson, Knoll, Larimer, Long, Meyer, Needham, Parvin, Pierce, Richards, Robertson, Smith, Smyth, Wright—19.

So the bill passed, and the title was amended so as to read, "A bill for an act to establish Circuit and General Term Courts, and to define the powers and jurisdiction thereof."

And so amended, the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bill which has passed both branches of the General Assembly, and has been duly enrolled and signed by the Speaker of the House:

Senate File No. 6, A bill for an act to legalize the organization of the Independent School District of Epworth, county of Dubuque, Iowa.

Also, that the Senate amendment to the joint resolution relative to the acceptance of the Sample donation for a Reform School, or House of Refuge, has been concurred in by the House.

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The hour for the special order having arrived, it being a substitute for Senate File No. 4, the Senate resolved itself into Committee of the Whole for the further consideration of the bill.

After spending some time therein, the committee rose, and the chairman thereof, Senator Reed, reported that the Committee of the Whole have had under consideration substitute for Senate File No. 4, and have ordered me to report that they have made some progress therein, and ask leave to sit again.

The report was adopted.

Senator Chapin, from Committee on Charitable Institutions, submitted the following report :

The Committee on Charitable Institutions beg leave to make the following report :

They have considered the matter referred to them relating to the education and support of the blind, and report a substitute bill for Senate File No. 139.

They have considered the matter referred to them for the education and support of the deaf and dumb, and report a bill for an act on that subject—Senate File No. 148.

They have considered the matter relating to the Hospital for the Insane, and report a bill for an act on that subject—Senate File No. 149.

They have considered the matter referred to them for the erection of an asylum for the deaf and dumb at Council Bluffs, and report a substitute bill on that subject, got for substitute for Senate File No. 13.

The committee recommend the passage of the several bills above referred to.

All of which is respectfully submitted.

JAS. CHAPIN, for the Committee.

Senate File No. 148, A bill for an act for the support of the deaf and dumb.

Read first and second time.

Senate File No. 149, A bill for an act making further appropriation for the Hospital for the Insane.

Read first and second time.

Ordered, that the report pass on file.

By leave, Senator Tuttle offered the following joint resolution :

Be it Resolved by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives requested, to use their influence in procuring the extension or enlargement of the grant bestowed upon the State of Iowa to aid in the building of a railroad from McGregor westerly, on as near as practicable to the forty-third parallel, until it shall reach the county of O'Brien, in said State of Iowa.

Resolved, That a copy of this resolution be forwarded by the Secretary of State to each of our Senators and Representatives in Congress.

The resolution was adopted.

Senator Donnan asked for leave of absence for Senator Griffith, which was granted.

By leave, Senator Mitchell submitted the following report :

Your Committee on Printing have had under consideration the resolution in regard to excluding certain documents from the journal, and instruct me to report that in their opinion it was the intention of

the original resolution to so exclude the reports of the several committees to visit the charitable institutions of the State, as well as all other documents ordered printed.

MITCHEL, Chairman.

The report was adopted.

By leave, Senator Powers from Committee on Judiciary, submitted the following report:

The Judiciary Committee have had under consideration the following bills, which were referred to them, and have directed me to report thereon as follows, viz:

'Senate File No. 134, A bill for an act to amend section 1568 of the Revision of 1860, relating to the punishment of persons in a state of intoxication.

Committee recommend its passage.

Senate File No. 132, A bill for an act to legalize the acknowledgment and entitling to record a deed from George J. Merideth and wife to William Halderman.

Committee recommend that the bill do pass.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

On motion of Senator Oliver the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 6, 1868.

Senate convened at nine o'clock, A. M., the President in the chair.
Prayer by Rev. Mr. Turnbull.

The journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Smyth, A petition of D. F. Whipple and others, praying for the protection of game.

Referred to Committee on Agriculture.

By Senator Farwell, A petition of three hundred and twelve citizens of Jones county, praying the establishment of township collectors.

Passed on file to be considered with bill on that subject.

By Senator Meyer: A petition of Van Whiton and one hundred and sixty-eight others, praying for the enactment of a more stringent prohibitory liquor law.

Referred to Committee on Suppression of Intemperance.

By Senator Fairall: A petition of Margaret Enk, and others, in relation to perfecting title to certain real estate.

Also, by leave, the following: Senate File No. 150, A bill for an act to quiet the title of Margaret Enk, and others, to certain real estate.

Read first and second time, and referred, together with petition on same subject, to Committee on Judiciary.

By leave, Senator Bulis introduced Senate File No. 151, A bill for an act to repeal section 6 of chapter 52, laws of the Tenth General Assembly.

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

By leave, Senator Keller introduced Senate File No. 152, A bill for an act for the relief of Barton B. Dunning, of Ringgold county.

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

By leave, Senator Fairall introduced Senate File No. 153, A bill for an act in relation to the University report.

Read first and second time, and referred to Committee on State University.

By leave, Senator Smyth introduced Senate File No. 154, A bill for an act to increase the compensation of township assessors, and to repeal section 3 of chapter 173 of the laws of the Ninth General Assembly.

Read first and second time, and referred to Committee on County and Township Organization.

By leave, Senator Robertson introduced Senate File No. 155, A bill for an act to prevent the publication, sale, or gratuitous distribution of drugs, medicines, and nostrums intended to prevent conception or procure abortion.

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

By leave, Senator Dunham introduced Senate File No. 156, A bill for an act to legalize the plat of the town of Sabula, in Jackson county, Iowa, and to legalize all conveyances of lots heretofore made by the number of lots and blocks as now specified in said plat.

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

Also, a memorial from the town council of Sabula on the same subject.

Referred to same committee.

By leave, Senator Cattell introduced Senate File No. 157, A bill for an act to amend chapter 192 of the acts of the Eleventh General Assembly, and to provide for the Iowa Soldiers' Orphans Homes.

Read first and second time, and referred to Committee on Soldiers' Orphans Homes, and ordered printed.

By leave, Senator Grimes introduced Senate File No. 158, A bill

for an act authorizing the discharge of guardians of minors in certain cases.

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

By leave, Senator Hollman, from Committee on Suppression of Intemperance, submitted a minority report.

Senator Cones moved that the report of the Committee on Suppression of Intemperance, with accompanying bills be printed, and made the special order for March 13, at ten o'clock A. M.

The motion prevailed.

By leave, Senator Larrabee submitted the following report:

Your Committee on Commerce, to whom was referred the subject of connecting by navigable channels through the Fox and Wisconsin rivers, the waters of the Mississippi river with the waters of Lake Michigan, would respectfully report the following memorial, and recommend its passage.

W. LARRABEE, Chairman.

Ordered, that the report pass on file.

By leave, Senator Moore from Committee on Horticulture and Forestry, submitted the following report:

We, your committee to whom was referred Senate File No. 100, beg leave to report the same back with a substitute therefor, and recommend its passage.

N. B. MOORE, Chairman.

Ordered, that the report pass on file.

Also, the following report:

We, your committee to whom was referred Senate File No. 143, beg leave to report the same back, with the recommendation that the bill pass.

N. B. MOORE, Chairman.

Ordered, that the report pass on file.

By leave, Senator Moore from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means to whom was referred the resolution relating to taxes from railroad companies, has instructed me to report the accompanying bill, and recommend its passage.

N. B. MOORE, for the Committee.

Senate File No. 159, A bill for an act in relation to taxation of railroads, and to provide for the collection of the same.

Read first and second time.

Laid on the table and ordered printed.

Ordered, that the report pass on file.

By leave, Senator Patterson, from Committee on County and Township Organization, submitted the following report:

Your Committee on County and Township Organization have had under consideration the subject of reorganizing boards of supervisors, decreasing the number of members of the board, and to provide

for the election by districts, and have directed me to report the following bill which is Senate File No. 50, with such changes as your committee deem necessary.

Your committee have endeavored to report a bill as perfect as possible under the instructions of the Senate, but a majority of the committee believing that a change of county government is not at present expedient, make no recommendation as to the passage of the bill.

J. G. PATTERSON, Chairman.

Senate File No. 160, A bill for an act reorganizing boards of supervisors.

Read first and second time.

Senator Woolson moved that the bill be made the special order for 10½ o'clock.

The motion prevailed.

By leave, Senator Patterson from Committee on County and Township Organization, submitted the following report:

Your Committee on County and Township Organization have had under consideration the following bill, and the majority of the committee have directed me to report the same and recommend its passage.

J. G. PATTERSON, Chairman.

Senate File No. 161, A bill for an act entitled an act to amend an act in relation to county seats.

Read first and second time.

Ordered, that the report pass on file.

By leave, Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have directed me to report back the following bills, and recommend as follows, to-wit:

House File No. 117, with a recommendation that it do pass.

Senate File No. 122, with a recommendation that it do pass.

CATTELL, for Committee.

Ordered, that the report pass on file.

Also, the following report:

The Committee on Ways and Means have directed me to report as follows:

Senate File No. 109. On this bill the committee were much divided, and make no recommendation further than if the Senate should favor the bill, it should be amended as follows:

1st. Strike out the word "county" so that counties will not be entitled to the tax under the act.

2d. Strike out of third line, first section, "contiguous," and insert "adjacent."

3d. Strike out of first line, section 2, "board of supervisors of any county," and insert "trustees of any township."

4th. Strike out of second line of section 2, "one-fourth," and insert "a majority."

5th. Strike out of fourth and eighth lines, section 2, "boards of supervisors."

6th. In twelfth line of section 2, insert "last" before "assessed."

7th. Strike out of fifth line, section 3, "president or managing director," and insert "township trustees, or council, or trustees of cities or towns, to the treasurer."

8th. Strike out of seventh line, section 3, "the construction of such work," and insert "the payment for work already performed."

9th. Strike out of ninth line of section 3, "the one contiguous," and insert "those adjacent."

10th. Strike out sections 4 and 5.

CATTELL, for Committee.

Ordered, that the report pass on file.

Also, the following report:

The Committee on Ways and Means have instructed me to report back the resolution of the board of supervisors of Jackson county asking for the equalization of personal property assessments by the State Board of Equalization, and to further report that in the opinion of the committee such equalization is impracticable.

CATTELL, for Committee.

Ordered, that the report pass on file.

By leave, Senator Wolf, from Committee on Judiciary, submitted the following report:

The Committee on Judiciary have had under consideration Senate File No. 84, A bill for an act to amend section 898 of the Revision of 1860, in relation to returning non-resident road tax, and instructed me to report the same back with the accompanying substitute, and recommend the adoption and passage of the substitute.

WOLF, for Committee.

Ordered, that the report pass on file.

By leave, Senator Robertson, from Committee on Medical Institutions, submitted the following report:

The committee to whom was referred Senate File No. 124, A bill for an act to regulate the practice of medicine and promote medical science in the State of Iowa, have considered the same, and recommend that the bill do pass.

J. M. ROBERTSON, Chairman.

Ordered, that the report pass on file.

By leave, Senator Farwell introduced Senate File No. 162, A bill for an act making appropriations for the Iowa State Agricultural College and Farm.

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

By leave, Senator Bill offered the following resolution :

Resolved, That the Committee on Ways and Means be requested to report a bill to establish a State detective for the purpose of suppressing burglaries, larcenies, &c., at an early day.

Senator Cattell moved to amend the resolution so as to request the Committee on Ways and Means to report the bill on that subject in their hands to the Committee on Judiciary.

The amendment prevailed.

The question being on the adoption of the resolution as amended, the yeas and nays were demanded, and were as follows :

The yeas were Senators Bennett, Bill, Bulis, Cattell Chapin, Doud, Farwell, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Patterson, Pierce, Reed, Rice, Robertson, Smyth, Traverse, Tuttle, Walden, Wright.—28.

The nays were Senators Casady, Cones, Donnan, Dunham, Fellows, Grimes, Hamilton, Hedges, Knoll, Mitchel, Needham, Richards, Smith, Wolf, Woolson.—15.

Absent, but not excused, Senators Fairall, Hollman, Larimer, and Powers.

So the resolution was adopted.

Senator Cattell asked for leave of absence for Senator Parvin, which was granted.

The hour for the special order having arrived, it being Senate File No. 160, A bill for an act to reorganize boards of supervisors, the bill was taken up and considered by sections.

Senator Woolson moved to amend by striking out section 2, and inserting as follows :

SEC. 2. The board of supervisors of the several counties in this State, shall, at their meeting in September next, proceed to divide their counties into supervisor districts, in the following manner, viz : 1st. No county shall be divided into less than three districts, and no organized township shall be divided in forming districts. 2d. Any township having three thousand or more inhabitants shall constitute a separate district. 3d. So many contiguous townships having less than three thousand inhabitants, shall be united to form a district as may be found necessary, until those so united shall jointly contain at least three thousand inhabitants, except as herein provided. 4th. When a county contains less than twelve thousand inhabitants, the townships shall be so districted as to place an equal number, as nearly as practicable, in each district. 5th. In case it shall be found impossible to form a county having less than twelve thousand inhabitants, into districts, each having more than three thousand, without dividing townships, then the districts shall be formed containing as nearly that number as is practicable, *provided* there shall be no more districts formed than the number of inhabitants will justify, reckoning three full thousand to each district. 6th. Whenever any one township will contain more than three thousand inhabitants, then it

shall elect a supervisor for every full three thousand. 7th. The number of inhabitants in each township shall be determined by the last census, as the same was made by the several assessors. 8th. Such districts shall be numbered. The order forming them shall be entered at large in the proceedings of the board, and shall be immediately published in each newspaper printed in the county, and a copy of such order posted at the usual place of holding township elections in each township of the county.

Senator Cones moved to amend the amendment as follows: Strike out of fifteenth line the word "three" and insert "five," and after the word "thousand" add the word "additional," pending which Senator Fairall asked for leave of absence for himself, which was granted.

Senator Hawley moved that the Senate adjourn until 2 o'clock, and that the bill under consideration be the special order for that hour.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK, P. M.

Senate convened pursuant to adjournment, and was called to order by the Secretary.

The President being absent, on motion of Senator Bulis Senator Bennett was chosen temporary chairman.

The hour for the special order having arrived, it being Senate File No. 160, the consideration of the bill was resumed.

The question being on the amendment offered by Senator Cones to the amendment proposed by Senator Woolson, by unanimous consent Senator Cones further amended his amendment so as to read: "the first 3,000, and an additional supervisor for every 5,000 over that number."

On which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Casady, Chapin, Cones, Donnan, Doud, Dunham, Fellows, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Moore, Oliver, Patterson, Pierce, Rice, Richards, Smith, Smyth, Tuttle, Wright—24.

The nays were Senators Bennett, Bill, Bulis, Farwell, Hamilton, Meyer, McMillan, Mitchel, Newell, Powers, Reed, Robertson, Traverse, Walden, Wolf, Woolson—16.

Absent but not excused, Senators Cattell, Grimes, Hedges, Long, Matthies, and Needham.

So the amendment to the amendment was adopted.

Senator Oliver moved to amend the amendment by striking out first subdivision thereof and insert as follows :

First. No county shall be divided into less than three districts if there be three or more organized townships therein ; but if there are not three organized townships in the county, then each organized township shall constitute a district.

No township shall be divided in forming districts.

The amendment to the amendment was adopted.

The question being on concurring in the amendment as amended, the yeas and nays were demanded and were as follows :

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Cones, Hamilton, Hawley, Johnson, Keller, Larimer Larrabee, Meyer, McMillan, Mitchel, Moore, Oliver, Pierce, Powers, Reed, Rice Traverse, Walden, Woolson, Wright. 25.

The nays were, Senators Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hollman, Knoll, Long, Newell, Patterson, Richards, Robertson, Smith, Smyth, Tuttle, Wolf. 18.

Absent but not excused, Senators Hedges, Matthies, and Needham.

So the amendment prevailed.

Senator Moore moved to amend the fourth line of section 3 by striking out "two" and inserting "three;" seventh line by striking out "two" and inserting "three."

The motion prevailed.

Senator Oliver moved to amend as follows: After the word "be" in second line of section 3, insert the words "and in case there are not three organized townships in any county, then such number of supervisors shall be elected by the county at large as will, with those elected by districts, make three supervisors in the county;" and strike out the word "who" in the second line of section 3, and insert in lieu thereof the words "such supervisors."

The amendment was adopted.

Senator Hawley moved to amend section seven by striking out all after the word "election," and insert the words "and until his successor is elected and qualified."

The motion prevailed.

Senator Woolson moved to add the following :

SECTION 8. The board of supervisors may once in two years re-district the county, being governed by the same rules prescribed in section two of this act ; such districting to take effect in such district for the election of supervisors, at the general election next preceding the expiration of the term of the supervisor in office when the districting as aforesaid shall be made.

The motion prevailed.

Senator Patterson moved to add the following :

SECTION 9. Members of the board of supervisors shall resign to the board of supervisors, and the board of supervisors shall have power for good cause to remove a member.

The motion did not prevail.

Senator Woolson moved to add as follows:

SECTION 9. Members of the board of supervisors may resign to the board of supervisors.

The motion prevailed.

Senator Richards moved to amend as follows:

SECTION 10. That for the purpose of forming supervisor districts in the different counties in accordance with this act, the wards of cities shall be regarded as civil townships in all cases in which those cities have a population greater than ten thousand.

On which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Dunham, Fellows, Grimes, Knoll, Larrabee, Newell, Richards, Smith—8.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Hollman, Johnson, Keller, Larimer, Long, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—33.

Absent but not excused, Senators Hamilton, Hawley, Hedges, Matthies and Rice.

So the motion did not prevail.

The question being, Shall the bill be engrossed and read a third time to-morrow, the yeas and nays were demanded and were as follows:

The yeas were Senators Bill, Bulis, Casady, Cattell, Cones, Hawley, Johnson, Keller, Larimer, Larrabee, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Traverse, Walden, Wolf, Woolson, Wright—24.

The nays were Senators Bennett, Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hollman, Knoll, Long, Meyer, Newell, Richards, Robertson, Smith, Smyth, Tuttle—18.

Absent but not excused, Senators Hamilton, Hedges, Matthies and Rice.

So the bill was ordered to be engrossed and read a third time to-morrow.

Senator Bill moved that Senate File No. 42, A bill for an act for the registry of electors and to prevent fraudulent voting, be taken up and made the special order for to-morrow at 10 o'clock A. M., which was agreed to.

By leave, Senator Bennett, from Committee on Federal Relations, submitted the following report:

The Committee on Federal Relations, to which was referred the resolutions of the board of supervisors of Jackson County, relating to the treatment of naturalized citizens of the United States by foreign governments, have considered the same, and in view of the fact that the Senate has already passed resolutions on the same subject, the

the committee are of the opinion that any further action is unnecessary, and have instructed me to report the same back with the recommendation that they lie on the table.

G. G. BENNETT, Chairman.

The report was adopted.

By leave, Senator Bennett offered the following:

Resolved, That from and after the 13th instant no bill shall be introduced into the Senate, except through committees.

The resolution was not agreed to.

By leave, Senator Bennett submitted the following report:

The Committee on Federal Relations, to whom was referred House resolutions relating to the removal of the Federal Capital to some point in the west, have had the same under consideration, and have instructed me to report the same back, and recommended their passage.

G. G. BENNETT, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Federal Relations, to whom was referred Senate File No. 107, have had the same under consideration, and have instructed me to report the same back with the recommendation that it be amended by striking out the second section.

Ordered, that the report pass on file.

Senator Larimer moved that Senate File No. 90, A bill for an act to relinquish an escheat of certain lands in Scott county, be taken up.

The motion prevailed.

The bill was taken up, considered, and the rule was suspended, and the bill read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright. — 41.

The nays were none.

Absent but not excused, Senators Hamilton, Hedges, Matthies, Rice and Woolson.

So the bill passed, and the title was agreed to.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented Senate File No. 6 to the Governor for his approval.

THEO. HAWLEY, Chairman.

By leave, Senator Chapin called up substitute for Senate File No.

13, A bill for an act providing for the erection of buildings for a Deaf and Dumb Asylum.

Senator Chapin moved that the substitute be printed.

The motion prevailed.

Senator Smith moved that substitute for Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties, be taken up and considered now.

The motion prevailed.

The Senate resolved itself into Committee of the Whole for the further consideration of the bill. After spending some time therein, the committee rose, and the chairman thereof, Senator Reed, reported that the Committee of the Whole have had under consideration substitute for Senate File No. 4, and have made numerous amendments thereto, which are in the hands of the secretary, and recommend that the amendments be adopted.

Senator Knoll moved that the bill be made the special order for March 7, at eleven o'clock A. M.

The motion prevailed.

On motion of Senator Rice House File No. 227, A bill for an act to amend an act entitled an act fixing the time of holding courts in the Eleventh Judicial District, approved March 23, 1866, was taken up, and the bill was read first and second time, and on motion of Senator Rice, the eleventh rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Fellows, Grimes, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—38.

The nays were none.

Absent but not excused, Senators Bulis, Dunham, Hamilton, Hedges, Matthies, Newell, Patterson and Woolson.

So the bill passed, and the title was agreed to.

Senator Chapin moved that substitute for Senate File No. 139, A bill for an act to fill vacancies in the board of trustees, enlarge and finish the buildings, and support the institution for the education of the blind, be taken up.

The motion prevailed.

Senator Chapin moved that substitute for Senate File No. 139 be printed.

The motion prevailed.

On motion of Senator Newell the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 7, 1868.

Senate convened at 9 o'clock A. M.
The President in the chair.
Prayer by Rev. Mr. Rice.
Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Mitchel: A memorial from J. P. Yates and numerous others, in relation to Des Moines river lands.

Referred to Committee on Judiciary.

By Senator Hawley: A petition of F. J. West, and others, citizens of Humboldt county, praying the resumption of the grant to the Des Moines Valley Railroad company.

Referred to Committee on Railroads.

Also, a petition of Thomas Owens and others, citizens of Webster county, praying a re-grant of the Dubuque and Sioux City Railroad lands to the Iowa Falls and Sioux City Railroad Company.

Referred to Committee on Railroads.

Also, a petition of J. R. Levi and others, citizens of Webster county, on same subject, with same reference.

Also, a petition of E. N. Wilson and others, citizens of Webster county, on same subject, with same reference.

Also, a petition of numerous citizens of Webster county, on same subject, with same reference.

INTRODUCTION OF BILLS.

By Senator Donnan: Senate File No. 146, A bill for an act to amend section 721 of the Revision of 1860, relating to assessment of credits for taxation.

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

By Senator Grimes: Senate File No. 164, A bill for an act authorizing the County Court to render judgment in certain cases.

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

By leave, Senator Wright, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred Senate File No. 162, for an act making appropriation for the Iowa State Agricultural College and Farm, have carefully considered the same, and direct me to report it back, recommending that it do pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Agriculture, to whom was referred Senate File No. 147, A bill for an act for the protection of game, having considered the same, direct me to report it back recommending that it do not pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Agriculture, to whom was referred sundry petitions and memorials relative to the game laws, having considered the same, direct me to report that in their opinion no change is advisable at this time.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

By Senator Rice : Senate File No. 165, A bill for an act to amend section 3851 of the Revision of 1860, allowing suits to be brought in townships where the plaintiff resides.

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

By Senator Newell : Senate File No. 166, A bill for an act to amend section 2198 of the Revision of 1860.

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

Also, Senate File No. 167, A bill for an act authorizing the boards of supervisors to appropriate certain sums of money for cenotaph purposes.

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

By leave, Senator Larrabee, from Committee on Commerce, submitted the following report :

Your Committee on Commerce, to whom was referred the matter relating to connecting by navigable channels through the Wisconsin, Fox, and Rock rivers, the water of the Mississippi with the waters of Lake Michigan, would report the following memorial, and recommend its passage.

A memorial to Congress in relation to the project of connecting by navigable channels through the Wisconsin, Fox, and Rock rivers, the waters of the Mississippi river with the waters of Lake Michigan.

W. LARRABEE, Chairman.

Ordered, that the report pass on file.

By leave, Senator Newell offered the following :

WHEREAS, An invitation was extended by this body to the ministers of this city to officiate in turn in opening the Senate each morning with prayer during the session.

AND WHEREAS, The Rev. S. T. Wells, a colored divine of this city has not yet acted in that capacity, therefore,

Be it Resolved, 1st. That the President of the Senate be requested to inquire why the Rev. S. T. Wells has not been invited to officiate with the other divines of this city in opening our daily session with prayer, and

2d. That in case the Rev. S. T. Wells has not been invited to so officiate, that the presiding officer of this body be requested to extend to him the cordial invitation of this Senate to embrace the earliest convenient opportunity to act in that capacity.

Senator Bulis moved to amend as follows:

Strike out the word "President," and insert "a committee be appointed to invite him whether such invitation shall have been heretofore extended or not."

Senator Farwell moved to lay the resolution on the table, on which question the yeas and nays were demanded, and were as follows:

The yeas were Senators Casady; Cattell, Cones, Doud, Farwell, Grimes, Hedges, Hollman, Johnson, Knoll, Mitchel, Moore, Powers, Rice, Traverse, Walden, Wolf, Woolson.—18

The nays were Senators Bennett, Bill, Bulis, Chapin, Donnan, Dunham, Fairall, Fellows, Hamilton, Hawley, Keller, Larimer, Larabee, Long, Matthies, McMillan, Needham, Newell, Oliver, Patterson, Reed, Richards, Robertson, Smith, Smyth, Tuttle.—26.

Absent, but not excused, Senators Meyer and Pierce.

So the motion did not prevail.

Pending the further consideration of the resolution, the President announced that the hour for the special order had arrived, it being the further consideration of Senate File No. 42, A bill for an act to provide for the registry of electors and to prevent fraudulent voting. The same was taken up and the Senate resolved itself into a Committee of the Whole, and after spending some time therein, the committee rose, the President resumed the chair, and the chairman of the committee, Senator Cattell, reported that the Committee of the Whole have had under consideration Senate File No. 42, have made some progress therein, and asked leave to sit again.

The report was adopted.

The following message was received from the House:

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

House File No. 152, A bill for an act to provide for the erection of a State House.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Cattell moved that House messages be taken up.

The motion prevailed.

House File No. 162, A bill for an act to provide for the erection

of a State House was taken up, read first and second time, and referred to Committee on Public Buildings.

Senator Bill moved that Senate File No. 42 be taken up, and made special order for Wednesday, March 11, at ten o'clock A. M.

The motion prevailed.

On motion of Senator Fellows the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 9, 1868.

Senate convened at 9 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Remsburg.

The journal of Saturday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Hawley: A petition of W. L. Nickelson and others, citizens of Webster county, asking the re-grant of the Dubuque and Sioux City Railroad lands to the Iowa Falls and Sioux City Railroad Company.

Referred to Committee on Railroads.

Also, a petition of James Boferty and twenty-five others, citizens of Webster county, on same subject, with same reference.

Also, the petition of Michael Flogherty and eighty-four others, same county, on same subject.

Referred to same committee.

Also, a petition of Charles Bergk and others, citizens of Humboldt county, on same subject.

Referred to same committee.

By Senator Doud: A petition of John Elliott and numerous others, citizens of Van Buren county, praying the enactment of a more stringent prohibitory liquor law.

Passed on file to be considered with bill on that subject.

By leave, Senator Farwell offered the following:

Resolved, That the Senate will hold a session at two o'clock in the afternoon of each day, unless otherwise ordered.

The resolution was lost.

By leave, Senator Powers, from Committee on Judiciary, submitted the following report:

The Judiciary Committee have had under consideration the following bills, viz.:

House File No. 230, A bill for an act relating to the qualifications of notaries public.

Senate File No. 145.

Senate File No. 168, A bill for an act to amend section 721 of the Revision, relating to the assessments of credits for taxation, and recommend the passage of the law, with publication clause stricken out of Senate File No. 145.

J. B. POWERS, for Committee.

Ordered, that the report pass on file.

Also the following:

Judiciary Committee have had under consideration House File No. 55, A bill for an act to provide for an additional argument term of the Supreme Court at Dubuque, and recommend that the bill do pass.

J. B. POWERS, for Committee.

Senator Powers moved that the order of business be suspended, and House File No. 55 be taken up.

The motion prevailed, and the bill was taken up and read.

Senator Knoll moved that the rule be suspended, and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wright. 37.

The nays were Senators Reed, Smith.—2.

Absent, but not excused, Senators Cattell, Cones, Larrabee, and Wolf.

So the bill passed, and the title was agreed to.

On motion, Senators Bill, Needham, Hamilton, and Pierce, were excused.

By leave, Senator Farwell introduced Senate File No. 168, A bill for an act to reduce the number of the trustees of the Iowa Agriculture College.

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

Senator Matthies moved to call up House File No. 134, A bill for an act to attach certain territory in Union township to Burlington township, for school purposes in Des Moines county.

The motion prevailed, and the bill was taken up and read.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Powers, Reed, Rice,

Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright—87.

The nays were Senator Oliver—1.

Absent but not excused, Senators Cattell, Dunham, Johnson, Patterson, and Wolf.

So the bill passed, and the title was agreed to.

By leave, Senator McMillan called up Senate File No. 102, A bill for an act to repeal section 8 chapter 173 of the laws of the Ninth General Assembly being an act to increase the compensation of township assessors, with report of committee recommending amendments, was taken up and the report adopted.

Senator Smyth moved to amend section 1 by striking out \$2.00 and inserting \$2.50, on which the yeas and nays were demanded and were as follows:

The yeas were, Senators Casady, Chapin, Donnan, Dunham, Hedges, Hollman, Knoll, Larimer, Long, Matthies, Mitchel, Moore, Newell, Powers, Reed, Rice, Smyth, Walden. 18.

The nays were, Senators Bennett, Bulis, Cones, Doud, Fairall, Farwell, Fellows, Grimes, Hawley, Johnson, Keller, Meyer, McMillan, Oliver, Richards, Robertson, Smith, Traverse, Tuttle, Wolf, Wright—21.

Absent but not excused, Senators Cattell, Larrabee and Patterson.

So the amendment did not pass.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright.—87.

The nays were Senators Larimer, Oliver, Smith.—3.

Absent, but not excused, Senators Dunham and Patterson.

So the bill passed, and the title was amended as recommended by the committee, and agreed to.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 160, and report the same to the Senate correctly engrossed.

MEYER, for Committee.

By leave, Senator Matthies, from Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred the petition of late members of Company G, Second Iowa Infantry,

instruct the undersigned to report that the petition can not be granted.

C. L. MATTHIES, Chairman.

Ordered, that the report pass on file.

On motion of Senator Casady Senate File No. 181, A bill for an act to amend section 8, chapter 178 of the acts of the Ninth General Assembly, with report of committee recommending amendments, was taken up, and the report was adopted.

Senator Casady moved to suspend the rule and read the bill a third time now.

The motion did not prevail.

The question being "Shall the bill be engrossed and read a third time to-morrow?" the question was decided in the negative.

Senator Oliver moved to re-commit the bill to the Committee on Schools.

The motion prevailed.

The following message was received from the House :

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

House File No. 112, A bill for an act to amend chapter 172 of the laws of the Ninth General Assembly.

House File No. 259, A bill for an act legalizing the incorporation of the First Congregational Society of Mason City, Iowa.

House File No. 262, A bill for an act to amend section No. 430 of the Revision of 1860.

Also, that the House has passed Senate File No. 82, A bill for an act in relation to independent school districts, which I herewith return.

House File No. 39, A bill for an act to provide for the incorporation of towns and cities.

House File No. 278, A bill for an act to prohibit the laying out or opening of roads across certain reserved lands of the State, and to vacate public roads on the same.

House File No. 279, A bill for an act to provide police regulations for the protection of the Agricultural College and Farm, and of the students therein.

House File No. 78, A bill for an act to provide for the adjustment of claims of members of the First Iowa Cavalry.

House File No. 156, A bill for an act to amend article 2, chapter 64 of the Revision of 1860, relating to the sale of intoxicating liquors.

Substitute for House File No. 199, A bill for an act to legalize the official acts of William H. Stivers, a notary public for Tama county, Iowa.

Substitute for House File No. 33, A bill for an act to amend section 317 of the Revision of 1860, in relation to compensation of members of boards of supervisors.

I also herewith transmit for your signature the accompanying bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 227, A bill for an act to change the time of holding court in Hardin county, in the Eleventh Judicial District.

House File No. 173, A bill for an act to appropriate money for the use of the State University.

House File No. 220, A bill for an act fixing the time of holding court in Pottawattamie county, Third Judicial District.

I am also directed to inform your Honorable Body that the House has refused to concur in the Senate resolutions relating to the removal of Secretary of War, Hon. E. M. Stanton, and condemning President Johnson therefor, which I herewith return to the Senate ; and that the House has substituted therefor the resolutions herewith submitted, in which the concurrence of the Senate is respectfully asked.

Also, that the House has concurred in the Senate resolutions requesting our delegation in Congress to procure an enlargement of the land-grant to aid in building a railroad from McGregor westward along the forty-third parallel.

Also, that the House has ordered one thousand copies of the report of the visiting committee to the Blind Asylum to be printed.

M. C. WOODRUFF, Chief Clerk.

The President announced that the hour for the special order had arrived, it being the consideration of joint resolutions relative to amendment to the Constitution of the United States.

The joint resolutions were taken up and considered.

Senator Hollman moved to strike out the first, second and third sections of the article.

The Chair decided the motion to be out of order.

Senator Fairall appealed from the decision of the Chair.

The question being, Shall the decision of the Chair stand as the decision of the Senate? the yeas and nays were demanded and were as follows :

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—38.

The nays were Senators Dunham, Fairall, Hedges, Hollman—4.

Absent but not excused, Senator Patterson.

So the decision of the Chair stood as the decision of the Senate.

Senator Fellows moved that the question be divided, and that each section be voted upon separately.

Senator Oliver raised a point of order, that the question was not susceptible of division.

The Chair sustained the point of order.

The question being, Shall the resolution be read a third time now? the motion prevailed, and the resolution was read.

The question being, "Shall the resolution pass?"

The yeas were Senators Bennett, Bulis, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—84.

The nays were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll, Richards—9.

So the joint resolution was adopted.

Senators Bill, Hamilton, Needham, Parvin, Pierce and Woolson were absent by leave of the Senate. Subsequently, Senators Bill, Needham, Parvin, Pierce and Woolson obtained unanimous consent of the Senate to record their votes, and voted aye.

By leave, Senator Chapin called up Senate File No. 122, A bill for an act to provide for the recovery of taxes paid on real estate by persons claiming title thereto in certain cases, with report of committee recommending that the bill do pass, which was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Walden, Wright—35.

The nays were Senators Fairall, Knoll, Larimer, Oliver, Richards, Wolf—6.

Absent but not excused, Senators Hedges, and Tuttle.

So the bill passed, and the title was agreed to.

Senator Powers moved to reconsider the vote last taken.

Senator Fellows moved that the motion be made the special order for March 10th, at 9½ o'clock.

The motion prevailed.

The following message was received from the House.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution, in which the concurrence of the Senate is asked:

Joint resolution requesting the census board to inquire into the expediency of procuring an engraved testimonial for honorably discharged soldiers who enlisted in regiments from this State.

Also, that the State refuses its consent to any exchange of any

part of the college farm, heretofore proposed by the Board of Trustees of the State Agricultural College and Farm.

BENJ. VAN STEENBURG, Assistant Clerk.

Be it Resolved by the General Assembly of the State of Iowa, That the Census Board, together with the Adjutant-General, shall be authorized to inquire into the expediency and the cost of procuring a suitably engraved testimonial of honor, to be by the Adjutant-General presented to each honorably discharged soldier, who enlisted in any regiment in the State, in the late war for the suppression of the rebellion, said testimonial to express the grateful appreciation by the State of the patriotism, valor and gallantry so often displayed upon many battle-fields, and finally crowned with victory. Said Census Board and Adjutant-General shall report to the General Assembly the result of their inquiry, with the probable cost of said testimonial, and no contract for the engraving and delivery of the same shall be made without the previous consent and approval of the General Assembly.

Adopted March 7, 1868.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Long called up Senate File No. 75, A bill for an act to amend section 840 of chapter 46 of the Revision of 1860, in relation to roads and highways.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—41.

The nays were none.

Absent but not excused, Senators Larimer and Meyer.

So the bill passed, and the title was agreed to.

By leave, Senator Richards called up Senate File No. 103, A bill for an act to amend an act entitled "The General School Act," passed April 8, 1862, with report of committee recommending amendments, which was considered, and report of committee was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell,

Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—43.

The nays were none.

So the bill passed, and the title was agreed to.

Senator Matthies moved that House messages be taken up.

The motion prevailed.

HOUSE MESSAGES

House File No. 78, A bill for an act to provide for the adjustment of claims of members of the First Iowa Cavalry, was taken up, read first and second time, and referred to Committee on Military Affairs.

House File No. 278, A bill for an act to prohibit the laying out or opening of roads across certain reserved lands of the State, and to vacate public roads on the same, was taken up, read first and second time, and referred to Committee on Agriculture.

House File No. 262, A bill for an act to amend section 430, of the Revision of 1860, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 279, A bill for an act to provide certain police regulations for the protection of the Agricultural College and Farm, and of the students therein, was taken up, read first and second time, and referred to Committee on Agriculture.

House File No. 259, A bill for an act legalizing the incorporation of the First Congregational Society of Mason City, Cerro Gordo county, Iowa.

Senator Patterson moved that the eleventh rule be suspended and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffiths, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Wright—42.

The nays were none.

Absent but not excused, Senator Tuttle.

So the bill passed, and the title was agreed to.

House File No. 112, A bill for an act to amend chapter 172 of the laws of the Ninth General Assembly, was taken up read first and second time, and referred to Committee on Schools.

House File No. 156, A bill for an act to amend article 2, chapter 64 of the Revision of 1860, relating to the sale of intoxicating liquors, was taken up read first and second time, and referred to Committee on Suppression of Intemperance.

Substitute for House File No. 199, A bill for an act to legalize

the official acts of Wm. H. Stivers, a notary public for Tama county, Iowa.

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

Substitute for House File No. 83, A bill for an act to amend section 317 of the Revision of 1860, in relation to compensation of members of the board of supervisors, was taken up, read first and second time, and referred to Committee on County and Township Organizations.

House File No. 39, A bill for an act to provide for the incorporation of towns and cities, was taken up, read first and second time, and referred to Committee on Incorporations.

House joint resolution relating to engraved testimonials for honorably discharged soldiers, was taken up and adopted.

House joint resolution relating to the Johnson-Stanton-Grant imbroglio, as amended by the House, was taken up and referred to Committee on Federal Relations.

House joint resolution relating to protection of American citizens in foreign countries, was taken up and referred to Committee on Federal Relations.

By leave, Senator Wright from Committee on Agriculture, submitted the following report:

The Committee on Agriculture to whom was referred Senate File 168, A bill for an act to reduce the number of trustees of the Iowa State Agricultural College and Farm, having considered the same, unanimously direct me to report it back and that the bill do pass.

JAMES D. WRIGHT, Chairman.

By leave, and on motion of Senator Wright, the bill was taken up and considered.

Senator Fellows moved that the rule be suspended, and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—88.

The nays were Senators Fairall, Meyer, Oliver, Smith—4.

Absent but not excused, Senator Larrabee.

So the bill passed, and the title was agreed to.

By leave, Senator Fairall offered the following:

Resolved, That it is the sense of the Senate that the shares in national banks ought to be rendered subject to taxation the same as other property, and that the Committee on Banks is hereby

instructed to report, at as early a day as practicable during this session, a bill in accordance with the views herein expressed.

The resolution was adopted.

By leave, Senator Casady called up substitute for Senate File No. 13, A bill for an act providing for the erection of buildings for a deaf and dumb asylum.

Senator Casady moved that it be made the special order for Thursday, March 12th, at 10 o'clock A. M.

The motion prevailed.

On motion of Senator Wolf the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 10, 1868.

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Remsburg.

Journal of yesterday read and approved.

Senator Parvin asked unanimous consent to record his vote on the constitutional amendments.

Leave was granted, and Senator Parvin voted yea.

By leave, Senator Bulis, from Committee on State University, submitted the following report.

The Committee on State University have had under consideration Senate File No. 153, A bill for an act in relation to the University report, and instruct me to return with recommendation that it pass.

BULIS, for Committee.

Ordered, that the report pass on file.

By leave, Senator Patterson, from Committee on Railroads, submitted the following report:

Your Committee on Railroads have had under consideration House File No. 32, and have instructed me to report the same back, and recommended its passage.

J. G. PATTERSON, for Committee.

By leave, and on motion of Senator Patterson, House File No. 32 was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Knoll, Long, Matthies, McMillan, Moore,

Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse Tuttle, Walden, Wright—85.

The nays were Senators Bennett, Hamilton, Larimer, Meyer, Mitchel, Oliver, Wolf—7.

Absent but not excused, Senators Larrabee and Newell.

So the bill passed, and the title was agreed to.

Senator Casady asked for leave of absence for Senator Hollman, which was granted.

By leave, Senator Powers introduced Senate File No. 169, A bill for an act to provide for the election of county auditors and to define their powers and duties, and making county judges *ex officio* county auditors.

Read first and second time, and referred to Committee on County and Township Organization, and ordered printed.

The President announced that the hour for the special order had arrived, it being the motion by which Senate File No. 122 was passed.

The motion being on the question to reconsider, the motion prevailed.

Senator Reed moved to reconsider the vote by which the bill was ordered read a third time.

The motion prevailed.

On motion of Senator Oliver the bill was referred to the Committee on Judiciary.

By leave, Senator Patterson introduced Senate File No. 170, A bill for an act making a grant of land to the McGregor and Sioux City Railway Company, and to execute the trust conferred by act of Congress entitled, An act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State, approved May 12, 1864.

Read first and second time, and referred to Committee on Railroads, and ordered printed.

By leave, Senator Donnan from Committee to visit the Soldiers' Orphans Home at Cedar Falls, submitted a report, which was ordered printed.

By leave, Senator Fairall introduced Senate File No. 171, A bill for an act to amend section 2470 of the Revision of 1860, relating to the limitation of actions against public officers.

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

Also, Senate File No. 172, A bill for an act transferring the counties of Tama and Benton from the Eighth to the Eleventh Judicial District, and fixing the time of holding courts therein.

Read first and second time, and referred to special committee, Senator Chapin chairman, of Senators from Benton, Iowa, Cedar and Marshall.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, being the consideration of Senate File No. 81, A bill for an act to enable municipal and public corporations at their election to settle, adjust and compound their indebtedness, and to provide for the issue of new bonds, and for the payment of such new bonds by the levy of specific taxes, and for this purpose altering and amending existing charters and laws.

And it was taken up.

On motion of Senator Powers the Senate resolved itself into Committee of the Whole upon the bill, and after spending some time therein, the committee rose, the President resumed the chair, and the chairman, Senator Cattell, reported that the committee have had under consideration Senate File No. 81; have made some progress therein, and ask leave to sit again.

The report was adopted.

By leave, Senator Bennett presented a petition from thirty-two citizens of Iowa in relation to changing game law, so as to protect wild turkeys.

Referred to Committee on Agriculture.

Senator Cones moved that Senate File No. 81 be made the special order for two o'clock P. M.

The motion prevailed.

By unanimous consent, Senator Needham recorded his vote in the affirmative, on the constitutional amendment.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 55, A bill for an act to provide for an additional argument term of the Supreme Court.

House File No. 134, A bill for an act for the annexation of the east half of section No. 1, and the north-east quarter of section No. 12, in township No. 69, north of range No. 3 west, in Des Moines county, State of Iowa, to sub-district No. 3 in Burlington township, in same county and State.

House File No. 136, A bill for an act reserving certain rights conferred upon the Dubuque and Pacific (now Dubuque and Sioux City) Railroad Company, by an act approved July 14, 1856, and acts amendatory thereof, and to repeal certain laws in relation thereto.

BENJ. VAN STEENBURG, Assistant Clerk.

On motion of Senator Oliver, the Senate adjourned.

TWO O'CLOCK, P. M.

Senate convened pursuant to adjournment, and the President being absent, was called to order by the Secretary.

On motion of Senator Doud, Senator Bennett was chosen temporary chairman.

Senator Pierce asked leave to have his name recorded as voting yea on the vote adopting the constitutional amendment.

Leave was granted.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the further consideration of Senate File No. 81.

Senator Cones moved that the Senate do now resolve itself into Committee of the Whole, for the further consideration of the bill.

The motion prevailed, and the Senate resolved itself into Committee of the Whole.

After spending some time therein, the committee rose, and (the President having resumed the chair) the chairman thereof, Senator Cattell, reported that the Committee of the Whole have had under consideration Senate File No. 81, and have instructed me to report the same back without recommendation.

Senator Cones moved that Senate File No. 81, together with the amendments be referred to special committee consisting of Senators Richards, Fairall, Bennett, and Matthies.

The motion prevailed.

By leave, Senator Cattell introduced Senate File No. 173, A bill for an act relating to assessment of property for taxation, and for other purposes.

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

The following message was received from the House :

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

House File No. 135, A bill for an act for the compensation of the Attorney General for certain services.

Also House File No. 256, A bill for an act to legalize the action of the officers of the corporate town of Montana, Iowa, in organizing a city of the second class.

Also House File No. 287, A bill for an act requiring the reporter of the Supreme Court to attend the argument term at Dubuque.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Cattell presented the following petition and claim of Townsend Hall for services for the arrest of one William Thomas, *alias*, Cumquick.

Referred to Committee on Claims.

By leave, Senator Knoll called up Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties.

The question being on the adoption of the report of the Committee of the Whole, the report was adopted.

The question being, "Shall the bill be engrossed and read a third time to-morrow?" The motion prevailed.

By leave, Senator Cones presented a memorial of the board of supervisors in relation to school districts.

Referred to Committee on Schools.

BILLS ON SECOND READING.

The resolution in relation to Rev. S. T. Wells opening the Senate with prayer, was taken up.

The question being on the amendment offered by Senator Bulis.

The amendment was lost.

The question recurring on the adoption of the resolution, the yeas and nays were demanded by Senator Knoll, and were as follows:

The yeas were Senators Bennett, Bulis, Cones, Donnan, Dunham, Farwell, Hawley, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Newell, Parvin, Rice, Robertson, Smith, Smyth—20.

The nays were Senators Casady, Cattell, Chapin, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hedges, Johnson, Knoll, Mitchel, Oliver, Patterson, Pierce, Powers, Richards, Traverse, Tuttle, Wolf, Wright—22.

Absent but not excused, Senators Moore, Reed, and Walden.

So the resolution was lost.

Senate File No. 142, A bill for an act giving to the prevailing party in cases appealed to the Supreme Court of this State certain compensation as costs, was taken up, and referred to Committee on Judiciary.

Senate File No. 91, A bill for an act to legalize the official acts of Henry Temple, a notary public of Cass county, Iowa, with report of committee recommending that the bill do pass, was taken up.

Senator Casady moved that the rule be suspended, and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright.—40.

The nays were Senator Knoll—1.

Absent but not excused, Senators Mitchel, Moore, Reed, and Walden.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bill and joint resolution, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Senate File No. 82, A bill for an act in relation to independent school districts.

Joint resolution asking the extension or enlargement of the grant of land to build a railroad from McGregor west on the forty-third parallel.

Also, joint resolution for the relief of Buchanan county.

BENJ. VAN STEENBURG, Assistant Clerk.

Senate File No. 11, A bill for an act to legalize the acts of John L. Gilman, a justice of the peace of Lee county, with report of committee recommending that the bill do pass, was taken up and read.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright—37.

The nays were, Senators Donnan, Dunham, Griffith, Hamilton, Knoll, Meyer, Wolf—7.

Absent but not excused, Senator Moore.

So the bill passed, and the title was agreed to.

Senate File No. 44, A bill for an act to amend chapter 51 of the Revision of 1860, in relation to towns, with report of committee recommending a substitute, was taken up, considered, and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Traverse, Tuttle, Walden, Wolf, Wright—85.

The nays were Senators Knoll, Meyer, Parvin, Richards, Smith, Smyth—6.

Absent but not excused, Senators Cattell, Dunham, McMillan, and Moore.

So the bill passed, and the title was agreed to.

Resolution relating to passage of an act relating to settlement of swamp land claims, with report of committee recommending that the resolution be indefinitely postponed, was taken up, and the report was adopted.

Senate File No. 93, A bill for an act to authorize the Register of the State Land Office to deliver patents to parties who purchased land of the Commissioner of the Des Moines River Improvement, when the original certificates of purchase have been lost or destroyed, with report of committee recommending that the bill do pass, was taken up.

The question being, "Shall the bill be engrossed and read a third time to-morrow?" the motion prevailed.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following resolution, in which the concurrence of the Senate is asked.

That asking our delegation in Congress to urge the passage of an act directing the Department to receive and pass upon the swamp land returns from Emmett, Buena Vista and a part of Dickinson counties, made subsequent to time fixed by law.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 2, A bill for an act to establish and organize a State reform school for juvenile offenders, with report of the Committee of the Whole, was taken up and considered, and the report was adopted.

Senator Powers moved that the bill be engrossed for further action, which was agreed to.

Senator Powers moved that the bill be printed and be made the special order for Tuesday, March 17th, at ten o'clock A. M.

The motion prevailed.

Senate File No. 99, A bill for an act respecting the estates of non-resident minors, with report of committee that it do pass, was taken up and considered.

Senator Parvin moved to recommit to Committee on Judiciary.

The motion prevailed.

Senate File No. 73, A bill for an act fixing the time when taxes shall become a lien on real estate, with report of committee recommending amendments, was taken up, and on motion of Senator Hawley, was recommitted to Committee on Ways and Means.

Senate File No. 95, A bill for an act in relation to the insane, the appointment of guardians therefor, and confirming their acts, with the report of committee that the bill do pass, was taken up, considered, and on motion of Senator Fairall, was recommitted to Committee on Judiciary.

Senate File No. 80, A bill for an act to amend section 2, chapter 115, laws of the Ninth General Assembly, relating to protection of game, with report of committee that it do not pass, was taken up.

Senator Farwell moved that the bill be indefinitely postponed.

The motion was lost.

Senator Richards moved that the bill be engrossed and read a third time to-morrow.

The motion prevailed.

Senate File No. 18, A bill for an act to provide for the appointment of official short-hand reporters of legal proceedings, and the preservation of evidence, with report of committee recommending amendments, was taken up and considered.

Senator Powers moved to amend the report of committee, by striking out of section 9, third line, the words "in long hand."

The motion prevailed.

On motion of Senator Parvin, the amendments were considered separately.

The several amendments recommended by the committee were adopted.

Senator Richards moved that the Senate resolve itself into Committee of the Whole for the further consideration of this bill.

The motion did not prevail.

The question being, Shall the bill be engrossed and read a third time to-morrow? the motion prevailed.

On motion of Senator Larimer, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 11, 1868.

Senate convened pursuant to adjournment.

The President in the chair.

Prayer by Rev. Mr. Dinsmore.

The journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Bulis: A petition of H. C. Hart and four hundred and ninety-one others, in relation to the Forty-Third Parallel Railroad Land Grant, which was referred to Committee on Railroads.

By Senator Hawley: A petition of Moses Lewis and others, citizens of Webster county, asking that the lands resumed from the Dubuque and Sioux City Railroad Company, be given to the Iowa Falls and Sioux City Railroad Company, which was referred to Committee on Railroads.

By Senator Larrabee: A petition of P. B. Ryon and two hundred and thirty-two others, citizens of Fayette county, in relation to the Forty-Third Parallel Railroad land grant, which was referred to Committee on Railroads.

By leave, Senator Farwell from committee to visit the Agricultural College and Farm, submitted a report, which was, on motion of Senator Wright, laid on the table, and ordered printed.

Senator Knoll, from Committee on Engrossed Bills, made the following report:

The Committee on Engrossed Bills have examined Senate File No. 80, also, Senate File No. 93, and would report that they found the same correctly engrossed.

F. M. KNOLL, for Committee.

By leave, Senator Smyth, from Committee to visit the Soldiers' Orphans Home at Glenwood, submitted a report which was on motion of Senator Parvin, ordered printed.

By leave, Senator Parvin, from Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred Senate File No. 152, A bill for an act for the relief of Barton B. Dunning, of Ringgold county, has considered the same, and instructed me to report the said bill to the Senate, and recommended that it pass.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Claims, to whom was referred the petition of Company A, Second Iowa Volunteer Infantry, praying for an appropriation to reimburse them for a suit of clothes furnished at private expense, which they were compelled to throw away by order of State authority, has considered said claims, and instructed me to report that there is no evidence that the company suffered any loss by the change of suit, and therefore recommend that the claims be not allowed.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

By leave, Senator Matthies, from Committee on Military Affairs, submitted the following report:

The Military Committee to whom has been referred the petition of the board of supervisors of Mitchell county, has instructed the undersigned to report the same back, without recommendation.

C. L. MATTHIES, Chairman.

Senate File No. 174, A bill for an act to legalize the action of Mitchell county, providing for equalizing the bounty of soldiers in said county, and to authorize the levying of a tax to pay the same.

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

By leave, Senator Smyth from Committee to visit Deaf and Dumb

Asylum at Council Bluffs, submitted the following report, which was passed on file:

To the General Assembly of the State of Iowa.—Your Joint Committee appointed to visit the site selected for the location of the Deaf and Dumb Asylum at Council Bluffs, beg leave to report that they performed that duty during the recess of the General Assembly.

They would heartily indorse the statements of the commissioners to locate the Asylum, as laid before you in their report, with reference to the tract they have selected. Its distance from the court house in Council Bluffs, less than two miles, and from the city limits, less than half a mile, has our approval. The tract of eighty acres which has been presented to the State by the citizens of Council Bluffs for the Asylum, is mainly a portion of the Missouri bottom, yet high enough to be at a good distance from any point ever known to be overflowed by the river, and beyond all contingency in this respect, while on the East it rises up on the side of the bluff and embraces one of its first elevations. From that point there is one of the most delightful prospects of all that region of magnificent views. The views immediately along the Musquito Creek and along the Missouri river, are fine ones, but the finest of all is that which is given of Omaha and Eastern Nebraska. The bluff is deemed by your committee a far better site for the Asylum buildings than the lower lands, yet that portion of the eighty-acre tract is too small and too near the eastern limit of the tract to be an eminently desirable building spot. If the State can secure ten acres more immediately on the east of this bluff, (and the citizens of Council Bluffs offer to obtain that tract for the State and at their own expense, if the General Assembly prefer that location) your committee would recommend it.

The General Assembly will permit us to say that the locating committee appointed by the last General Assembly, who secured the site and made the contract which has been submitted to you for approval, seem to have discharged their duty with great fidelity and wisdom. The State was peculiarly fortunate in obtaining the services of men so well qualified for their work by good judgment, excellent business views, and, in the case of the chairman at least, intimate personal acquaintance with similar institutions in other States.

ROBERT SMYTH.

On the part of the Senate.

L. F. PARKER,

P. G. WRIGHT,

On the part of the House of Representatives.

By leave, Senator Cattell from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have considered Senate File No. 72, and instructed me to report the accompanying substitute and recommend its passage.

CATTELL, for Committee.

Ordered, that the report pass on file.

By leave, Senator Wright from Committee on Agriculture, submitted the following report:

The Committee on Agriculture to whom was referred House File No. 279, A bill for an act to provide certain police regulations for the protection of the Iowa State Agricultural College and Farm and of the students therein, have considered the same and direct me to report that it be amended by striking out at the end of section 2 the words "or by both such fine and imprisonment," and as so amended the bill do pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also, the following:

The Committee on Agriculture, to whom was referred House File No. 278, A bill for an act to prohibit the laying out or opening of roads across certain reserved lands of the State and to vacate the same, having considered the bill, direct me to report it back, and recommend that the bill do pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

By leave, Senator Hawley, from special committee on petitions of citizens of Webster county, submitted the following report:

The committee to whom was referred the petitions of citizens of Webster county asking to be transferred to the Fourth Judicial District, would report that they have had the same under consideration, and have directed me to report the accompanying bill for that purpose.

THOS. HAWLEY, Chairman.

Senate File No. 175, A bill for an act detaching the county of Webster from the Eleventh Judicial District, and annexing the same to the Fourth Judicial District.

Read first and second time, and passed on file.

The report was passed on file.

By leave, Senator Needham, from Committee on Schools, submitted the following report:

The Committee on Schools have had under consideration the following named bills, and recommend as follows:

Senate File No. 112: The committee recommend two amendments as indicated on the margin, and that the bill do then pass.

Senate File No. 104: That the bill do not pass.

Senate File No. 151: That the bill do pass.

NEEDHAM, Chairman.

Ordered that the report pass on file.

SPECIAL ORDER.

The President announced that the hour for the special order had

arrived, it being the further consideration of Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting.

The Senate resolved itself into Committee of the Whole for the further consideration of the bill. After spending some time therein, the committee rose, the President resumed the chair, and the chairman thereof, Senator Cattell, reported that the committee have had under consideration Senate File No. 42, have made some progress therein, and report the bill with amendments to the Senate, and recommend the same be referred to Committee on Elections.

Senator Walden moved to amend the report by adding the following section :

No person who comes into this State, and who, on account of having been disfranchised for participating in rebellion against the United States, is by law debarred from the right of suffrage in the State from whence he came, shall be considered a citizen and resident of this State within the meaning of this act, nor shall he be permitted to register his name under this act.

On motion the bill and the several amendments were referred to the Committee on Elections.

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

HOUSE MESSAGES.

House File No. 256, A bill for an act to legalize the action of the officers of the corporate town of Montana, in Boone county, in organizing a city of the second class, was taken up, read first and second time, and on motion of Senator Mitchel, the eleventh rule was suspended and the bill read a third time.

On the question, " Shall the bill pass ? "

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—38.

The nays were Senator Wolf—1.

Absent but not excused, Senators Cones, Newell, Patterson, Rice, and Wright.

So the bill passed, and the title was agreed to.

Senator Oliver asked for leave of absence for Senator Fellows, which was granted.

Senator Long asked for leave of absence for Senator Moore, which was granted.

House File No. 237, A bill for an act requiring the reporter of the Supreme Court to attend the argument term at Dubuque, was taken up and read first and second time, and referred to Committee on Judiciary.

House File No. 135, A bill for an act to fix the compensation of the Attorney-General for certain services, was taken up, read first and second time, and referred to Committee on Judiciary.

The House joint resolution relating to refusing consent to exchange part of the Agricultural College and Farm, was taken up and the resolution was adopted.

House concurrent resolution relating to swamp lands in Emmett and other counties, was taken up, read and adopted.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval, Senate File No. 82.

Also, joint resolution for the relief of Buchanan county.

Also, joint resolution for the enlargement of the grant of lands to aid in the construction of a railroad from McGregor westwardly on the forty-third parallel.

THEO. HAWLEY, Chairman.

By leave, Senator Richards introduced Senate File No. 176, A bill for an act empowering municipal corporations to contract for the use of railroad bridges as public highways.

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

By leave, Senator Needham introduced Senate File No. 177, A bill for an act to amend sections 1575 and 1576, of the Revision of 1860, in relation to permits for the sale of intoxicating liquors.

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

By leave, Senator Powers introduced Senate File No. 178, A bill for an act to legalize the acts of the city council and officers of the city of Cedar Falls, and the incorporation of said city.

Read first and second time.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright.—41.

The nays were Senators Hamilton, Wolf.—2.

Absent, but not excused, Senators Newell and Reed.

So the bill passed, and the title was agreed to.

On motion of Senator Bulis the report of the Committee on Schools made this morning, was taken up.

Senate File No. 151, A bill for an act to repeal section 6 of chapter 52 of the laws of the Tenth General Assembly, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Bulis moved that the rule be suspended and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larrabee, Long, Matthews, McMillan, Mitchel, Needham, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright — 38.

The nays were, Senators Donnan, Knoll, Larimer, Meyer, Oliver, Walden — 6.

Absent but not excused, Senator Newell.

So the bill passed, and the title was agreed to.

The following message was received from the House :

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

House File No. 28, A bill for an act to legalize the acts of E. Kinley, a notary public for Lee county.

House File No. 30, A bill for an act to amend chapter 46 of the Revision.

House File No. 40, A bill for an act to authorize boards of supervisors to compromise certain judgments.

House File No. 49, A bill for an act to amend an act to prevent the driving away of cattle and other stock.

House File No. 60, A bill for an act to provide for the payment of witness and jurors' fees in State cases.

House File No. 89, A bill for an act to amend chapter 135 of the acts of the Eleventh General Assembly.

House File No. 124, A bill for an act to perfect the title of Peter Olesen and Magnus Rangoin to certain lands.

House File No. 142, A bill for an act to amend section 754 of the Revision of 1860.

House File No. 297, A bill for an act for the relief of William Binnaman.

Senate File No. 56, A bill for an act relative to the claim of Jos. D. Hoag.

Substitute for House File No. 14, A bill for an act to legalize the levy of certain taxes for the payment of soldiers' bounties.

Substitute for House File No. 57, A bill for an act fixing the time of holding courts in the Second Judicial District.

House File No, 186, A bill for an act to enable townships and

incorporated towns and cities to aid in the construction of railroads.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Chapin, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 12, 1868.

Senate convened pursuant to adjournment.

The President in the chair.

Prayer by Rev. Mr. Hayhurst.

Journal of yesterday was read and approved.

The following message was received from the House:

MR. PRESIDENT; I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 300, A bill for an act defining the duties of county treasurers.

I am also directed to inform the Senate that the House has passed Senate File No. 90, A bill for an act to relinquish an escheat to Wm. Geddes of certain lands in Scott county.

Senate File No. 103, A bill for an act to amend an act entitled the general school act, passed April 8, 1862, requiring county treasurers to pay over money to independent school districts monthly.

Senate File No. 137, A bill for an act to provide for the publication and distribution of the laws of the Twelfth General Assembly of Iowa.

I am also directed to inform the Senate that the House has adopted the accompanying joint resolution relative to the presentation of a suitable testimonial of honor to all honorably discharged soldiers who served during the late war for the suppression of the rebellion. The report of the census board upon this subject is also herewith submitted.

M. C. WOODRUFF, Chief Clerk.

PETITIONS AND MEMORIALS.

By Senator Mitchel: A petition of H. Corbin and one hundred and sixty-five others, asking that the land grant of the Dubuque and Sioux City Railroad be re-granted to the Iowa Falls and Sioux City Railroad Company, which was referred to Committee on Railroads.

By Senator Hawley: A remonstrance of John Haire and others, against the passage of any law regulating railroad tariffs on unfinished railroads, which was referred to Committee on Railroads.

By Senator Wolf: A petition of J. T. Culbertson and others, in relation to authorizing townships to levy taxes for railroad purposes, which was referred to Committee on Ways and Means.

By leave, Senator Donnan, from Committee on Senatorial Districts, introduced Senate File No. 179, A bill for an act apportioning the State into Senatorial Districts.

Read first and second time, and on motion of Senator Donnan was laid on the table and ordered printed.

By leave, Senator Smyth, from Committee on Banks, submitted the following report:

The Committee on Banks, to whom the resolution in relation to taxing the shares in national banks was referred, have instructed me to report the following bill:

Senate File No. 180, A bill for an act to provide for the taxation of shares of national banks.

SMYTH, Chairman.

Read first and second time, and passed on file.

Ordered, that the report pass on file.

BILLS ON SECOND READING.

Senate File No. 29, A bill for an act to repeal chapter 118 of the laws of the Eleventh General Assembly, and to enact a law to provide for the publication of the proceedings of the board of supervisors of the several counties, with majority report recommending that the bill be indefinitely postponed, was taken up and considered, the question being on the amendment to the resolution recommitting the bill to Committee on Printing, with instructions.

By leave, Senator Tuttle introduced a petition on that subject which was read.

Senator Donnan moved to lay the whole matter on the table, on which the yeas and nays were demanded, and were as follows:

The yeas were, Senators Bennett, Bill, Chapin, Donnan, Farwell, Griffith, Grimes, Johnson, Keller, Knoll, Larimer, Matthies, McMullan, Mitchel, Patterson, Powers, Reed, Rice, Richards, Smith, Smyth, Tuttle, Wright—22.

The nays were, Senators Bulis, Casady, Cattell, Cones, Doud, Dunham, Fairall, Hamilton, Hawley, Hedges, Hollman, Larrabee, Long, Meyer, Newell, Oliver, Parvin, Pierce, Traverse, Walden, Wolf—22.

The vote being a tie, the President voted yea.

So the motion prevailed.

Senator Bulis asked for leave of absence for Senator Robertson, which was granted.

By leave, Senator Powers from Committee on Judiciary, submitted the following report:

The Judiciary Committee have had under consideration Senate File

No. 110, and report a substitute therefor, and recommend the passage of the substitute.

J. B. POWERS, Chairman.

On motion the substitute was read.

Senator Powers moved to suspend the rule and read the bill a third time now, pending which the President announced that the hour for the special order had arrived, it being the consideration of substitute for Senate File No. 13, A bill for an act providing for the erection of buildings for a Deaf and Dumb Asylum.

Senator Hedges moved that the special order be postponed for fifteen minutes.

The motion prevailed.

The consideration of substitute for Senate File No. 110 was resumed.

Senator Hawley moved that further action in regard to this bill be postponed until to-morrow morning at ten o'clock.

Senator Doud moved that the bill be made the special order for to-morrow morning at eleven o'clock.

The motion prevailed.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of substitute for Senate File No. 13.

Senator Casady moved to add to section 1 the following:

"Provided, however, that said commissioners shall obtain perfect title, without expense to the State, to the north half of the north half of the north-west quarter of the south-west quarter of section eight, township seventy-four, range forty-three, and the same is hereby made a portion of the site for said asylum.

Senator Farwell moved that the report of the committee to visit the Deaf and Dumb Asylum at Council Bluffs be printed, and the bill be made the special order for March 19th, at ten o'clock A. M.

The motion did not prevail.

The question recurring on the amendment offered by Senator Casady, the amendment was adopted.

Senator Rice moved to strike out the first section and insert the following:

Be it enacted by the General Assembly of the State of Iowa, That grounds be selected near Marshalltown to be donated by the citizens thereof, and _____ be appointed commissioners to examine and receive such grounds for the benefit of the State, to erect buildings for a deaf and dumb asylum, and the said commissioners are hereby authorized to accept such donation if in their opinion such grounds are well selected and suited for such purpose, and said asylum be located thereon.

The motion did not prevail.

Senator Meyer offered the following substitute for section 1:

Be it enacted by the General Assembly of the State of Iowa, That grounds be selected near Des Moines to be donated by the citizens thereof, and be appointed commissioners to examine and receive such ground for the benefit of the State, to erect buildings for a deaf and dumb asylum, and the said commissioners are hereby authorized to accept such donation if in their opinion such grounds are well selected and suited for such purpose, and said asylum be located thereon, pending which, Senator Farwell moved to adjourn until two o'clock P. M.

The motion did not prevail.

The question being on the adoption of the substitute offered by Senator Meyer, the yeas and nays were demanded, and were as follows:

The yeas were Senators Bill, Bulis, Cattell, Doud, Farwell, Grimes, Hamilton, Johnson, Keller, Larimer, Long, Meyer, McMullan, Needham, Parvin, Pierce, Reed, Smith, Traverse, Walden, Wolf, Wright.—22.

The nays were Senators Bennett, Casady, Chapin, Cones, Donnan, Dunham, Fairall, Griffith, Hawley, Hedges, Hollman, Knoll, Larabee, Matthies, Mitchel, Newell, Oliver, Patterson, Powers, Rice, Richards, Smyth, Tuttle.—23.

So the substitute was not adopted.

On motion of Senator Reed, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 13, 1868.

Senate convened at 9 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. DeForest.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Bulis: A petition of six hundred and nineteen citizens of Northern Iowa asking that the Forty-Third Parallel Railroad Land Grant be conferred upon the McGregor and Sioux City Railroad company.

Referred to Committee on Railroads.

By Senator Matthies: A petition of O. C. Wightman and others asking for a law to protect fish during the months of March, April, May and June.

Referred to Committee on Judiciary.

By Senator Wright: A communication from J. M. Shaffer, Secretary of State Agricultural Society, which was read.

By leave, Senator Wright offered the following:

Resolved, by the Senate, the House concurring, That the Secretary of State be requested to deliver to the Iowa State Agricultural Society the copies of transactions now in the public ware-room, except so many as in his judgment it may be to the interest of the State to retain.

The resolution was adopted.

By Senator Larrabee: A petition of James S. Stewart and eighty-eight others, in relation to the Forty-Third Parallel Railroad.

Referred to Committee on Railroads.

Also, a petition of D. H. Harvey and two hundred others, on same subject, with same reference.

By Senator Tuttle: A petition of J. H. Carter and others asking that counties may be empowered to use their credit for railroad purposes.

Referred to Committee on Ways and Means.

By leave, Senator Matthies introduced Senate File No. 181, A bill for an act requiring the boards of directors of the several school districts to publish a statement of all moneys received or expended during the year, for school and school-house purposes, fifteen days prior to the annual election of school directors.

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

By leave, Senator Hamilton from Committee on Incorporations, submitted the following report:

The Committee on Incorporations to whom was referred Senate File No. 87, A bill for an act in relation to insurance companies, organized under the laws of Iowa, and also Senate File No. 123, would respectfully report that they have prepared a substitute for said bills which is herewith submitted, and the committee recommend that the substitute do pass.

A. H. HAMILTON, Chairman.

On motion of Senator Hamilton the report was made the special order for March 18th, at ten o'clock A. M.

By leave, Senator Bulis, from committee to visit the Hospital for the Insane, submitted a report which was, on motion of Senator Reed, ordered printed.

Senator Reed moved that House messages be taken up.

The motion prevailed.

HOUSE MESSAGES.

Report of census board and Adjutant-General in relation to procuring engraved testimonials for honorably-discharged soldiers, with the accompanying resolution:

Be it Resolved, by the General Assembly of the State of Iowa,

That the census board of this State be authorized and directed to procure a suitable testimonial of honor upon the terms and of the character indicated in their report to the House of Representatives, to be presented to each honorably-discharged soldier who has served in any Iowa regiment during the late war for the suppression of the rebellion, and expressing the grateful acknowledgement of their valor and patriotism by the State of Iowa; this testimonial to be signed by the Governor and Secretary of State, and countersigned and delivered by the Adjutant-General of the State to each officer, non-commissioned officer, and private.

Was taken up and read first and second time.

Senator Reed moved that the eleventh rule be suspended, and the resolution read a third time now.

The President announced that the hour for the special order had arrived.

On motion of Senator Fairall the special order was postponed for ten minutes.

Senator Larrabee moved to strike out all relating to the engraved testimonial, and insert a gold medal to be worth twenty dollars at least.

On motion of Senator Cattell, the whole matter was referred to Committee on Military Affairs.

Senator Wright asked for leave of absence for Senator Farwell, which was granted.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 105, A bill for an act to regulate the sale of malt, spirituous, or vinous liquors; and Senate File No. 108, A bill for an act to amend article 3, chapter 64, of the Revision of 1860, for the suppression of intemperance; and Senate File No. 136, A bill for an act to amend section 1063, of the Revision of 1860, in relation to the sale of intoxicating liquors, with reports of Committee on Suppression of Intemperance, were taken up and the majority report was first considered, pending the consideration of which, the following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 108, A bill for an act to authorize the sale of certain school lands in Webster and Hamilton counties.

House File No. 310, A bill for an act to amend an act entitled an act amending section 114, of chapter 15, of the code, and to regulate the same.

House File No. 303, A bill for an act to legalize and confirm an

ordinance of the city of Dubuque, granting certain rights of way to the Dunleith and Dubuque Bridge Company.

The House has also passed Senate File No. 92, A bill for an act to legalize the establishment of county roads, with the following amendment :

Add at end of section 1, "*Provided*, this act shall not apply to cases now in the District Court to the injury of the litigants," in which the concurrence of the Senate is asked.

I am also directed to inform the Senate that the House has adopted the following joint resolution in which the concurrence of the Senate is asked :

That memorializing Congress relative to the claims of Lieut. J. F. St. John ;

That asking our delegation in Congress to use their influence to have the name of David C. Wagner inscribed on the pension list, with a pension allowed from the time of his discharge; each of which is accompanied with memorials in their behalf.

I am also directed to inform you that the House has passed House File No. 59, A bill for an act abolishing all distinctions between foreigners and citizens as to the acquisition, enjoyment and transfer of property.

House File No. 216, A bill for an act to authorize the State Treasurer to provide iron shelving and other repairs upon the vault in his office.

House File No. 26, A bill for an act to promote the collection of revenue of incorporated cities and towns acting under special charters.

Senate File No. 85, A bill for an act authorizing the clerks of boards of supervisors to make returns to the Governor of the location of the graves of deceased Iowa soldiers, and for other purposes, which I herewith return.

M. C. WOODRUFF, Chief Clerk.

The question being on the adoption of the majority report recommending that Senate File No. 105 be indefinitely postponed, Senator Oliver moved the previous question.

Pending which, Senator Wolf moved to adjourn until two o'clock this afternoon, and that the subject under consideration be made the special order for that hour.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK P. M.

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

The consideration of the reports of the special committee on Suppression of Intemperance was resumed.

The question being, "Shall the previous question be now put?" Senator Oliver withdrew the call.

The question being on the report that Senate File No. 105 be indefinitely postponed, the yeas and nays were demanded by Senator Richards, and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—82.

The nays were Senators Casady, Cones, Dunham, Fairall, Farwell, Fellows, Hedges, Hollman, Knoll, Matthies, Newell, Rice, Richards—12.

So the motion to indefinitely postpone prevailed.

The question being on the motion to indefinitely postpone Senate File No. 108, the yeas and nays were demanded by Senator Richards, and were as follows:

The yeas were Senators Bennett, Bill, Bulis, Casady, Cones, Doud, Fairall, Grimes, Hamilton, Hawley, Hedges, Hollman, Knoll, Larimer, Larrabee, Matthies, Mitchel, Newell, Oliver, Patterson, Powers, Richards, Smith, Tuttle, Wright—25.

The nays were Senators Cattell, Chapin, Donnan, Griffith, Johnson, Keller, Long, Meyer, McMillan, Needham, Parvin, Pierce, Reed, Rice, Smyth, Traverse, Walden, Wolf—18.

Absent but not excused, Senator Dunham.

So the motion prevailed.

Subsequently Senator Fellows had leave to record his vote, and voted aye.

Senator Patterson moved that the vote last taken be reconsidered.

Senator Oliver moved to lay the motion to reconsider on the table, on which question the yeas and nays were demanded by Senator Parvin, and were as follows:

The yeas were, Senators Bennett, Bill, Bulis, Casady, Doud, Dunham, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Larimer, Larrabee, Matthies, Mitchel, Newell, Oliver, Powers, Smith, Wright—21.

The nays were, Senators Cattell, Chapin, Cones, Donnan, Fairall, Griffith, Keller, Knoll, Long, Meyer, McMillan, Needham, Parvin, Patterson, Pierce, Reed, Rice, Richards, Smyth, Traverse, Tuttle, Walden, Wolf—23.

So the motion did not prevail.

Senator Patterson moved to make the motion to reconsider the special order for March 19, at ten o'clock A. M., on which question the yeas and nays were demanded by Senator Richards, and were as follows:

The yeas were, Senators Cattell, Chapin, Cones, Fairall, Griffith, Hollman, Keller, Knoll, Long, Meyer, Needham, Parvin, Patterson, Rice, Richards, Smyth, Traverse—17.

The nays were, Senators Bennett, Bill, Bulis, Casady, Donnan, Doud, Dunham, Grimes, Hamilton, Hawley, Hedges, Johnson, Larimer, Larrabee, Matthies, McMillan, Mitchel, Newell, Oliver, Pierce, Powers, Reed, Smith, Tuttle, Walden, Wolf, Wright—27.

So the motion did not prevail.

Senator Patterson by consent withdrew the motion to reconsider.

Senate File No. 136, A bill for an act to amend section 1063 of Revision of 1860 in relation to sale of intoxicating liquors, with report of committee recommending a substitute was taken up and considered.

Senator Knoll moved to amend as follows: Strike out of section 2, second line, the word "or prohibit."

On which the yeas and nays were demanded by Senator Bill, and were as follows:

The yeas were, Senators Casady, Cones, Fairall, Hedges, Hollman, Knoll, Matthies, Newell, Richards—9.

The nays were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—38.

Absent but not excused, Senators Dunham and Larimer.

So the motion did not prevail.

Senator Needham moved to amend as follows: Strike out all after enacting clause in 1st and 2d sections, and insert "that all incorporated towns and cities in this State shall have the power to prohibit the sale of all intoxicating liquors, including beer and wine.

SEC. 2. All provisions of acts or parts of acts inconsistent with this act are hereby repealed."

On which question the yeas and nays were demanded by Senator Parvin, and were as follows:

The yeas were Senators Bulis, Cattell, Chapin, Doud, Griffith, Keller, Long, Meyer, McMillan, Needham, Parvin, Patterson, Smyth, Traverse, Walden—15.

The nays were Senators Bennett, Bill, Casady, Cones, Donnan, Fairall, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Matthies, Mitchel, Newell, Oliver, Pierce, Powers, Rice, Richards, Smith, Tuttle, Wolf, Wright—27.

Absent but not excused, Senators Dunham, and Reed.

So the motion did not prevail.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have

examined Senate File Nos. 35, 56, 90, 103, and 137, and find the same correctly enrolled.

THEO. HAWLEY, Chairman.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 56, A bill for an act relative to the claim of Joseph D. Hoag, as commissioner to locate a permanent seat of government.

Senate File No. 90, A bill for an act to relinquish to Wm. Geddes all title of the State of Iowa by escheat to certain lands in Scott county, Iowa.

Senate File No. 103, A bill for an act to amend an act entitled the general school act, April 8, 1862.

Senate File No. 137, A bill for an act to provide for the publication and distribution of the laws of the Twelfth General Assembly of the State of Iowa.

Also Senate File No. 35, A bill for an act making it the duty of the clerk of the board of supervisors to make return to the Governor of the location of the graves of deceased soldiers in their respective counties, and for other purposes.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Larrabee moved to amend section 2, first line, by inserting after the word "towns," the word "townships."

The motion did not prevail.

Senator Bill moved to add to section 2, the words, "for the purposes of this act beer and wine shall be considered intoxicating liquors."

On which question the yeas and nays were demanded by Senator Richards, and were as follows:

The yeas were Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright.—31.

The nays were Senators Bulis, Casady, Cones, Fairall, Hedges, Hollman, Knoll, Larimer, Matthies, Newell, Rice, Richards.—12.

Absent, but not excused, Senator Dunham.

So the motion prevailed.

The question being on the adoption of the substitute as amended, the yeas and nays were demanded by Senator Richards, and were as follows:

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Mitchel, Oliver, Patterson, Pierce, Powers, Reed, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—28.

The nays were, Senators Casady, Chapin, Cones, Fairall, Hedges, Hollman, Knoll, Matthies, Meyer, McMillan, Newell, Parvin, Rice, Richards—14.

Absent but not excused, Senator Dunham.

So the substitute as amended was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Mitchel, Oliver, Patterson, Pierce, Powers, Reed, Smith, Traverse, Tuttle, Walden, Wolf, Wright—24.

The nays were Senators Bulis, Casady, Chapin, Cones, Fairall, Hedges, Hollman, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Needham, Newell, Parvin, Richards, Smyth—19.

Absent but not excused, Senator Dunham.

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

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 110, A bill for an act supplemental to chapter 22, laws of the Eleventh General Assembly, with report of committee recommending a substitute, which was taken up and considered. The substitute was adopted.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—36.

The nays were Senator Larimer—1.

Absent but not excused, Senators Bill, Cattell, Dunham, Hamilton, Larrabee, Mitchel, and Smith.

So the bill passed, and the title was agreed to.

By leave, Senator Richards from Special Committee on Senate File No. 81, submitted the following report:

The Select Committee to whom was referred Senate File No. 81, with the view that they should examine and report upon sections 3 and 4 in said bill, ask leave to report that they have agreed upon two sections as substitutes to sections 3 and 4 in said bill, and recommend their adoption.

B. B. RICHARDS, Chairman.

Ordered, that the report pass on file.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this

day presented to the Governor for his approval Senate File Nos. 85, 56, 90, 108, and 187.

THEO. HAWLEY, Chairman.

By leave, Senator Larimer from Committee on Orphans' Home, submitted the following report:

Your committee to whom was referred Senate File No. 157, have had the same under consideration, and have instructed me to report the same back with the following amendment, viz: In section 2 after the word "Davenport" in the second line, insert "and for replacing furniture therein."

In section 3 after the word "erecting," in the first line, insert the words "and furnishing."

In section 4 after the word "erection," in the first line, insert the words "and furnishing."

Thus amended, your committee unanimously recommend the passage of the bill.

A. M. LARIMER, Chairman.

Ordered, that the report pass on file.

By leave, Senator Newell offered the following:

Resolved, That it is the sense of the Senate that the committee on banks be required to report a bill placing our banks on an equal footing with private citizens under our usury laws.

Pending the consideration of which, on motion of Senator Smyth, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 14, 1868.

Senate convened at nine o'clock, A. M., the President in the chair.

Prayer by Rev. Mr. Heacock.

The journal of yesterday was read and approved.

Senator Parvin asked for leave of absence for Senator Smyth, which was granted.

Senator Matthias asked for leave of absence for Senator Wright, which was granted.

Senator Larimer asked for leave of absence for Senator Smith, which was granted.

By consent, and on motion of Senator Doud, the title of Senate File No. 110 was amended to read as follows: "A bill for an act supplemental to chapter 22 of the laws of the Eleventh General Assembly, providing for the settlement of contracts and claims growing out of the Des Moines River improvement.

By leave, Senator Bennett introduced Senate File No. 182, A bill

for an act to legalize certain acts of the board of supervisors of Washington county, Iowa.

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

By leave, Senator Needham introduced Senate File No. 178, A bill for an act authorizing the Register of the State Land Office to issue a new deed for certain lands to James Bones in lieu of one issued to him January 29, 1857, in the name of James Bowen; and to correct certain errors on the books of his office.

Read first and second time, and referred to Committee on Public Lands.

By leave, Senator Hawley introduced Senate File No. 184, A bill for an act to secure the early completion of the railroad from Dubuque to Sioux City, and for other purposes.

Read first and second time, and referred to Committee on Railroads, and ordered printed.

By leave, Senator Griffith called up Senate File No. 92, A bill for an act to legalize the establishment of county roads, with House amendments.

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

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Traverse, Tuttle, Wolf—86.

The nays were Senator Cones—1.

Absent but not excused, Senators Bill, Oliver, and Walden.

So the House amendments were concurred in.

By leave, Senator Griffith, from Committee on Public Buildings, submitted the following report:

Your committee, to whom was referred House File No. 152, A bill for an act to provide for the erection of a State House, have had the same under consideration, and instruct me to report the same back with the recommendation that it do pass.

G. E. GRIFFITH, Chairman.

Senator Griffith moved that House File No. 152 be considered now.

Senator Larimer moved that the bill be made the special order for Thursday, March 19th, at 10 o'clock A. M.

The motion prevailed.

By leave, Senator Hawley introduced Senate File No. 185, A bill for an act to provide for the taxation of certain indemnity swamp-lands.

Read first and second time, and referred to Committee on Public Lands.

Senator Matthies moved that House messages be taken up.

The motion prevailed.

HOUSE MESSAGES.

House File No. 186, A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads, was taken up, and read first and second time.

Senator Cattell moved to amend section 2 by striking out of third line the words "one-third," and insert the words "a majority."

Senator Patterson moved that the further consideration of the bill be made the special order for March 16th, at 10 o'clock A. M.

The motion prevailed.

House File No 26, A bill for an act to promote the collection of revenue of incorporated cities and towns under special charters, was taken up, read first and second time, and referred to Committee on Incorporations.

House File No. 216, A bill for an act to authorize the State Treasurer to provide iron shelving and other repairs in the vault in his office, was taken up, read first and second time, and, on motion of Senator Bennett, the eleventh rule was suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Traverse, Tuttle, Walden, Wolf—39.

The nays were none.

Absent but not excused, Senators Dunham and Mitchel.

So the bill passed, and the title was agreed to.

Substitute for House File No. 57, A bill for an act fixing the time of holding courts in the Second Judicial District, was taken up, read first and second time, and, on motion of Senator Hamilton, the eleventh rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Traverse, Tuttle, Walden, Wolf—39.

The nays were none.

Absent but not excused, Senators Cones and Newell.

So the bill passed, and the title was agreed to.

House File No. 59, A bill for an act abolishing all distinctions between foreigners and citizens as to the acquisition, enjoyment and transfer of property, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 303, A bill for an act to legalize and confirm an ordinance of the city of Dubuque granting certain rights of way to the Dunlieth and Dubuque Bridge Company, was taken up, read first and second time, and referred to Committee on Incorporations.

House File No. 310, A bill for an act amending section 114 of chapter 15 of the Code, and also to regulate the same, was taken up, read first and second time, and referred to Committee on Agriculture.

House File No. 108, A bill for an act to authorize the sale of certain school-lands in Webster and Hamilton counties, was taken up, read first and second time, and referred to Committee on Public Lands.

Substitute for House File No. 14, A bill for an act to legalize the levy of certain taxes, for the payment of soldiers' bounties, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 142, A bill for an act to amend section 754, of the Revision of 1860, was taken up, read first and second time, and referred to Committee on County and Township Organization.

House File No. 124, A bill for an act to perfect the title of Peter Oleson and Magnus Rangoin to certain lands, was taken up, read first and second time, and on motion of Senator Bulis the eleventh rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Traverse, Tuttle, Walden, Wolf—38.

The nays were none.

Absent but not excused, Senators Bennett, Dunham, and Larrabee.

So the bill passed, and the title was agreed to.

House File No. 89, A bill for an act to amend chapter 135 of the acts of the Eleventh General Assembly, entitled an act to require owners of threshing-machines to guard against accidents, was taken up, read first and second time, and on motion of Senator Meyer, the eleventh rule was suspended and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Patterson, Pierce, Powers, Rice, Richards, Traverse—32.

The nays were Senators Oliver, Parvin, Walden, Wolf—4.

Absent but not excused, Senators Bennett, Dunham, Larrabee, Reed, and Tuttle.

So the bill passed, and the title was agreed to.

Substitute for House File No. 60, A bill for an act to provide for the payment of witness' fees and jurors' fees in State cases, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 49, A bill for an act to amend an act entitled an act to prevent the driving away of cattle and other stock, was taken up and read first and second time, and referred to Committee on Agriculture.

House File No. 40, A bill for an act to authorize the boards of supervisors to compromise certain judgments, was taken up, read first and second time, and referred to Committee on Judiciary.

House File No. 28, A bill for an act to legalize the acts of E. Kinley, a notary public for Lee county, was read first and second time, and referred to Committee on Judiciary.

House File No. 30, A bill for an act to amend chapter 46 of the Revision of 1860, in relation to state and county roads, was taken up and read first and second time.

Senator Bennett moved to amend last section by adding the words "through the mails."

The motion prevailed.

Senator Hawley moved to suspend the rule and read the bill a third time now.

Senator Patterson moved to refer the bill to the Committee on Roads.

The motion prevailed.

House File No. 800, A bill for an act requiring county treasurer's to insert in tax receipts the valuation of each piece of real estate, was taken up and read first and second time.

Senator Bennett moved that the bill be indefinitely postponed.

Senator Bulis moved to refer to Judiciary Committee.

The motion prevailed.

House File 297, A bill for an act for the relief of William Binnaman, was taken up, read first and second time, and referred to Committee on Judiciary.

House joint resolution memorializing Congress in favor of placing the name of David C. Wagner on the pension list, was taken up read and adopted.

House joint resolution memorializing Congress in respect to the claims of Lieutenant J. F. St. John, was taken up and read and adopted.

Senator Meyer moved to reconsider the vote by which substitute for Senate File No. 136, A bill for an act in relation to the sale of intoxicating liquors in incorporated cities and towns was lost, on

which question the yeas and nays were demanded, and were as follows :

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Traverse, Tuttle, Walden, Wolf—29.

The nays were, Senators Casady, Chapin, Cones, Hedges, Hollman, Newell, Rice, Richards—10.

Absent but not excused, Senators Larimer and Reed.

So the motion prevailed.

Senator Meyer moved that the vote by which the bill was ordered read a third time be reconsidered, on which question the yeas and nays were demanded by Senator Newell, and

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Parvin, Pierce, Reed, Traverse, Tuttle, Walden, Wolf—27.

The nays were Senators Casady, Cones, Dunham, Hedges, Hollman, Knoll, Larimer, Matthies, Newell, Oliver, Patterson, Powers, Rice, Richards—14.

The motion prevailed.

Senator Wolf moved that the bill be made the special order for March 18th, at 10 o'clock, A. M.

On which motion the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Cattell, Chapin, Doud, Dunham, Griffith, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Parvin, Patterson, Pierce, Powers, Traverse, Tuttle, Walden, Wolf—23.

The nays were Senators Bill, Bulis, Casady, Cones, Donnan, Fairall, Grimes, Hamilton, Hedges, Hollman, Knoll, Larimer, Matthies, Newell, Oliver, Reed, Rice, Richards—18.

The motion prevailed.

PETITIONS AND MEMORIALS.

By Senator Newell: A petition of Wm. Eeno and others, in relation to the forty-third parallel land grant, and expressing confidence in the Forty-Third Parallel Railroad Company.

Referred to Committee on Railroads.

Also a petition of F. S. Palmer and seven hundred others, on same subject, with same reference.

By Senator Oliver: A petition of John Alexander and numerous other citizens of Sac county, asking that the Dubuque and Sioux City Railroad grant be given to the Iowa Falls and Sioux City Railroad Company.

Referred to Committee on Railroads.

Also a memorial of Hon. Wm. L. Joy and other prominent citizens of Sioux City, Iowa, asking that a judicious law be enacted for the registry of electors.

Referred to Committee on Elections.

Also, a resolution in the nature of a memorial of a mass meeting in Sioux City, held March 7th, 1868, in reference to re-granting the lands of the Dubuque and Sioux City Rail Road, and remonstrating against attaching the tariff clause to such re-grant.

Referred to Committee on Railroads.

By Senator Reed: A petition of Joseph Cook and eighty others in relation to an appropriation for White's Manual Labor Institute.

Referred to committee on that subject.

By Senator Larrabee: A petition of John Horford and thirteen hundred others, in relation to the forty-third parallel land grant, and expressing confidence in the Forty-Third Parallel Rail Road Company.

Referred to Committee on Railroads.

Also, a petition from John Cook and three hundred and twenty others on same subject, with same reference.

Also, a petition of H. H. Blodgett and thirty-nine others on the same subject, with same reference.

BILLS ON SECOND READING.

The resolution under consideration at the hour of adjournment was taken up and considered.

Senator Patterson moved to refer to Committee on Judiciary.

The motion prevailed.

Senate File No. 114, A bill for an act to authorize a change of venue on preliminary examination before a magistrate, with report of committee recommending that it be indefinitely postponed, was taken up and passed on file.

Senate File No. 106, A bill for an act to provide for the appointment of public administrators, with report of committee recommending that the bill be indefinitely postponed, was taken up and the was report adopted.

Senate File No. 116, A bill for an act to amend section 2553 of the Revision of 1860 in relation to estates of minors, with report of committee recommending that it be indefinitely postponed, was taken up, and the report was adopted.

The claim of Salmon Howard, with report of Committee without recommendation, was taken up.

Senator Oliver moved that the claim and report be laid on the table.

The motion prevailed.

The claim of S. L. Hubbard, with the report of committee recommending that the claim be not allowed, was taken up, and the report was adopted.

House File No. 120. A bill for an act for the relief of Hardin county, Iowa, for money stolen from the county safe September 14th, 1865, with report of committee recommending that the bill be indefinitely postponed, was taken up.

The question being on the adoption of the report, the yeas and nays were demanded by Senator Richards, and

The yeas were, Senators Bulis, Fairall, Grimes, Hamilton, Larimer, Matthies, Needham, Newell, Pierce, Traverse—10.

The nays were, Senators Casady, Cattell, Chapin, Cones, Donnan, Doud, Griffith, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Mitchel, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Tuttle, Walden, Wolf—28.

Absent but not excused, Senators Bennett, Bill and Dunham.

The report was not adopted.

Senator Rice moved to suspend the rule and read the bill a third time now.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were, Senators Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Griffith, Hedges, Hollman, Johnson, Keller, Knoll, Long, Meyer, McMillan, Mitchel, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Tuttle, Walden, Wolf—27.

The nays were, Senators Bulis, Fairall, Grimes, Hamilton, Larimer, Matthies, Needham, Newell, Pierce, Traverse—10.

Absent but not excused, Senators Bennett, Bill, Hawley and Larrabee.

So the bill passed, and the title was agreed to.

Senator Matthies asked for leave of absence for Senator Traverse, which was granted.

On motion of Senator Hollman, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 16, 1868.

Senate convened at 9 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Summerbell.

The journal of Saturday was read and approved.

Senator Walden asked unanimous consent to take up the report of the Committee on Claims in relation to the claim of Salmon Howard, which was granted.

By leave, Senator Walden offered the following:

Resolved, That five hundred dollars be appropriated out of any funds not otherwise appropriated, for the relief of Salmon Howard;

and the Committee on Ways and Means is hereby instructed to include the same in the general appropriation bill.

The question being on the adoption of the resolution, the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Doud, Dunham, Hollman, Keller, Larrabec, Meyer, Patterson, Reed, Rice, Tuttle, Walden—12.

The nays were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fairall, Griffith, Grimes, Hawley, Hedges, Knoll, Larimer, Matthies, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Powers, Richards, Robertson, Wolf—25.

Absent but not excused, Senator Hamilton.

So the resolution was lost.

Senator Newell asked for leave of absence for Senator Pierce, which was granted.

Senator Oliver asked for leave of absence for Senator Long, which was granted.

Senator Larrabee asked leave of absence for Senator Johnson, which was granted.

By leave, Senator Oliver introduced joint resolution agreeing to certain of the amendments to the constitution of the State of Iowa, proposed by the Eleventh General Assembly.

Read first and second time, and referred to Committee on Constitutional Amendments.

By leave, Senator Oliver introduced Senate File No. 186, A bill for an act providing for the submission of certain proposed amendments to the constitution of the State of Iowa, to the people thereof.

Read first and second time, and referred to Committee on Constitutional Amendments.

By leave, Senator Bulis offered the following:

Resolved, by the Senate, the House concurring, That the present session of the General Assembly of the State of Iowa will adjourn *sine die* on the 7th day of April next, at 12 o'clock, noon.

Senator Reed moved to strike out "7th" and insert "2d."

Senator Oliver moved to amend amendment by striking out "2d" and inserting "8th."

The amendment to the amendment prevailed.

The resolution, as amended, was adopted.

By leave, Senator Powers introduced a petition of J. I. A. Crosby, and numerous others, citizens of Black Hawk county, in relation to the statutes regulating the rate of interest.

Referred to Committee on Judiciary.

By leave, Senator Cones introduced Senate File No. 187, A bill for an act supplemental to an act entitled an act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad from Davenport to Council Bluffs, Iowa, upon certain conditions therein named, and regulating the manner of voting at stock-holders' meetings of such company.

Read first and second time and referred to Committee on Railroads, and ordered printed.

By leave, Senator Dunham introduced Senate File No. 188, A bill for an act to amend section 8719, chapter 149, of the Revision of 1860.

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

The following message was received from the House :

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

House File No. 326, A bill for an act to destroy Canada thistles.

Substitute for Senate Files Nos. 89 and 168, A bill for an act relating to the meeting of the trustees of the Agricultural College and Farm, and to regulate the lease and sale of lands of the Agricultural College and Farm.

I am also directed to inform the Senate that the House has adopted the following joint resolution :

That requesting our delegation in Congress to use their influence to have Council Bluffs made a port of delivery.

I herewith return Senate Files Nos. 89 and 168 for which the House has substituted House File No. 327.

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of House File No. 186, A bill for an act to enable townships and incorporated cities and towns to aid in the construction of railroads.

The question being on the amendment to section 2, offered by Senator Cattell, by leave the amendment was withdrawn.

Senator Larimer moved that the rule be suspended and the bill be read a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Griffith, Hawley, Hedges, Keller, Larimer, Larrabee, McMillan, Mitchel, Newell, Oliver, Patterson, Powers, Reed, Rice, Robertson, Tuttle, Walden, Wolf—25.

The nays were Senators Bennett, Doud, Grimes, Hollman, Knoll, Matthies, Meyer, Needham, Richards—9.

Absent but not excused, Senators Cones, Fairall, and Hamilton.

So the bill passed, and the title was agreed to.

Senator Cattell asked for leave of absence for Senator Parvin, which was granted.

By leave, and on motion of Senator Casady, substitute for Senate

File No. 18, A bill for an act to provide for the erection of a deaf and dumb asylum, was taken up and considered.

Senator Oliver moved to amend by striking out the words "be it further enacted" in each section after the first.

The motion prevailed.

Senator Oliver moved to amend by striking out in third line in 11th section the words "any thing in the statutes of this State to the contrary notwithstanding."

The motion prevailed.

Senator Powers moved to amend second line of 6th section by striking out "fifty" and inserting "twenty-five."

The motion prevailed.

Senator Cattell moved to amend section 6, fourth line, by striking out the word "Treasurer" and insert "Auditor of State."

The amendment prevailed.

Senator Bulis moved to amend section 6, second line, by striking out "one hundred and twenty-five" and inserting "one hundred."

The motion did not prevail.

Senator Larimer moved to amend 10th section, lines two and three, by striking out the words "Chicago and Springfield, Illinois," and insert the words "Dubuque, Davenport, and Burlington."

The motion prevailed.

Senator Larimer moved to amend third line tenth section, by striking out the word "build" and insert the word "construct," also, to amend same section, tenth line, by inserting after the word "lowest" the word "responsible."

The motion prevailed.

The question being on the adoption of the substitute, the substitute was adopted.

The question being, "Shall the bill be engrossed and read a third time to-morrow?" the yeas and nays were demanded by Senator Doud and were as follows:

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, McMillan, Mitchel, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Tuttle, Wolf—29.

The nays were, Senators Bulis, Doud, Grimes, Meyer, Needham, Walden—6.

Absent but not excused, Senators Hamilton and Matthies.

So the bill was ordered engrossed and read a third time to-morrow.

BILLS ON SECOND READING.

Senate File No. 30, A bill for an act to amend section 3044 of the Revision of 1860, in relation to jurors, with the report of committee.

recommending a substitute, and that the substitute do pass, was taken up and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Oliver, Powers, Rice, Richards, Robertson, Tuttle, Walden, Wolf—27.

The nays were, Senators Larrabee, Needham, Newell, Reed—4.

Absent but not excused, Senators Bulis, Cones, Fairall, Hamilton, Larimer and Patterson.

So the bill passed, and the title was agreed to.

"Memorial and joint resolution relating to declaring the Iowa river from Wapello north not a navigable stream," was taken up and adopted.

Senate File No. 41, A bill for an act to provide for the publication of the reports and proceedings of the Iowa State Medical Society, with report of committee recommending that it do pass, was taken up and considered.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hawley, Hedges, Hollman, Larimer, Larrabee, Matthies, Meyer, McMillan, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Tuttle, Walden, Wolf—29.

The nays were, Senators Bill, Keller, Knoll, Needham, Reed—5.

Absent but not excused, Senators Dunham, Hamilton, and Mitchel.

Senate File No. 39, A bill for an act to amend chapter 46, of the Revision of 1860, with report of committee that the bill do not pass, was taken up and considered.

On motion of Senator Oliver, the bill was laid on the table.

Senate File No. 41, A bill for an act to provide for more efficient work on roads, with report of committee recommending that it do not pass, was taken up and considered.

Senator Oliver moved that the bill be laid on the table.

The motion prevailed.

Senate File No. 111, A bill for an act to amend chapter 46, of the Revision of 1860, and chapter 163, laws of the Ninth General Assembly, with report of committee recommending that it do not pass, was taken up, considered, and passed on file.

Senate File No. 88, A bill for an act to amend section 891, chapter 46, of the Revision of 1860, relating to road tax, with report of committee, was taken up and considered.

On motion of Senator Oliver, the bill was laid on the table.

Substitute for Senate File Nos. 68 and 69, A bill for an act to repeal chapter 163, of the laws of the Ninth General Assembly; also chapter 76, of the laws of the Tenth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors in certain cases, and determining the per diem of road supervisors for labor on roads and poll tax, was taken up and considered.

Senator Patterson moved that the bill pass on file and be printed.

Senator Griffith moved to amend by making the bill the special order for Friday, March 20th, at 10 o'clock, A. M.

The amendment prevailed, and the motion as amended was agreed to.

Senate File No. 139, A bill for an act to fill vacancies of the board of trustees, enlarge and furnish the buildings, and support the Institution for the Education of the Blind, with report of committee recommending a substitute, was taken up and considered.

Senator Bennett moved that the bill be recommitted to the Committee on Charitable Institutions, with instructions to amend by striking out the names of the persons proposed for trustees and substituting names of gentlemen not members of the General Assembly.

Senator Richards moved to amend by instructing the committee to name as one of the trustees a gentleman connected with the political party in the minority in this State, pending which Senator Powers moved to adjourn.

The motion prevailed, and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 17, 1868.

Senate convened at 9 o'clock A. M.

The President in the chair.

Journal of yesterday was read and approved.

By leave Senator Woolson, from committee to visit and report upon the Solferino farm, and "White's Manual Labor Institute" farm, for a proposed site for a reform school, submitted a report which was passed on file.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bill, which I herewith return without amendment :

Senate File No. 110, A bill for an act providing for the settlement

of contracts and claims growing out of the Des Moines River Improvements.

The House has also adopted the following joint resolution, in which the concurrence of the Senate is asked :

That submitting certain amendments to the State constitution to a vote of the people at the next election.

I also herewith present for your signature the following bill, which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 216, A bill for an act to authorize the State Treasurer to provide iron shelving and other repairs upon the vault in his office.

M. C. WOODRUFF, Chief Clerk.

Senator Knoll, from Committee on Engrossed Bills, submitted the following report :

The Committee on Engrossed Bills have had under examination substitute for Senate File No. 13, being A bill for an act providing for the erection of buildings for a Deaf and Dumb Asylum, and would report that they found the same correctly engrossed.

F. M. KNOLL, for Committee.

BILLS ON SECOND READING.

Substitute for Senate File No. 139, A bill for an act to fill vacancies of the board of trustees, enlarge and furnish the buildings and support the Institution for the Education of the Blind, was taken up.

The question being on the motion to recommit the bill with instructions.

By leave, Senator Richards withdrew his amendment.

The motion to recommit prevailed.

Senate File No. 148, A bill for an act to support the deaf and dumb, was taken up and considered.

Senator Hollman moved to suspend the rule and read the bill a third time now.

The motion prevailed, and the bill was read a third time.

On the question, " Shall the bill pass ? "

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—39.

The nays were none.

Absent but not excused, Senator Rice.

So the bill passed, and the title was agreed to.

By leave, Senator Bennett from Committee on Suppression of Intemperance, submitted the following report :

The Committee on Suppression of Intemperance have considered House File No. 156 and Senate File No. 177, and I am directed to report the same back with accompanying substitute for House File No. 156, and recommend the passage of the substitute, and that Senate File No. 177 lie on the table.

G. G. BENNETT, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Federal Relations have considered Senate resolutions relating to the abolishment of national banks, and I am directed to report the same back with the recommendation that the resolutions lie on the table.

The committee have also had under consideration the House resolutions respecting the protection of American citizens in foreign countries, and in consideration of the action already taken by the Senate on the subject, the committee recommend that the resolutions lie on the table.

The committee have also considered the House resolution relating to the recent difficulty between General Grant and President Johnson, and I am instructed to report the same back and recommend their passage.

G. G. BENNETT, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Federal Relations have considered the House and Senate resolutions relating to the removal of Secretary Stanton by President Johnson, and the impeachment of the President, have considered the same, and recommend that the Senate do not concur in the action of the House, and ask for a committee of conference.

G. G. BENNETT, Chairman.

Ordered, that the report pass on file.

The President announced that the hour for the special order had arrived.

Senator Casady moved to postpone the special order for ten minutes.

The motion prevailed.

By leave, and on motion of Senator Oliver, Senate File No. 13, A bill for an act providing for the erection of buildings for a deaf and dumb asylum, was taken up and read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Hawley, Hedges, Hollman, Keller, Matthies, McMillan, Mitchel, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Tuttle, Wolf, Woolson—30.

The nays were Senators Bulis, Doud, Grimes, Knoll, Larimer, Meyer, Needham, Pierce, Walden, Wright—10.

So the bill passed, and the title was agreed to.

The President announced the hour for the special order had arrived.

Senator Cones moved to suspend the special order for the purpose of considering Senate File No. 81, A bill for an act to enable municipal and public corporations at their election to settle, adjust and compound their indebtedness, and to provide for the issue of new bonds, and for the payment of such new bonds by the levy of specific taxes, and for this purpose altering and amending existing charters and laws.

The motion prevailed, and the bill, with report of special committee recommending amendments, was taken up and considered, and the report of committee was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Keller, Larimer, Matthies, Mitchel, Needham, Oliver, Patterson, Powers, Rice, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—30.

The nays were Senators Bennett, Donnan, Hedges, Hollman, Knoll, McMillan, Newell, Pierce, Reed—9.

Absent but not excused, Senator Meyer.

So the bill passed, and the title was agreed to.

By leave, Senator Hamilton, from Committee on Incorporations, submitted the following report:

The Committee on Incorporations, to whom was referred House File No. 26, to-wit: A bill for an act to promote the collection of revenue of incorporated cities and towns acting under special charters, have had the same under consideration, and have instructed me to report the bill back with the recommendation that it do pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Also, the following:

The Committee on Incorporations, to whom was referred House File No. 39, to-wit: A bill for an act to provide for the incorporation of cities and towns, have had the same under consideration, and I am instructed to report the bill back, with the recommendation that it do pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Incorporations to whom was referred Senate File No. 127, A bill for an act relating to towns incorporated under the provisions of chapter 42, of the Code of 1851, have had the same under consideration, and I am instructed by the committee to report

the bill back with amendments thereto hereinafter named, and to recommend that the bill as amended do pass :

AMENDMENTS.

1st. Add at the end of section 3, the following: "Provided, that the legalizing part of this act shall not be held to in any manner affect any such action or legal proceeding now pending in any court in the State, wherein any of the supposed illegalities herein legalized or set up either in support thereof or as a defense thereto.

2d. Add to the end of section 5, the following: "Provided the same be done without expense to the State."

HAMILTON, Chairman.

Ordered, that the report pass on file.

By leave, Senator Knoll, from the Committee on Federal Relations, submitted the following minority report which was ordered passed on file :

To the Senate of Iowa:—The undersigned, a minority of the Committee on Federal Relations, to whom was referred the joint resolutions in relation to President Johnson and General Grant, dissents from the report of the majority for the following reasons, to-wit :

That the President has not in his general policy departed from that inaugurated by his predecessor, and no important step has been taken by him, and no measure advocated that is inconsistent with the reasonings, or at war with the policy of President Lincoln. So that even in partisan view there is no proper foundation for the charges made in the resolutions against the present chief magistrate.

But conceding his desertion of his party and his political heresy, it by no means follows that he is liable to gross censure, or worthy of the bitter denunciation in the first resolution contained.

Mr. Johnson had been a life-long democrat, and had never renounced any of its theories or doctrines, and this was known to the Republican party at the time of his nomination and election, so that they should have anticipated that he would disagree with those who had been life-long opponents of the Democratic party. Disclaiming all present party affinity with Mr. Johnson, candor nevertheless compels me to say that, with all his faults, he has always exhibited one virtue, bold and persistent opposition to disunionists north or south.

But again, a President of the United States should not be a President of a party, but of the nation—of the whole people. He has no right to know party or creed in his administration, and the thoughtful patriot would rather commend the courage and firmness that would oppose in a constitutional way a triumphant majority, than visit upon him for the display of those high qualities, and those so necessary to his exalted position, condemnation and abuse.

But resolutions such as recommended by the majority of the committee, though sustained by reason and fact, would be inopportune

and ill-advised at this time. The national capital is seething with political excitement, and anxiety pervades the whole country. No wise man would fan a flame already burning too brightly.

Again, we would not detract from the well-earned military fame of the General of our armies, but the testimony is too strong to be resisted, that, in an evil hour, seduced by the glitter of a presidential nomination, he stooped to prevarication and intentional deception, and stained his honor as a soldier and his character as a man. Such weakness or wickedness, whichever it be, would be fatal to an independent and successful administration of the government, and such an executive could not fail to become the tool of wicked and designing men.

For these and other reasons, I recommend that the resolutions be indefinitely postponed.

All of which is respectfully submitted.

F. M. KNOLL, of Committee.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 2, A bill for an act to establish and organize a State reform school for juvenile offenders, which was taken up and considered.

Senator Richards moved to amend section 7, second line, by adding after the word "capacity," "provided nothing of a sectarian character be taught."

On which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Cones, Fairall, Hedges, Hollman, Knoll, Newell, Powers, Richards—8.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Griffith, Grimes, Hamilton, Hawley, Keller, Larimer, Meyer, McMillan, Mitchel, Needham, Oliver, Patterson, Pierce, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—28.

Absent but not excused, Senators Matthies, Reed, and Rice.

The motion did not prevail.

Senator Meyer moved to amend section 8, first line, by striking out the word "may," and in the second line after the word "be," insert "or in case they have no parent or guardian may." Strike out in same line the words, "who have no parent or guardian."

The motion prevailed.

Senator Powers moved to amend section 8, in tenth line, by striking out all after the word "knowledge."

The motion prevailed.

Senator Newell moved to amend section 8 by striking out all after the word "bound," in eighth line.

The amendment was lost.

Senator Bulis moved to amend section 8, third line, by striking out the words "twenty-one years of age," and inserting, "until they attain their majority."

The amendment was adopted.

Senator Newell moved to amend the tenth section, fourth line, by striking out the word "religious," and inserting "pious."

The motion did not prevail.

Senator Woolson moved to amend section 18 by striking out of fifth line, the word "nearest."

The amendment was adopted.

Senator Bennett moved to amend first line of section 18 by striking out the words "in a court of," and insert "before."

The amendment was adopted.

Senator Casady moved that the Senate adjourn until two o'clock, P. M., and that the bill under consideration be the special order for that hour.

The motion prevailed and the Senate adjourned.

TWO O'CLOCK, P. M.

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

The consideration of Senate File No. 2 was resumed.

Senator Powers moved to amend the fifteenth section, seventh and eighth lines, by striking out the words "a disorderly person and is."

The motion prevailed.

Senator Woolson moved to amend section 15, ninth line, by striking out all after the word "warrant."

The amendment was agreed to.

Senator Cattell moved to amend section 18 by striking out of sixth line the words "and there is a vacancy."

The motion prevailed.

Senator Hawley moved to amend 20th section, second line, by striking out the word "discretion" and inserting "direction."

The motion prevailed.

Senator Oliver moved to amend section 20 by striking out of third line the words "or is discharged."

The motion prevailed.

Senator Bennett moved to amend section 20, fourth line, by striking out all of that line after the word "girl."

The motion did not prevail.

Senator Woolson moved to amend section 20, fourth line, by inserting after the word "or" and before the word "arrived," the words "as having."

The motion prevailed.

Senator Oliver moved to amend section 20, fifth line, by striking

out the words "created or," also the words "the sentence," and insert the words "conviction of the offense for which he or she was committed."

The motion prevailed.

Senator Hawley moved to amend section 20, fourth line, after the word "the" insert the words "or binding out or."

The motion prevailed.

Senator Fairall offered the following :

SECTION 22. Every person who unlawfully aids or assists any boy or girl, lawfully committed to the reform school, in escaping or attempting to escape therefrom, or knowingly conceals such boy or girl after his or her escape, shall be punished as provided by section 4293 of the Revision of 1860.

The amendment was adopted.

Senator Woolson offered the following as a substitute for section 23 :

For the purpose of immediately opening said school, the trustees thereof shall accept the proposition of the trustees of White's Manual Labor Institute, made to the General Assembly, and lease for such term as they shall agree, not more than ten years, the lands, buildings and appurtenances belonging to said Manual Labor Institute, and at once proceed to prepare for and open a reform school thereon as soon as possible, as a temporary establishment; and when so open the fact shall be published by said trustees in one newspaper in each county in the State in which a newspaper is printed; whereupon those provisions of this act authorizing the commitment of persons to said school shall take effect, and it shall be lawful for the trustees of said reform school, and warden of the penitentiary, in their discretion, upon the consent in writing of any of the convicts in said penitentiary of the proper age, to remove such convict to said reform school; and when the permanent school shall be established and ready for opening, the said trustees shall remove and transfer those persons at the temporary establishment to the permanent school; and all subsequent commitments shall be made to said permanent school; and for the purpose contemplated by this section there is appropriated the sum of dollars, or so much as may be found necessary, to be expended in discharging the expenses incurred and in repairs and improvements made on, and liquidating a small indebtedness, not exceeding the sum of twenty-five hundred dollars, of said Manual Labor Institute, incurred in building the school edifice on said lands.

The amendment prevailed.

Senator Bennett moved to strike out all of section 23.

The motion prevailed.

Senator Woolson moved to fill the blank in 23d section by inserting "fifteen thousand."

The motion prevailed.

Senator Oliver moved to strike out the 3d section.

The motion prevailed.

Senator Griffith moved to amend 8th section, seventh line, by striking out the word "and," and inserting after the word "moral" the words "and religious."

Senator Oliver moved to strike out all after the word "again" in seventh line of 8th section.

The motion prevailed.

Senator Hawley moved to amend section 2, tenth line, by adding after the word "qualified" the words "all vacancies occurring in said board by death, resignation, or otherwise, shall be filled by appointment by the Governor of the State."

The amendment prevailed.

Senator Fairall moved to amend section 23 by adding, "provided that the making of the improvements and payments of the money contemplated by this act shall be made under the exclusive control of the trustees of the reform school."

The amendment was adopted.

Senator Woolson moved to add to section 24: "For the purpose of meeting the current expenses of such school, there is hereby appropriated out of the state treasury the sum of ten dollars per month, or so much thereof as may be necessary, for each inmate that may be in said reform school for the ensuing biennial term, to be drawn quarterly on the order of the trustees or the certificate of the superintendent of the number of such inmates for the month preceding the date thereof."

The amendment was adopted.

Senator Hawley moved to suspend the rule and read the bill a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—34.

The nays were, Senators Bulis, Knoll, Larimer, Rice—4.

Absent but not excused, Senator Fairall.

So the bill passed, and the title was agreed to.

By leave Senator Walden, from Committee on Elections, submitted the following report:

Your Committee on Elections, to whom was referred Senate File No. 42, have had the same under consideration, and direct me to report the accompanying amendments, and so amended recommend that the bill do pass.

WALDEN, Chairman.

Richards dissents.

Ordered, that the report pass on file.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 92 and 110, and find the same correctly enrolled.

HAWLEY, Chairman.

HOUSE MESSAGES.

The following message was received from the House :

MR. PRESIDENT: I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 92, A bill for an act to legalize the establishment of county roads.

Senate File No. 110, A bill for an act supplemental to chapter 22 of the Laws of the Eleventh General Assembly, providing for the settlement of contracts and claims growing out of the Des Moines River Improvement.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Bulis offered the following :

Resolved by the Senate, the House concurring, That both Houses will meet in joint convention on Thursday the 19th inst., at 8 o'clock P. M., for the purpose of electing trustees of the State University and State Agricultural College and Farm.

The resolution was adopted.

By leave, Senator Hawley from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have this day presented Senate File Nos. 92 and 110, to the Governor for his approval.

THEO. HAWLEY, Chairman.

By leave Senator Chapin, from Committee on Charitable Institutions, submitted the following report :

The Committee on Charitable Institutions to whom was referred substitute for Senate File No. 189, beg leave to report that they have had said bill under consideration, and recommend that all excepting the enacting clause of the first section be stricken out, and that the sections be numbered and made to conform to the said amendment.

CHAPIN, Chairman.

Ordered, that the report pass on file.

Senator Chapin moved that the bill be made the special order for March 18th, at 9½ o'clock, A. M.

The motion prevailed.

On motion of Senator Oliver, House Messages were taken up.

HOUSE MESSAGES.

House File No. 327, being a substitute for Senate File Nos. 87 and 168, A bill for an act further regulating the leasing and sale of the lands of the Agricultural College and Farm, was taken up and read first and second time, and on motion of Senator Bennett, was referred to select committee of three, Senator Wolf to be chairman.

The President announced Senators Bennett and Oliver as the other members of the committee.

House File No. 326, A bill for an act to destroy Canada thistles, was taken up, read first and second time, and referred to Committee on Agriculture.

Preamble and joint resolution relative to making Council Bluffs a port of delivery, was taken up, read, and adopted.

Joint resolution agreeing to ratifying and confirming amendments to the State constitution, was taken up, read first and second time, and referred to Committee on Constitutional Amendments.

On motion of Senator Hawley, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 18, 1868.

Senate convened at 9 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Corkhill.

Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 119, A bill for an act to amend an act approved April 20, 1866.

Substitute for House File No. 83, A bill for an act to amend chapter 172 of the acts of the Ninth General Assembly, passed April 8, 1862, and of the act amendatory thereto, passed April 8, 1866.

House File No. 113, A bill for an act to amend chapter 172 of the laws of the Ninth General Assembly, relating to schools.

Also, I herewith transmit to you Senate File No. 1, which has passed the House without amendment, A bill for an act to amend an

act for the relief of the widow and indigent children of Joseph Ketterer.

BENJ. VAN STEENBURG, Assistant Clerk.

By leave, Senator Bennett offered the following :

Resolved, That the Committee on Charitable Institutions be instructed to report the number and probable cost of Bibles necessary to supply all the charitable institutions of the State, and the best and most practicable mode of furnishing the necessary supply by the State.

The resolution was adopted.

Also the following :

Resolved, by the General Assembly of the State of Iowa, That our Senators in Congress be instructed, and our Representatives be requested to use their influence to procure from the federal government grants of lands to the several States to aid in the establishment and maintenance of normal schools.

Resolved, That we hereby cordially invite and recommend the legislatures of the several States to co-operate with the State of Iowa in procuring from Congress, grants of lands for the said purposes of endowing normal schools.

Resolved, That the Secretary of State, be and that he is hereby requested to transmit a copy of these resolutions to each of our Senators and Representatives in Congress and to the legislatures of each State in the Union.

On motion of Senator Hawley, the resolution was referred to Committee on Public Lands.

By leave, Senator Johnson offered the following :

Resolved, That the Committee on County and Township Organization be instructed to inquire into the propriety of independent school district from the property in the townships, and report by bill or otherwise.

Referred to Committee on County and Township Organization.

Senator Fellows asked leave to record his vote in the affirmative on the definite postponement of Senate File No. 108, and in the negative on the indefinite postponement of Senate File No. 105.

Leave was granted.

PETITIONS AND MEMORIALS.

By Senator Larrabee : A petition of S. F. Jones and seventy-five others, citizens of Chickasaw county, in relation to the Forty-Third Parallel Railroad Company, expressing confidence in the same.

Passed on file.

By Senator Newell : A petition of two hundred and eight citizens of Chickasaw county in relation to the Forty Third Parallel Railroad Company, and expressing confidence in the same.

Passed on file.

Also, a petition of one hundred and seventy-five citizens of same county on same subject.

Ordered, passed on file.

Also, a petition of W. L. Henderson and two hundred and fifty others on same subject.

Disposed of in same manner.

Also, a petition of A. S. Lease and forty-four others on same subject.

Ordered, passed on file.

Also, the following: A petition of L. H. Weller and others on same subject.

Passed on file.

By Senator McMillan: A petition for the relief of Henry Hospeers, of Marion county.

Referred to Committee on Printing.

By Senator Hawley: A remonstrance of John D. Strou, and others, citizens of Webster county, against erecting a new capitol at this time.

Passed on file.

Senators Woolson and Bill asked leave to record their names in the affirmative on the vote by which the constitutional amendment was adopted.

Leave was granted.

By Senator Bill: A petition which was referred to Committee on Judiciary.

By leave, Senator McMillan, from Committee on Roads, submitted the following report:

The Committee on Roads, to whom was referred House File No. 30, have considered the same, and instruct me to report the same back with the recommendation that it do pass.

McMILLAN, Chairman.

Ordered, that the report pass on file.

By leave, Senator Dunham introduced Senate File No. 189, A bill for an act resuming certain rights conferred upon the Cedar Rapids and Missouri River Railroad Company by an act approved March 26, 1860, and granting certain lands to the Mississippi, Maquoketa and North-Western Railroad Company.

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

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 4, and report the same correctly engrossed.

MEYER, for Committee.

The President announced that the hour for the special order had arrived.

Senator Matthies moved to suspend the special order for five minutes.

The motion prevailed.

By leave, Senator Matthies submitted the following report :

The Military Committee, to whom has been referred the resolution which passed the House March 11, 1868, to furnish our discharged soldiers with engraved certificates or medals as a memorial to them ; also, the report from the Census Board and the Adjutant-General in favor thereof, has instructed the undersigned to report the same back to your Honorable Body without recommendation.

C. L. MATTHIES, Chairman.

Senator Knoll moved that the resolution reported back by the Military Committee, be indefinitely postponed, on which question the yeas and nays were demanded by Senator Bulis.

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Knoll, Larrabee, Matthies, McMillan, Mitchel, Needham, Newell, Oliver, Pierce, Powers, Richards, Smyth, Wolf, Woolson, Wright. — 26.

The nays were, Senators Bulis, Casady, Cones, Doud, Fairall, Hedges, Hollman, Johnson, Meyer, Patterson, Reed, Robertson, Tuttle. — 12.

Absent but not excused, Senators Dunham, Larimer, Rice, and Walden.

So the motion prevailed.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 139, A bill for an act to fill vacancies in the board of trustees enlarge and furnish the building, and support the Institution for the Education of the Blind, with report of committee recommending amendments, was taken up and considered, and the report was adopted.

Senator Cattell moved to amend section 2, by inserting the word "that" at the beginning of the section, and strike out the word "said" before the word "institution" and insert the word "the" in the first line and after the word "institution" insert "for the education of the blind."

The motion prevailed.

The substitute was then adopted.

Senator Casady moved to suspend the rule and read the bill a third time now.

The motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Matthies, Meyer, McMillan, Mitchel, Needham,

Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—42.

The nays were Senator Hamilton.

Absent but not excused, Senator Rice.

So the bill passed, and the title was amended and agreed to.

The following message was received from the House:

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

Substitute for House File Nos. 110 and 149, A bill for an act to protect game.

Also, that the House has concurred in Senate resolution relative to final adjournment of the General Assembly.

BENJ. VAN STEENBURG, Assistant Clerk.

The President announced that the hour for the special order had arrived, it being substitute for Senate File Nos. 87 and 123, A bill for an act to regulate insurance companies.

Senator Cattell moved that substitute for Senate File Nos. 87 and 123 be made the special order for March 21st, at ten o'clock A. M.

The motion prevailed.

By leave, and on motion of Senator Larimer, Senate File No. 157, A bill for an act to amend chapter 92 of the acts of the Eleventh General Assembly, and to provide for the Soldiers' Orphans Homes, with report of committee recommending amendments, was taken up, considered, and the report was adopted.

Senator Larimer moved to suspend the rule, and read the bill a third time now.

Senator Bennett moved to amend by striking out section 4.

The President announced that the hour for the special order had arrived, it being Senate File No. 136.

Senator Wolf moved to suspend the special order until the bill under consideration be disposed of.

The motion prevailed, and the consideration of Senate File No. 157 was resumed, the question being on the motion to strike out section 4, on which question the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Hawley, Knoll, Larrabee, Pierce, Richards, Robertson, Walden, Woolson—9.

The nays were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Larimer, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Patterson, Powers, Reed, Rice, Smyth, Tuttle, Wolf, Wright—34.

Absent but not excused, Senator Newell.

The motion did not prevail.

Senator Pierce offered the following:

SECTION.— That the trustees are authorized and required to pay

out of the sum drawn for monthly support, to the parents, grandparents, or guardians of any children entitled to support at any of the Orphans' Homes, such sum monthly as such member, children, will authorize the said trustees to draw from the treasury, in case such parent, grand-parents, or guardians shall desire to, and shall keep, duly support and educate children at his, her, or their homes, and in such case the number of children so paid for shall be numbered with those kept at the Orphans' Homes, for the purpose of determining the amount to be drawn.

Pending which, Senator Woolson moved that the Senate adjourn until 2 o'clock P. M.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK, P. M.

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

By leave, Senator Oliver offered the following :

Resolved, That the Governor be requested to inform the Senate whether the Cedar Rapids and Missouri River Railroad Company has accepted of the grant made to said company by chapter 37 of the acts of the Eighth General Assembly, as required by said act; what portion of said road has been constructed within the limits of said land grant; what amount of lands are included in said grant, and what, if any of said lands, have been conveyed to said company; what amount of lands in addition to the grant of 1856, have inured to the company under the act of Congress, approved June 2, 1864; whether said company has filed the map of its modified line as required by said act, and if so, at what point said modified line leaves the original main line. Whether said company has filed the map of the branch which by said act it was required to construct to Onawa City, and if so, where said branch is located; and if such information is not in his possession, that he be requested to obtain the same if possible.

The resolution was adopted.

Also, the following :

Resolved, That the Attorney-General be requested to communicate to the Senate whether in his opinion the lands granted to the Cedar Rapids and Missouri River Railroad Company by chapter 37, of laws of the Eighth General Assembly have vested in said company by reason of compliance with, and as provided by the requirements and conditions of that act.

2d. Whether the act of Congress, approved June 2, 1864, modifies or changes the conditions and requirements of said chapter 37, and if so, in what respect.

3d. What if any right, power and control the State still retains in, and may legally exercise over, said lands.

The resolution was adopted.

The consideration of Senate File No. 157 was resumed.

The question being on the amendment offered by Senator Pierce, Senator Woolson moved to refer the bill and amendments to a select committee of five with instructions to incorporate therein a provision with proper guards and restrictions carrying out the principle involved in the amendment of the Senator from Jefferson, who shall report the bill with amendments by to-morrow morning. That said committee also consider the propriety of incorporating a provision permitting persons to adopt such orphans under such rules as may be necessary.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Bulis, Dunham, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Matthies, Needham, Newell, Oliver, Pierce, Rice, Richards, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—22.

The nays were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Fellows, Griffith, Grimes, Keller, Larimer, Meyer, McMillan, Mitchel, Patterson, Powers, Reed, Smyth—20.

So the motion to recommit prevailed.

The consideration of Senate File No. 136, A bill for an act in relation to the sale of intoxicating liquors in incorporated cities and towns, was taken up and considered.

Senator Bill moved to amend section 2, third line, by striking out the words, "or license for," which was agreed to.

Senator Wolf moved to suspend the rule and read the bill a third time now.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Meyer, Mitchel, Oliver, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson, Wright.—27.

The nays were Senators Bulis, Casady, Chapin, Cones, Dunham, Fellows, Hedges, Hollman, Knoll, Larimer, Matthies, McMillan, Newell, Rice, Richards.—15.

So the bill passed, and the title was agreed to.

The President announced as special committee on Senate File No. 157, Senators Woolson, Pierce, Bill, Richards and Bennett.

Senator Bennett asked to be excused. The President refused to excuse him.

On motion of Senator Cones, Senator Bennett was excused, and the chair announced in his place Senator Hawley.

On motion of Senator Hawley, the committee had until Friday morning to report.

On motion of Senator Hedges the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 19, 1868.

Senate convened at 9 o'clock, A. M.

The President in the chair.

Prayer by Rev. Mr. Remsburg.

Journal of yesterday was read and approved.

By leave, Senator Hamilton, from Committee on Incorporations, submitted the following report:

The Committee on Incorporations, to whom was referred Senate File No. 176, A bill for an act empowering municipal corporations to contract for the use of railroad bridges as public highways, have had the same under consideration, and have instructed me to report the bill back with amendments hereinafter named, and to recommend that the bill so amended do pass.

Strike out in second and third lines of section one the words "the Mississippi and Missouri" river and insert in lieu thereof the words "on any of the rivers."

Also, strike out the word "either" in ninth line of section one, and insert in lieu thereof the word "any."

HAMILTON, Chairman.

Ordered, that the report pass on file.

By leave, Senator Woolson introduced Senate File No. 190, A bill for an act to provide for the payment of the salaries of officers and wages of employes of the Penitentiary, and for the general support of the convicts.

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

Also, the following: Senate File No. 191, A bill for an act to amend section 711 of the Revision of 1860 in relation to the exemption from taxation of certain property belonging to educational institutions.

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

By leave, Senator Bill presented a petition signed by John M. Porter and others remonstrating against the erection of a State House at this time.

Passed on file.

By leave, Senator Woolson from committee to visit the State Penitentiary, submitted a report, which was passed on file.

By leave, Senator Reed from Committee on Railroads, submitted the following report:

To the Senate: The Committee on Railroads, to whom was referred Senate File Nos. 140 and 170, have had the same under consideration, and a majority of said committee instruct me to report back No. 140, and recommend that it do not pass.

They have, also, instructed me to report the accompanying substitute for Senate File No. 170, and recommend its passage.

REED, for majority.

Ordered, that the report pass on file.

Senator Patterson moved that the report of the committee be made the special order for March 21th, at ten o'clock A. M., and that the substitute for Senate File No. 170 be printed.

The motion prevailed.

By leave, Senator Patterson, from Committee on County and Township Organization, submitted the following report:

Your Committee on County and Township Organization have had under consideration Senate File No. 154, and have directed me to report the same back and recommend that it be indefinitely postponed.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

Also, the following:

Your Committee on County and Township Organization have had under consideration House File No. 33, and have directed me to report the same back with the following amendment, to-wit: Strike out of the eighth line of section 1 the word "one," and insert in lieu thereof the word "two," and thus amended recommend that the bill do pass.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

Also, the following:

Your Committee on County and Township Organization have had under consideration Senate File No. 169, and have directed me to report the same back with the following amendment, and thus amended to recommend its passage: Strike out section 2 and insert the following section in lieu thereof:

The auditor shall have power to receive petitions and issue notices in relation to the establishment of roads, to appoint commissioners to view and locate roads, and appoint appraisers to appraise damages for the establishment of roads, and to make all intermediate orders as may be necessary to facilitate the final hearing of the question of

establishing of roads and the amount of damages to be paid to individuals thereon.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

By leave Senator Fairall, from Committee on Incorporations, submitted the following report:

I am instructed by the Committee on Incorporations to report back and recommend the passage of Senate File No. 156, A bill for an act to legalize the plat of the town of Sabula, in Jackson County, Iowa, and to legalize all conveyances heretofore made by the number of lots and blocks as now specified in said plat.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Also the following:

I am instructed by the Judiciary Committee to report back and recommend the passage of substitutes for the following bills:

Senate File No. 150, A bill for an act to quiet the title of Margaret Enk and others to certain real estate.

Senate File No. 130, A bill for an act for the protection of passengers traveling on the railroads in the State of Iowa.

Senate File No. 115, A bill for an act to repeal sections 3323, 3324, 3325, and 3326, of the Revision, in relation to subjecting real estate of decedents to sale on execution.

FAIRALL, for Committee.

Ordered, that the report pass on file.

By leave, Senator Donnan offered the following:

Resolved, That the Committee on Schools be instructed to inquire into the expediency of establishing a state normal school, and if deemed advisable, to report a bill for that purpose.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Cattell, Chapin, Donnan, Grimes, Hamilton, Hedges, Larrabee, Long, Matthies, Meyer, Mitchel, Newell, Oliver, Patterson, Powers, Rice, Richards, Smyth, Walden—19.

The nays were Senators Bennett, Bill, Bulis, Casady, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, McMillan, Needham, Pierce, Reed, Robertson, Wolf, Woolson, Wright—25.

Absent, but not excused, Senator Tuttle.

The resolution was lost.

By leave, Senator Wright from Committee on Agriculture, submitted the following report:

The Committee on Agriculture to whom was referred House File No. 310, A bill for an act to amend an act entitled an act amending

section 114, chapter 15 of the Code, and also to regulate the same, having examined the same, direct me to report it back, and recommend that it do not pass.

JAMES D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also, the following :

The Committee on Agriculture to whom was referred House File No. 49, A bill for an act to amend an act entitled an act to prevent the driving away of cattle and other stock, have carefully considered the same, and direct me to report it back with a substitute, and recommend that the substitute be adopted, and that the bill so amended do pass.

JAMES D. WRIGHT, Chairman.

Ordered, that the report pass on file.

By leave, Senator Powers submitted the following report :

The Judiciary Committee have had under consideration the following bills, viz: House File No. 28, A bill for an act to legalize the acts of E. Kinley, a notary public for Lee county, House File No. 300, A bill for an act defining the duties of county treasurers, Senate File No. 182, A bill for an act to legalize the acts of the board of supervisors of Washington county, Senate File 171, A bill for an act to amend section 2470 of the Revision of 1860, relating to the limitation of actions, all of which your committee recommend do pass.

Your committee recommend that House File No. 40 be amended by striking out all after the word "defendants" in seventh line to the word "the" immediately preceding the word "board" in the ninth line. So amended, your committee recommend that the same do pass.

Committee have also considered resolution of inquiry in regard to the power of the legislature to change the rate of interest on loans made by banks, and are of the opinion that the legislature can not change the law without submitting it to a vote of the people.

J. B. POWERS, for Committee.

Ordered, that the report pass on file.

By leave, Senator Wolf, from special committee, submitted the following report :

Your special committee to whom was referred Senate File Nos. 89 and 168, together with House File No. 327, purporting to be a substitute for said Senate File, have had said bills under consideration, and have directed me to report the same back to the Senate, with the recommendation that they be returned to the House of Representatives on request of the clerk thereof.

WOLF, Chairman.

The report was adopted.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body

that the House of Representatives asks the return of the following bills, in order to make some clerical corrections to the same :

House File No. 327, Senate File 168, substitute for Senate File No. 89.

Also, that the House has concurred in Senate resolution asking a joint convention on Thursday the 19th, at 8 o'clock P. M., for the purpose of electing trustees of the State Agricultural College and Farm, and State University.

I am also directed to inform your Honorable Body that the House of Representatives has passed the following bill, in which the concurrence of the Senate is asked.

House File No. 327, A bill for an act relating to the meeting of the trustees of the Agricultural College and Farm, and further regulating the leasing and sale of the lands of the Agricultural College, and prescribing the evidence of forfeiture and abandonment of the contracts of lease or sale.

BENJ. VAN STEENBURG, Assistant Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of House File No. 152, A bill for an act to provide for the erection of a State House, which was taken up and read.

Senator Meyer offered a substitute, which was read.

On the question, "Shall the substitute be adopted?" the yeas and nays were demanded by Senator Wolf.

The yeas were Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Matthies, Meyer, Mitchel, Needham, Pierce, Robertson, Smyth, Walden, Woolson, Wright—20.

The nays were Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Wolf—25.

The substitute was not adopted.

Senator Cattell moved to suspend the rule and read the bill a third time now.

Senator Walden moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Farwell.

The yeas were Senators Bennett, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Matthies, Meyer, Mitchel, Needham, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright—20.

The nays were Senators Bill, Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf—25.

So the motion did not prevail.

Senator Chapin moved to amend by striking out of section 2 the words "one million," and inserting "six hundred thousand."

The motion did not prevail.

Senator Donnan moved to indefinitely postpone the bill, on which question the yeas and nays were demanded by Senator Hawley.

The yeas were Senators Bennett, Bill, Chapin, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Matthies, Meyer, Mitchel, Needham, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright—22.

The nays were Senators Bulis, Casady, Cattell, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf—23.

So the motion did not prevail.

Senator Newell moved to strike out the name of "Charles Paulk of Allamakee," and insert "Maturin L. Fisher of Clayton," on which question the yeas and nays were demanded by Senator Newell.

The yeas were, Senators Grimes, Hamilton, Larrabee, Mitchel, Needham, Newell, Pierce, Rice, Woolson—9.

The nays were, Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Oliver, Patterson, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Walden, Wolf, Wright—35.

Absent but not excused, Senator Bennett.

So the motion did not prevail.

Senator Woolson moved to strike out the name of "R. H. Wymond," and insert the name of "Edward Johnson."

Senator Bennett moved to amend the amendment by striking out the name of "Edward Johnson," and inserting the name of "John P. Huskins," of Washington, on which the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bennett, Bill, Farwell, Grimes, Hamilton, Hawley, Johnson, Larimer, Larrabee, Matthies, Mitchel, Needham, Newell, Pierce, Rice, Robertson, Smyth, Walden, Wright—19.

The nays were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Long, Meyer, McMillan, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf, Woolson—26.

So the motion did not prevail.

The question being on the amendment offered by Senator Woolson, the yeas and nays were demanded by Senator Woolson.

The yeas were, Senators Bennett, Bill, Farwell, Grimes, Hamilton, Hawley, Johnson, Larrabee, Matthies, Mitchel, Needham, Newell, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright—19.

The nays were, Senators Bulis, Casady, Cattell, Chapin, Cones,

Donnan, Doud, Dudham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larimer Long, Meyer, McMillan, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf—26.

The motion did not prevail.

Senator Woolson moved to amend by striking out the name of R. H. Wyman, and inserting the name of Geo. W. McCrary.

Senator Bennett moved to amend the amendment by striking out the name of G. W. McCrary, of Lee, and inserting the name of John P. Huskins, of Washington.

On which motion the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bennett, Farwell, Grimes, Johnson, Mitchel, Newell, Rice, Robertson, Smyth, Wright—10.

The nays were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Needham, Oliver, Patterson, Pierce, Powers, Reed, Richards, Tuttle, Walden, Wolf, Woolson—25.

The motion did not prevail.

The question recurring on the amendment offered by Senator Woolson, the yeas and nays were demanded by Senator Woolson.

The yeas were Senators Bennett, Chapin, Cones, Donnan, Farwell, Grimes, Hamilton, Hawley, Matthies, Meyer, Mitchel, Needham, Newell, Pierce, Reed, Rice, Robertson, Smyth, Walden, Woolson—20.

The nays were Senators Bill, Bulis, Casady, Cattell, Doud, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, McMillan, Oliver, Patterson, Powers, Richards, Tuttle, Wolf, Wright—25.

The motion did not prevail.

Senator Needham moved to amend by striking out all that part of the bill which constitutes the members of the Committees on Public Buildings of the two Houses members of the commission for the purpose of adopting plans, on which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bennett, Bill, Chapin, Cones, Donnan, Doud, Farwell, Fellows, Grimes, Hamilton, Hawley, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Needham, Newell, Pierce, Richards, Robertson, Smyth, Wolf, Wright—27.

The nays were Senators Bulis, Casady, Cattell, Dunham, Fairall, Griffith, Hedges, Hollman, Keller, McMillan, Oliver, Patterson, Powers, Reed, Rice, Tuttle, Walden—17.

Absent but not excused, Senator Woolson.

So the motion prevailed.

Senator Newell moved to amend section 1. After the word "State" insert "who shall be appointed by the Twelfth General Assembly,"

and strike out all after the word "Senate" in eleventh line to the word "they" in twenty-seven line.

Pending which, Senator Wolf moved that the Senate do now adjourn until 2 o'clock P. M.

On which the yeas and nays were demanded by Senator Newell, The yeas were, Senators Cattell, Cones, Dunham, Fairall, Farwell, Fellows, Hawley, Johnson, Keller, Knoll, Long, Newell, Richards, Wolf—14.

The nays were, Senators Bennett, Bill, Bulis, Casady, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hedges, Hollman, Larimer, Larrabee, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Tuttle, Walden, Woolson, Wright—81,

So the motion did not prevail.

The question recurring on the amendment offered by Senator Newell, the yeas and nays were demanded.

The yeas were, Senators Cattell, Chapin, Larrabee, Long, Matthies, Newell, Oliver, Reed, Wolf, Wright—11.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Meyer, McMillan, Mitchel, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Tuttle, Walden—82.

Absent but not excused, Senators Needham and Woolson.

So the amendment did not prevail.

Senator Wright moved to amend section 2 by adding after the word "one" the words "and one half," on which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Cones, Hawley, Oliver, Rice, Richards, Wright—6.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchel, Needham, Newell, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson—87.

Absent but not excused, Senator Matthies.

So the motion did not prevail.

By consent, and on motion of Senator Richards, Senator Knoll was excused.

Senator Larimer moved to amend section 2, seventh line, by striking out the words "without too much extra cost."

The motion prevailed.

Senator Richards moved to amend by striking out at the end of the 8d section, "and no amount hereby appropriated, or any part thereof, shall be raised by taxation."

Pending which, Senator Newell moved to adjourn, on which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Cattell, Cones, Doud, Fairall, Fellows, Griffith, Hedges, Hollman, Johnson, Keller, Larrabee, Long, McMillan, Needham, Newell, Smyth, Wolf, Woolson—18.

The nays were Senators Bennett, Bill, Bulis, Casady, Chapin, Donnan, Dunham, Farwell, Grimes, Hamilton, Hawley, Matthies, Meyer, Mitchel, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Tuttle, Walden, Wright—25.

Absent but not excused, Senator Larimer.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Richards, the amendment prevailed.

Senator Larimer moved to amend section 4 by striking out last proviso, on which question the yeas and nays were demanded by Senator Farwell.

The yeas were, Senators Chapin, Cones, Fellows, Grimes, Hamilton, Johnson, Larimer, Matthies, Mitchel, Oliver, Pierce, Richards, Woolson, Wright—14.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Hawley, Hedges, Hollman, Keller, Larrabee, Long, Meyer, McMillan, Needham, Newell, Patterson, Powers, Reed, Rice, Robertson, Smyth, Tuttle, Walden, Wolf—80.

So the motion did not prevail.

Senator Needham moved to amend section 8, by striking out the words "being the amount received from the United States in payment of the debt due to this State from the United States, for war expenses."

On which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Bill, Bulis, Chapin, Cones, Donnan, Doud, Grimes, Hamilton, Hawley, Johnson, Larimer, Larrabee, Matthies, Meyer, Mitchel, Needham, Newell, Pierce, Reed, Rice, Richards, Robertson, Smyth, Walden, Woolson, Wright—28.

The nays were, Senators Casady, Cattell, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Long, McMillan, Patterson, Powers, Tuttle, Wolf—15.

Absent but not excused, Senator Oliver.

So the motion prevailed.

Senator Casady moved to adjourn until two o'clock.

On which question the yeas and nays were demanded by Senator Cones.

The yeas were, Senators Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Hedges, Hollman, Johnson, Keller, Larrabee, Long, McMillan, Needham, Newell, Patterson, Richards, Smyth, Wolf, Woolson—20.

The nays were, Senators Bennett, Bill, Bulis, Cones, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Matthies, Meyer, Mitchel, Oliver, Pierce, Powers, Reed, Rice, Robertson, Tuttle, Walden, Wright—23.

Absent but not excused, Senator Larimer.

So the motion did not prevail.

Senator Walden moved the previous question.

Senator Wolf moved a call of the Senate, which was ordered.

The roll was called, and all the Senators were present except those who were excused.

Senator Larimer moved that further proceedings under the call be dispensed with.

The motion prevailed.

Senator Wolf moved to adjourn until 2 o'clock P. M.

On which question the yeas and nays were demanded by Senator Bennett.

The yeas were Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Johnson, Keller, Larrabee, Long, McMillan, Needham, Newell, Oliver, Patterson, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Wolf, Woolson—27.

The nays were Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Walden, Wright—17.

So the motion prevailed, and the Senate adjourned.

TWO O'CLOCK P. M.

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

The consideration of House File No. 152 was resumed.

Senator Walden withdrew the call for the previous question.

The question being "Shall the rule be suspended, and the bill read a third time?"

Senator Cattell withdrew the motion.

Senator Cattell moved that the further consideration of the bill be postponed until Wednesday, 25th March, at 10 o'clock A. M., and that it be the special order for that hour, and that the bill be printed.

On which question the yeas and nays were demanded by Senator Meyer.

The yeas were Senators Bulis, Casady, Cattell, Dunham, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larrabee, McMillan, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle—19.

The nays were Senators Bennett, Bill, Chapin, Cones, Donnan,

Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Robertson, Smyth, Walden, Wolf, Woolson, Wright—23.

Absent but not excused, Senators Fairall, Long, and Needham.

So the motion did not prevail.

Senator Wolf moved to reconsider the vote just taken.

Senator Woolson moved to lay the motion on the table.

Senator Wolf demanded the yeas and nays.

Senator Fellows moved a call of the Senate, which was ordered.

The roll being called, Senators Long and Needham were found absent.

Senator Woolson moved that further proceedings under the call be dispensed with, on which the yeas and nays were demanded by Senator Reed.

The yeas were Senators Bennett, Cones, Donnan, Doud, Fairall, Grimes, Hamilton, Hawley, Johnson, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright—20.

The nays were Senators Bill, Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larrabee, McMillan, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf.—23.

Absent but not excused, Senators Long and Needham.

The motion did not prevail.

The Sergeant-at-Arms was directed to bring in the absentees.

The Sergeant-at-Arms presented at the bar of the Senate, Senator Long.

Senator Oliver moved that Senator Long be excused.

On which question the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson—41.

The nays were Senators Bennett, Larimer, Wright—3.

The Senator was excused.

The question recurring on the motion to lay the motion of Senator Wolf on the table, Senator Wolf withdrew the motion.

The question being on the motion of Senator Wolf to reconsider the vote by which the Senate refused to postpone the consideration of the bill and make it a special order for March 25th, at ten o'clock A. M., pending which a committee from the House announced that the House was ready to receive the Senate in joint convention for the purpose of electing trustees for the State University and State Agricultural College and Farm.

The Senate proceeded to the hall of the House of Representatives.

JOINT CONVENTION.

HALL OF THE HOUSE OF REPRESENTATIVES,
March 19, 1868—3 o'clock, P. M.

The joint convention was called to order by Lieutenant-Governor Scott.

Senator Reed was announced as teller on the part of the Senate; also, Mr. Rowell on the part of the House.

Senator Bulis moved to elect one trustee at a time.

Senator Oliver moved to amend by electing all at one roll-call.

The amendment was lost.

The motion of Senator Bulis prevailed.

Nominations for Trustees of the Iowa State University being in order, Senator Bulis nominated L. W. Ross, of Pottawattamie county.

Senator Newell nominated C. W. Hobart, of Johnson county.

Mr. Parker nominated John P. Irish, of Johnson county.

Mr. Trusdell nominated C. C. Nourse, of Polk county.

Mr. Criss nominated Wm. L. Joy, of Woodbury county.

Mr. Brown of Van Buren, nominated R. S. Finkbine, of Johnson county.

Mr. Rippey nominated Wm. Tracy, of Guthrie county.

The joint roll was then called, with the following result:

Total number of votes cast.....	128.
Necessary to a choice.....	65
Mr. Finkbine received.....	42
Mr. Irish received.....	28
Mr. Hobart received.....	28
Mr. Ross received.....	8
Mr. Nourse received.....	21
Mr. Joy received.....	1

No person having received a majority of all the votes cast, there was no choice.

Those voting for Mr. Finkbine were, Messrs. Allen, Atkins, Atwood, Bailey, Bent, Bill, Bolton, Brown of Howard, Brown of Van Buren, Burnett, Criss, Donnan, Dudley, Farwell, Garrett, Grantham, Guthrie, Hamilton of Clayton, Hart, Hunter, Johnson of Cherokee, Keller, Kilburn, Knapp, Larimer, McKean, Morrison, Needham, Newberry, Oliver, Ordway, Patterson, Robertson, Smith of Dickin-son, Stanley, Traer, Tuttle, Walden, Wilcox, Williams, Wilson of Davis, Wilson of Tama.

Those voting for Mr. Irish were Messrs. Babbitt, Bauder, Browne of Lee, Casady, Chase, Cones, Davis, Donovan, Fairall, Hawthorn, Hollman, Knoll, Lockwood, Longueville, Meyer, Miller, Parker,

Peck, Rees, Richards, Rohlf, Rector, Smith of Harrison, Stuart, Tenney, Tritz, Werner, Wilson of Dubuque, Wright of Allamakee, Wright of Lucas.

Those voting for Mr. Hobart were Messrs. Ballinger, Bennett, Chapin, Cotton, Craig, Ellis, Fulton, Gaylord, Glasgow, Goodspeed, Grimes, Hartsock, Irish, Johnson, Leach, Leffingwell, Long, McNutt, Miles, Murray, Newell, Perry, Pierce, Powers, Rippey, Rowell, Sanborn, Wolf.

Those voting for Mr. Ross were Messrs. Bowen, Bulis, Hayden, Larrabee, Orr, Stone.

Those voting for Mr. Nourse were Messrs. Brown of Fayette, Burrows, Caldwell, Cattell, Dashiell, Doud, Griffith, Hamilton of Wapello, Hatch, Lambert, Matthies, McCoun, McMillan, Mechem, Mitchel, Phillips, Ramsay, Reed, Trusdell, Wheeler, Woolson.

Absent and not voting, Messrs. Adams, Blackwell, Cramer, Dunham, Fellows, Hawley, Hedges, Johnson of Marshall, Kasson, Kelley, Moore, Parvin, Rice, Smith of Clinton, Sheldon, Tillson, Traverse, Tucker and Walling.

Senator Cones withdrew the name of Mr. Irish.

Senator Bulis withdrew the name of Mr. Ross.

Mr. Trusdell withdrew the name of Mr. Nourse.

The joint roll was again called with the following result :

Whole number of votes cast.....	126
Necessary to a choice.....	64
Mr. Hobart received.....	70
Mr. Finkbine received.....	56

Mr. Hobart having received a majority of all the votes cast, was declared duly elected a trustee of the Iowa State University for the term of four years, and until his successor is elected and qualified.

Those voting for Mr. Hobart were Messrs, Ballinger, Bauder, Bennett, Bulis, Burrows, Cattell, Chapin, Cones, Cotton, Craig, Criss, Davis, Donovan, Doud, Ellis, Fairall, Fulton, Gaylord, Glasgow, Goodspeed, Grimes, Hamilton of Wapello, Hartsock, Hawthorn, Hollman, Irish, Johnson of Cherokee, Johnson of Keokuk, Kilburn, Knoll, Lambert, Larrabee, Leach, Leffingwell, Lockwood, Long, Longueville, Matthies, McKean, McNutt, McMillan, Mechem, Miles, Mitchel, Newell, Orr, Ordway, Peck, Perry, Pierce, Powers, Rector, Reed, Rees, Richards, Rippey, Rohlf, Rowell, Sanborn, Smith of Harrison, Stuart, Tritz, Trusdell, Werner, Wheeler, Williams, Wilson of Dubuque, Wright of Lucas.

Those voting for Mr. Finkbine were Messrs. Allen, Atkins, Atwood, Babbitt, Bailey, Bent, Bill, Bolton, Bowen, Brown of Fayette, Brown of Howard, Browne of Lee, Brown of Van Buren, Burnett, Caldwell, Casady, Chase, Dashiell, Donnan, Dudley, Farwell, Garrett, Grantham, Griffith, Guthrie, Hamilton of Clayton, Hart, Hayden, Hunter,

Keller, Knapp, Larimer, McCoun, Meyer, Miller, Morrison, Murray, Needham, Newberry, Oliver, Parker, Patterson, Phillips, Ramsay, Robertson, Smith of Dickinson, Smyth, Stanley, Tenney, Traer, Tuttle, Walden, Wilcox, Wilson of Davis, Wilson of Tama, Wright of Allamakee.

Absent and not voting, Messrs Adams, Blackwell, Cramer, Dunham, Fellows, Hatch, Hawley, Hedges, Johnson of Marshall, Kasson, Kelley, Moore, Parvin, Rice, Russell, Smith of Clinton, Sheldon, Stone, Tillson, Traverse, Tucker, Walling, Wolf, Woolson.

Senator Cones nominated John P. Irish of Johnson county.

Mr. Brown of Van Buren, withdrew the name of R. S. Finkbine.

The joint roll was then called with the following result :

Whole number of votes cast.....	99
Necessary to a choice.....	50
Of which John P. Irish received.....	99

So Mr. Irish having received all the votes cast, was declared duly elected a Trustee of the Iowa State University for a term of four years, and until his successor is elected and qualified.

Those voting for Mr. Irish were Messrs. Allen, Atwood, Babbitt, Ballinger, Bander, Bent, Bolton, Bowen, Brown of Fayette, Browne of Lee, Brown of Van Buren, Bulis, Burnett, Caldwell, Casady, Chapin, Chase, Cones, Cotton, Craig, Criss, Dashiell, Davis, Donnan, Donavan, Doud, Dunham, Fairall, Farwell, Fellows, Fulton, Garrett, Gaylord, Goodspeed, Griffith, Grimes, Guthrie, Hamilton of Clayton, Hart, Hartssock, Hawthorn, Hayden, Hollman, Hunter, Johnson of Cherokee, Johnson of Keokuk, Keller, Kilburn, Knoll, Lambert, Leach, Leffingwell, Lockwood, Longneville, Matthies, McKeane, McNutt, McMillan, Mechem, Meyer, Miles, Miller, Murray, Newell, Oliver, Orr, Ordway, Parker, Patterson, Peck, Perry, Pierce, Powers, Rector, Ramsay, Reed, Rees, Richards, Robertson, Roblfs, Rowell, Sanborn, Smith of Dickinson, Smith of Harrison, Stone, Stuart, Traer, Tritz, Trusdell, Tuttle, Walden, Werner, Wilcox, Williams, Wilson of Davis, Wilson of Dubuque, Wilson of Tama, Wright of Allamakee, Wright of Lucas.

Absent, and not voting, Messrs. Adams, Baily, Bennett, Bill, Blackwell, Brown of Howard, Burrows, Cattell, Cramer, Dudley, Ellis, Glasgow, Grantham, Hart, Hatch, Hawley, Hedges, Irish, Johnson of Marshall, Kasson, Kelley, Knapp, Larimer, Larrabee, Long, McCoun, Mitchel, Moore, Morrison, Needham, Newberry, Parvin, Phillips, Rice, Rippey, Russell, Smith of Clinton, Smyth, Sheldon, Stanley, Tillson, Traverse, Tucker, Walling, Wheeler, Wolf, Woolson.

Senator Bulis nominated L. W. Ross, of Pottawattamie county.

Mr. Trusdell nominated C. C. Nourse, of Polk county.

Whole number of votes cast, 121.

Necessary to a choice, 61.

Of which Mr. Ross received.....	62
Mr. Nourse.....	52
Mr. Joy.....	5
Mr. Tracy.....	1
Mr. Davis.....	1

Mr. Ross having received a majority of all the votes cast, was declared duly elected a trustee of the Iowa State University for the term of four years and until his successor is elected and qualified.

Those voting for Mr. Ross were Messrs. Atkins, Babbitt, Bauder, Brown of Howard, Browne of Lee, Brown of Van Buren, Bulis, Burnett, Casady, Chapin, Cones, Craig, Davis, Donavan, Dunham, Fairall, Farwell, Fellows, Garrett, Glasgow, Hawthorn, Hayden, Hellman, Hunter, Irish, Keller, Kilburn, Knapp, Knoll, Larrabee, Leach, Leffingwell, Lockwood, Longueville, KcKean, McNutt, Miller, Needham, Newell, Oliver, Parker, Patterson, Peck, Pierce, Powers, Rector, Rees, Richards, Robertson, Rohlf, Smith of Dickinson, Smyth, Stanley, Stone, Stuart, Tritz, Tuttle, Werner, Wilson of Dubuque, Wilson of Tama, Wright of Allamakee, Wright of Lucas.

Those voting for Mr. Nourse were Messrs. Allen, Atwood, Bailey, Ballinger, Bent, Bolton, Bowen, Burrows, Caldwell, Chase, Cotton, Dashiell, Donnan, Doud, Dudley, Ellis, Fulton, Goodspeed, Grantham, Griffith, Guthrie, Hamilton of Clayton, Hamilton of Wapello, Hart, Hartsock, Johnson of Keokuk, Lambert, Matthies, McCoun, McMillan, Mechem, Meyer, Miles, Morrison, Murray, Newberry, Orr, Ordway, Perry, Phillips, Ramsay, Reed, Rowell, Sanborn, Smith of Harrison, Tenney, Traer, Trusdell, Wheeler, Wilcox, Williams, Wilson of Davis.

Those voting for Mr. Joy were Messrs. Brown of Fayette, Criss, Gaylord, Johnson of Cherokee, Long.

Those were Senator Larimer.

Those voting for Mr. Tracy were Mr. Rippey.

Absent and not voting, Messrs. Adams, Bennett, Bill, Blackwell, Cattell, Cramer, Grimes, Hatch, Hawley, Hedges, Johnson of Marshall, Kasson, Kelley, Mitchel, Moore, Parvin, Russell, Smith of Clinton, Sheldon, Tillson, Traverse, Tucker, Walden, Walling, Wolf, Woolson.

Nominations for Trustees for the Iowa State Agricultural College and Farm being next in order,

Mr. Grantham nominated O. H. P. Buchanan, of Henry county.

Mr. Dudley nominated J. D. Wright, of Lucas county.

Mr. Peck nominated James Woodbury, of Decatur county.

Mr. Murray nominated Oliver Mills, of Cass county, for unexpired term of Dr. T. K. Brooks, deceased.

Mr. Cotton nominated C. E. Leffingwell, of Clinton county.

Senator Donnan nominated Peter Melendy, of Black Hawk county.

Mr. Brown of Fayette nominated R. A. Richardson, of Fayette county.

Mr. Wilson of Dubuque, moved that all of the trustees be elected by one call of the roll.

The motion prevailed.

The joint roll was then called with the following result:

Total number of votes cast.....	101
Necessary to a choice.....	51
Of which number Messrs. Buchanan, Wright, Woodbury, Mills, Leffingwell, Melendy, and Richardson each received.....	97
Blank.....	4

So Messrs. Buchanan, Wright, Woodbury, Leffingwell, Melendy, and Richardson having received a majority of all the votes cast were declared elected to the office of trustees of the Iowa State Agricultural College and Farm for the term of four years, and until their successors are elected and qualified; and Mr. Mills having received a majority of the votes cast was duly elected to the office of trustee of the Iowa State Agricultural College and Farm for the unexpired term of Dr. T. K. Brooks, deceased, and until his successor is elected and qualified.

Those voting for Messrs. Buchanan, Wright, Woodbury, Mills, Leffingwell, Melendy and Richardson were Messrs. Atkins, Atwood, Babbitt, Bailey, Ballinger, Bauder, Bennett, Bent, Bolton, Bowen, Brown of Fayette, Brown of Howard, Brown of Van Buren, Bulis, Burnett, Burrows, Caldwell, Casady, Chapin, Chase, Cones, Cotton, Craig, Dashiell, Davis, Donnan, Doud, Dudley, Ellis, Farwell, Fulton, Garrett, Glasgow, Goodspeed, Grantham, Griffith, Grimes, Guthrie, Hamilton of Clayton, Hamilton of Wapello, Hart, Hatch, Hawthorn, Hayden, Hunter, Irish, Johnson of Cherokee, Johnson of Keokuk, Keller, Kilburn, Knapp, Larrabee, Long, Matthies, McKean, McMullan, Mechem, Miles, Murray, Newberry, Newell, Oliver, Orr, Ordway, Parker, Peck, Perry, Phillips, Pierce, Powers, Ramsay, Rector, Reed, Rees, Rippey, Robertson, Rohlf, Rowell, Sanborn, Smith of Dickinson, Smyth, Stanley, Stone, Stuart, Tenney, Traer, Trusdell, Tuttle, Werner, Wheeler, Wilcox, Wilson of Davis, Wilson of Tama.

Those voting blank were Messrs. Knoll, Lambert, Lockwood and Wilson of Dubuque.

Absent and not voting, Messrs. Adams, Allen, Bent, Bill, Blackwell, Browne of Lee, Cattell, Cramer, Criss, Donovan, Dunham, Fairall, Fellows, Gaylord, Hartsock, Hawley, Hedges, Hollman, Johnson of Marshall, Kasson, Kelley, Larimer, Leach, Leffingwell, Longueville, McCoun, McNutt, Meyer, Miller, Mitchel, Moore, Morrison, Needham, Parvin, Patterson, Rice, Richards, Russell, Smith of Clinton, Smith of Harrison, Sheldon, Tillson, Traverse, Tritz, Tucker, Walden, Walling, Williams, Wolf, Woolson, Wright of Allamakee, Wright of Lucas.

Certificates were then read and signed in the presence of the joint convention as follows :

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday the 19th day of March, A. D., 1868, for the purpose of electing a trustee of the Iowa State University, Charles W. Hobart having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D., 1868.

JOHN SCOTT,
President of the Senate.
JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.
N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D., 1868, for the purpose of electing a trustee of the Iowa State University, John P. Irish having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D., 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Iowa State University, Lewis W. Ross, having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, O. H. P. Buchanan, having received a majority of all the votes cast for said office, was

declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, James Woodbury having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, Peter Melendy having received a majority of all the votes cast for said

office, was duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, J. D. Wright, having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify, that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, C. E. Leffingwell, having received a majority of all the votes cast for said

office, was declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST:

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify that an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee of the Agricultural College and Farm, R. A. Richardson, having received a majority of all the votes cast for said office, was declared duly elected trustee for the term of four 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 19th day of March, A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST:

J. R. REED,
Teller of Senate.

N. W. ROWELL,
Teller of the House of Representatives.

REPRESENTATIVE HALL,
DES MOINES, IOWA, March 19, 1868.

This is to certify that at an election by the two Houses of the General Assembly of the State of Iowa, in joint convention, on Thursday, the 19th day of March, A. D. 1868, for the purpose of electing a trustee for the Agricultural College and Farm, Oliver Mills, having received a majority of all the votes cast for said office,

was declared duly elected trustee for the unexpired term of Dr. T. K. Brooks, deceased, and until his successor is elected and qualified.

Signed in presence of the joint convention, this 19th day of March A. D. 1868.

JOHN SCOTT,
President of the Senate.

JOHN RUSSELL,
Speaker of the House of Representatives.

ATTEST :

J. R. REED,
Teller of the Senate.

N. W. ROWELL,
Teller of the House of Representatives.

Mr. McNutt moved that the joint convention do now rise.

The motion prevailed, and the President announced the joint convention dissolved.

FOUR AND ONE-HALF O'CLOCK, P. M.

The Senate having returned to its chamber, was called to order by the President.

The consideration of House File No. 152, was resumed.

Senator Larrabee moved to adjourn, on which question the yeas and nays were demanded by Senator Cattell.

The yeas were, Senators Casady, Chapin, Dunham, Griffith, Hedges, Larrabee, Newell, Patterson, Richards, Tuttle, Woolson — 11.

The nays were, Senators Bennett, Bill, Bulis, Cattell, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larimer, Long, Meyer, McMillan, Mitchel, Needham, Oliver, Pierce, Powers, Reed, Rice, Robertson, Smyth, Walden, Wolf, Wright — 33.

Absent but not excused, Senator Matthies.

So the motion did not prevail.

The question recurring on the motion to reconsider the vote by which the Senate refused to postpone further action on the bill under consideration, until March 25th, at ten o'clock, A. M., and make it a special order for that hour.

The yeas and nays were demanded by Senator Wolf, and

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larrabee, Long, McMillan, Needham, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf—24.

The nays were, Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright, —21.

The motion prevailed.

The question being on the motion to postpone the further consideration of the bill until March 25th, at 10 o'clock A. M., and make it the special order for that hour, the yeas and nays were demanded by Senator Wolf.

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larrabee, Long, McMillan, Needham, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf — 24.

The nays were, Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright — 21.

So the question having failed to received a two-third majority, was lost.

Senator Cattell moved that the further consideration of the bill be postponed until March 25th, at ten o'clock, A. M., and that the bill be printed.

On which question the yeas and nays were demanded by Senator Fellows.

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larrabee, Long, McMillan, Needham, Newell, Oliver, Patterson, Powers, Reed, Richards, Tuttle, Wolf—24.

The nays were, Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Hawley, Johnson, Larimer, Matthies, Meyer, Mitchel, Pierce, Rice, Robertson, Smyth, Walden, Woolson, Wright, —21.

The motion prevailed.

On motion of Senator Fellows the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 20, 1868.

Senate convened at 9 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Geiger.

Journal of yesterday was read and approved.

The following message was received from the House :

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

House File No. 195, A bill for an act to quiet the title in, and to certain lands in Webster county, Iowa.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Meyer from Committee on Engrossed Bills, submitted the following report :

MR. PRESIDENT :—The Committee on Engrossed Bills have examined Senate File No. 18, and report the same correctly engrossed.

MEYER, for Committee.

By leave, Senator Bennett from Committee on Judiciary, submitted the following report :

The Judiciary Committee have considered House File No. 59, A bill for an act abolishing all distinctions between foreigners and citizens as to the acquisition, enjoyment and transfer of property, and I am instructed by a majority of the committee to report the same back and recommend its passage.

G. G. BENNETT, for Committee.

Senator Bennett moved to make the report the special order for March 23, at ten o'clock A. M.

The motion prevailed.

By leave, Senator Larrabee from committee to visit the Soldiers' Orphans Home at Davenport, submitted the following report, which was passed on file :

To the Senate : The joint committee appointed to visit and report upon the condition and management of the Soldiers' Orphans Home at Davenport, beg leave to report as follows :

The buildings are of a temporary character, affording in their present condition very ordinary accommodations. Considerable repairs will be necessary before another winter, in order to make them comfortable.

The rooms are poorly supplied with furniture, and generally not of a very attractive character. The floors are in bad condition, and but few of them carpeted. A little expenditure in this direction is necessary.

There are at present about five hundred and fifty children in the Home, between two and a half years and eighteen years. We would recommend the discharge of all over fifteen years.

We found about twenty children in the hospital, only one considered dangerously ill.

About four hundred and fifty children are in daily attendance at

the schools. A little more energy in this department would be an advantage.

The children appear to be well supplied with plain and wholesome food, and their healthy and sprightly appearance speaks much for the efficiency and general good management of the institution.

The superintendent, matrons, and teachers generally, manifested that they were imbued with the spirit and love for the work of their respective stations, and so far as the labors of those in charge of the institution could contribute to that object, we found it in a good condition.

Your committee were pleased with the indications of good order, economy and cleanliness, which all departments of the institution manifested, even under very unfavorable circumstances surrounding it.

We generally concur in the recommendations of the superintendent in his last report, particularly of his recommendation in relation to furnishing an increased supply of water, which is necessary as a sanitary measure, as well as to provide for further facility for extinguishing fire.

Your committee in closing would say, that, although we are of the opinion that the present system is not the best that might be adopted for the purpose for which it is intended to provide, so long as this system is to be pursued we would recommend liberal appropriations and urge a careful and watchful supervision of its expenditure by the trustees of the Institution.

All of which is respectfully submitted.

W. LARRABEE, of Senate.
R. M. BURNETT, } of House.
J. H. HATCH, }

By leave, Senator Oliver, from Committee on Constitutional Amendments, submitted the following report:

MR. PRESIDENT:—The Committee on Constitutional Amendments, to whom was referred House joint resolution agreeing to certain of the amendments proposed to the Constitution of this State, have considered the same, and a majority of said committee have instructed me to report the same back with the recommendation that it do pass.

A majority of said committee have also instructed me to report back Senate File No. 186, providing for the submission of such amendments to the people at the next general election, and recommend that it do pass.

OLIVER, Chairman.

On motion of Senator Oliver, the report was made the special order for March 26th, at ten o'clock A. M.

By leave, Senator Cattell from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means has considered Senate File

No. 173, and instructed me to report the same back with the following amendments, and recommend the adoption of the amendments, and the passage of the bill :

Add to Section 1: Provided that for cities and towns in which by provisions of law a city assessor is elected the council or trustee of such city or town, together with the assessor thereof, shall constitute such board for the equalization of the assessment list of such city or town; and shall perform such duty at their first meeting after assessment list shall have been prepared by the city assessor.

After the word "clerk," in the first line of section 2, insert the words, "or clerk of the city or town as the case may be."

Strike out the last part of section 2 after the word "trustees," and insert, "or city council or trustee, as the case may be, shall levy the taxes thereon as provided by law."

After the word "township," in third line of section 4, insert "or city;" and after "township," in fifth line of section 4, insert, "or city."

CATTELL, for Committee.

Ordered, that the report pass on file.

By leave, Senator Donnan presented a petition from numerous citizens of Bremer county, praying a change in road-law, so as to permit the use of machinery, which was passed on file.

By leave, Senator Cattell introduced Senate File No. 192, A bill for an act relating to fees of County Recorder.

Read first and second time, and referred to Committee on County and Township Organization.

By leave, Senator Matthies introduced Senate File No. 193, A bill for an act requiring the publication of legal notices in certain newspapers.

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

By leave, Senator Walden from special committee on Printing and Binding submitted the following report:

Your committee appointed to examine the accounts of the State Printer and State Binder, and report what legislation, if any, is necessary to regulate the compensation of said officers, have performed that duty, and report that they find the laws in many particulars indefinite in regard to the prices for printing and binding. We have, therefore, prepared bills to amend chapters 12 and 13 of the Revision of 1860, and although these bills do not propose to materially change the rates already fixed by law, they make the law more explicit, and fix rates for such work as is not mentioned in the present law. We find the accounts and vouchers of the State Printer and State Binder, for the past term, correct.

WALDEN,

On part of Senate.

DUDLEY AND

HAMILTON,

On part of House.

Senate File No. 194, A bill for an act fixing the price of state binding.

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

Senate File No. 195, A bill for an act to amend chapter 12 of the Revision of 1860, and to regulate the price of the state printing.

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

By leave, Senator Larimer introduced Senate File No. 196, A bill for an act to provide for the assessment of real estate sold for delinquent taxes in the name of the purchaser,

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

By leave, Senator Woolson from joint committee to visit the Penitentiary, introduced Senate File No. 197, A bill for an act for the improvement of the Penitentiary.

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

Also, Senate File No. 198, A bill for an act supplementary to article 1 of chapter 55 of the Revision of 1860, relating to taking private property for works of internal improvement.

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

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of substitute for Senate Files Nos. 68 and 69, the substitute was taken up and considered.

Senator Donnan offered a substitute for the substitute under consideration.

Senator Walden moved that the whole matter be referred to Committee on County and Township Organizations, with instructions to report on Wednesday, March 25, and be made the special order for two o'clock P. M.

The motion prevailed.

Senator Hawley offered the following as additional instructions to the Committee on County and Township Organizations :

That the committee be instructed to enquire into the expediency of limiting road districts in this State to lands not more than two miles on each side of such road, and that road tax authorized to be levied and collected, shall be levied and collected only on the lands and property within the limits of said roads.

The motion prevailed.

Senator Bill moved that Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting, with report of committee recommending amendments, be taken up.

The motion prevailed, and the bill was taken up and considered.

The question being on the adoption of the first amendment. the yeas and nays were demanded by Senator Richards.

The yeas were Senators Cattell, Chapin, Doud, Hamilton, Larabee, Long, Matthies, McMillan, Mitchel, Pierce, Powers, Rice, Smith, Walden, Wright—15.

The nays were Senators Bennett, Bill, Bulis, Casady, Cones, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Meyer, Needham, Oliver, Patterson, Reed, Richards, Robertson, Tuttle, Woolson—26.

Absent but not excused, Senators Larimer and Newell.

So the amendment was not agreed to.

The second amendment, being an additional section, was adopted.

The question being on the third amendment reported by the committee, it was adopted.

Senator Oliver moved that amendments reported by the Committee of the Whole be considered separately, which was agreed to, and the amendments, from one to ten inclusive, were severally agreed to.

The eleventh amendment being an additional section was not agreed to.

Senator Bill moved to make the bill the special order for Monday, March 23d, at 2 o'clock P. M.

The motion prevailed.

By leave, and on motion of Senator McMillan, House File No. 30: A bill for an act to amend chapter 46, of the Revision of 1860, in relation to state and county roads, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Fellows moved to amend the second section by striking out the words, "be it further enacted."

The motion prevailed.

Senator Patterson moved to strike out the last section.

The motion prevailed.

Senator Robertson moved to suspend the rule and read the bill a third time now.

Senator Woolson moved to amend by adding to sections 1 and 2, "provided that such garden, orchard or grounds are of more than two years' establishment or growth."

Senator Smyth moved to lay the bill on the table.

The motion did not prevail.

The question being on the amendment offered by Senator Woolson, the amendment was adopted.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Grimes, Hamilton, Johnson, Knoll, Larimer, Long, Matthies, McMillan, Mitchel, Newell, Patterson, Powers, Reed, Robertson, Tuttle, Woolson, Wright—27.

The nays were Senators Cones, Farwell, Fellows, Hollman, Keller, Meyer, Needham, Oliver, Pierce, Rice, Richards, Smyth, Walden—13.

Absent but not excused, Senators Hawley, Hedges, and Larrabee. So the bill passed, and the title was agreed to.

Senator Larimer asked leave of absence for Senator Griffith, which was granted.

Senator Cattell asked for leave of absence for Senator Wolf, which was granted.

Senator Doud asked for leave of absence for himself until Tuesday, March 24th, which was granted.

Senator Reed asked for leave of absence for himself until March 24th, which was granted.

Senator Fairall asked for leave of absence for Senator Cones until March 24th, which was granted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from the attorney-general, in relation to certain lands, was taken up and ordered printed.

Senator Woolson moved to suspend the rule and take up Senate File No. 18, A bill for an act to provide for the appointment of official reports, and for the preservation of evidence in certain cases in each judicial district in the State of Iowa, for the purpose of putting the bill on its passage.

The motion prevailed, and the bill was taken up and read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senator Bennett, Bill, Bulis, Casady, Chapin, Donnan, Doud, Fairall, Grimes, Hamilton, Johnson, Long, Matthies, McMillan, Needham, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Tuttle, Woolson—25.

The nays were, Senators Cones, Dunham, Farwell, Fellows, Hollman, Keller, Knoll, Larimer, Meyer, Newell, Richards, Walden, Wright—13.

Absent but not excused, Senators Cattell, Hawley, Hedges, Larrabee and Mitchel.

So the bill passed, and the title was agreed to.

On motion of Senator Reed the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 21, 1868.

Senate convened at nine o'clock, A. M., the President in the chair. Prayer by Rev. Mr. Turnbull.

The journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Senator Larrabee: A petition of Smith Knickerbocker and ninety-five others, in relation to regranteeing McGregor Western Railroad land grant to the Forty-Third Parallel Railroad Company, which was passed on file.

By Senator Smyth: A petition of Isaac Milburn and thirty-three other citizens of Linn county, relative to change in school law.

Referred to Committee on Schools.

By Senator Walden: A petition from Lewis Rye and others, citizens of Lee county, asking that no change be made in county government system.

Referred to Committee on County and Township Organization.

By Senator Chapin: A petition from E. A. Howes and others, asking equalization of county bounties to soldiers.

Referred to Committee on Judiciary.

By leave, Senator Hawley introduced a joint resolution relative to changing act of Congress approved July 1st, 1862, establishing Pacific Railroad, with amendments thereto.

Referred to Committee on Railroads.

By leave, Senator Hamilton introduced Senate File No. 199, A bill for an act granting the right of way for the construction of bridges.

Read first and second time and laid on the table, and ordered printed.

By leave, Senator McMillan from Committee on Roads, introduced Senate File No. 200, A bill for an act to authorize owners or lessees of coal lands to acquire the right of way thereto for wagon roads, horse railroads, and to drain such lands over the lands of others.

Read first and second time.

Senator McMillan moved that the bill be made special order for March 27th, at ten o'clock, A. M.

The motion prevailed.

By leave Senator Smyth introduced Senate File No. 201, A bill for an act to amend chapter 102 of the laws of the Tenth General Assembly, and also chapter 143 of the laws of the Eleventh General Assembly, in relation to schools.

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

By leave Senator Bennett called up Senate File No. 182, A bill for an act to legalize certain acts of the board of supervisors of Washington county, and moved that the eleventh rule be suspended, and the bill read a third time now.

The motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larra-

bee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden, Woolson, Wright—38.

The nays were none.

The bill passed, and the title was agreed to.

Senator Johnson asked leave of absence for Senator Pierce, which was granted.

Senator Meyer, from Committee on Engrossed Bills, submitted the following:

MR. PRESIDENT: The Committee on Engrossed Bills have examined Senate File No. 2, and report the same back correctly engrossed.

MEYER, for Committee.

By leave Senator Wright introduced Senate File No 202, A bill for an act making appropriation for repairing the State House.

Read first and second time, and referred to Committee on Public Buildings.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following joint resolutions which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

Joint resolution memorializing Congress in respect to the claims of Lieut. J. F. St. John.

Joint resolution in favor of David C. Wagner.

Joint resolution relating to swamp-land selections made by the agents of the State during the years 1859, 1860, and 1861.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Larrabee submitted a minority report of Committee on Railroads.

Senator Meyer moved to dispense with reading of the report, and that it be printed.

The motion prevailed.

MESSAGE FROM THE HOUSE.

The following message was received from the House:

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

House File No. 208, A bill for an act to legalize the organization of the independent school-district of Montezuma, Iowa.

Substitute for House File No. 129, to regulate insurance companies.

Also, joint resolution relative to the construction of a draw-bridge across the Missouri river at Council Bluffs, a copy of which I herewith transmit.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Casady moved to take up House messages.

The motion prevailed.

House joint resolution relating to a bridge across the Missouri river, was then taken up, read first and second time, and adopted.

The hour for special order having arrived, it being the consideration of substitute for Senate File Nos. 87 and 123, Senator Hamilton moved that substitute for House File No. 129, A bill for an act to regulate insurance companies, be substituted for the bill under consideration.

The motion prevailed.

The substitute was read first and second time, and on motion of Senator Hamilton, was referred to Committee on Incorporations, with instructions to report it back March 24th, at two P. M., and that it be made a special order for that hour, which was agreed to.

Senator Farwell, from Committee on Public Lands, submitted the following report:

The committee on public lands, to whom was referred Senate File No. 183, have considered the same, and recommend that the same do pass.

FARWELL, Chairman.

Ordered, passed on file.

Also, the committee on public lands have had Senate File No. 185, A bill for an act to provide for the taxation of certain indemnity swamp lands, under consideration, and recommend that the same do pass.

FARWELL, Chairman.

Ordered, passed on file.

Senator Woolson, from Committee on Charitable Institutions, submitted the following report:

The Committee on Charitable Institutions have had under consideration Senate File No. 179, An act for the improvement of the penitentiary, and have instructed me to report the same back with the following amendments, and as thus amended recommend its passage. Insert as a new section the following:

SEC. 8. Should any of the foregoing appropriations be found insufficient to accomplish the objects contemplated, and the same shall be made to so appear to the census board, that board may certify the amount in their opinion necessary to the auditor, who shall thereupon draw his warrant on the treasury for such sum in favor of said warden, to be paid out of any moneys not otherwise appropriated, but not exceeding the sum of five thousand dollars.

T. W. WOOLSON, Chairman.

Ordered, passed on file.

Senator Chapin, from same committee, submitted the following report:

The Committee on Charitable Institutions have had under consideration Senate File No. 190, an act to provide for the payment of

salaries &c., in the penitentiary, and have instructed me to report the same back, with the following amendments, and as so amended, a majority of the committee recommend its passage.

Insert in the eighth line of first section, after the word "hundred," the words "and twenty-five;" in the ninth line strike out "seventy-five" and insert "eighty-three and one-third;" strike out of the twelfth line the words "thirty-one," and insert "forty," insert in the thirteenth line after the word "fifty," the word "five;" strike out of the fourteenth line the word "forty-five," and insert "fifty;" strike out of the fifteenth line the word "forty," and insert "fifty;" strike out of the sixteenth line the word "forty," and insert "fifty."

JAS. CHAPIN, for the Committee.

Ordered, passed on file.

Senator Needham from Committee on Schools, submitted the following report:

The Committee on Schools have had under consideration House File No. 112, and instruct me to report the same back, and recommend its passage.

Also, Senate File No. 181, and recommend that it do not pass.

NEEDHAM, Chairman.

Ordered, passed on file.

By leave, Senator Fairall called up Senate File No. 150, A bill for an act to quiet the title of Margaret Enk and others to certain real estate, with report of committee recommending the adoption of a substitute.

The substitute was adopted, and on motion of Senator Fairall, the rule was suspended, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden, Wright—34.

The nays were none.

Absent, but not excused, Senators Bill, Dunham and Fellows.

So the bill passed, and the title was agreed to.

Senator Bulis asked for leave of absence for Senator Woolson, which was granted.

Senator Patterson asked for leave of absence for Senator Tuttle, which was granted.

By leave, Senator Oliver introduced Senate File No. 203, A bill for an act fixing the compensation of future General Assemblies.

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

By leave, Senator Keller called up Senate File No. 152, A bill for

an act for the relief of Barton B. Dunning of Ringgold county, Iowa, with report of Committee recommending the bill do pass.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Farwell, Grimes, Hamilton Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden, Wright—34.

The nays were none.

Absent, but not excused, Senators Bill, Fellows and Fairall.

So the bill passed, and the title was agreed to.

Senator Long moved that the House messages be taken up.

The motion prevailed.

House File No. 208, A bill for an act to legalize the organization of the independent school district of Montezuma, and the election and acts of officers thereof, was taken up, and read first and second time.

Senator Bennett moved to amend section 2, by striking out the words, "anything in the statutes of the State to the contrary notwithstanding."

The motion prevailed.

Senator Long moved to suspend the rule and that the bill be read a third time now, which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were—Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden—33.

The nays were none.

Absent, but not excused, Senators Bill, Fellows, Newell, and Wright.

So the bill passed, and the title was agreed to.

By leave, and on motion of Senator Dunham, Senate File No. 156, A bill for an act to legalize the plat of the town of Sabula, in Jackson county, Iowa, and to legalize all conveyances heretofore made by the numbers of lots and blocks as now specified in said plat, with report of committee recommending that the bill do pass, was taken up, and on motion of Senator Dunham, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bulis, Casady, Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long,

Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden—33.

The nays were, Senator Oliver.

Absent but not excused, Senators Bill, Cattell and Wright.

So the bill passed, and the title was agreed to.

On motion of Senator Bulis the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 28, 1868.

Senate convened at 9 o'clock A. M.

The President in the chair.

Prayer by Rev. Mr. Rice.

The journal of Saturday was read and approved.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 1 and 54, and also joint resolution instructing our Senators and Representatives in Congress, and find the same correctly enrolled.

THEO. HAWLEY, Chairman.

By leave, Senator Farwell, from Committee on Public Lands, submitted the following report :

The Committee on Public Lands have had Senate File No. 128, A bill for an act releasing to Iowa City certain lands, and to authorize the disposition thereof by said city, under consideration, and instruct me to report the same back, and recommend that it do pass.

FARWELL, Chairman.

Ordered, that the report pass on file.

By leave, Senator Needham, from Joint Committee on Schools, introduced the following bill :

Senate File No. 204, A bill for an act to authorize independent school districts to borrow money and issue bonds therefor, for the purpose of erecting and completing school houses, legalizing bonds heretofore issued, and making school orders negotiable.

Read first and second time, and passed on file, and ordered printed.

BILLS ON SECOND READING.

Senate File No. 149, A bill for an act making farther appropriation for the Hospital for the Insane, with report of the committee that the bill do pass, was taken up and considered.

Senator Donnan moved that the bill lie on the table and be printed.

On which question the yeas and nays were demanded by Senator Meyer.

The yeas were, Senators Casady, Cattell, Chapin, Donnan, Fairall, Fellows, Grimes, Hamilton, Hedges, Hollman, Keller, Larimer, Larrabee, Mitchel, Newell, Oliver, Patterson, Powers, Richards, Smyth—20.

The nays were, Senators Bennett, Bill, Farwell, Hawley, Johnson, Knoll, Long, Matthies, Meyer, McMillan, Needham, Robertson, Walden, Wright—14.

Absent but not excused, Senators Dunham and Rice.

The motion prevailed.

By leave and on motion of Senator Cattell, Senate File No. 173, A bill for an act relating to assessment for taxation and for other purposes, with report of committee recommending amendments, was taken up, and the report of committee was adopted.

Senator Cattell moved that the rule be suspended, and the bill be read a third time now.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Walden, Wright—35.

The nays were none.

Absent but not excused, Senator Dunham.

So the bill passed, and the title was agreed to.

Senator Needham asked leave of absence for Senator Bulis for to-day, which was granted.

By leave Senator Bennett offered the following :

Resolved, That after to-day the Senate will hold an afternoon session, commencing at two o'clock, and that bills on their third reading shall be the special order on each day at three o'clock, P. M.

Senator Farwell moved to amend by striking out all relating to bills on third reading.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Cattell, Chapin, Donnan, Dunham, Farwell, Fellows, Grimes, Hamilton, Knoll, Larrabee, Long, McMillan, Oliver, Patterson, Powers, Rice, Richards, Smyth—18.

The nays were, Senators Bennett, Bill, Casady, Fairall, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Matthies, Meyer, Mitchel, Needham, Newell, Robertson, Walden, Wright—18.

The vote being a tie, the President voted no, and the amendment was lost.

Senator Knoll moved to amend by striking out the words "to-day," and inserting "Wednesday next."

The amendment prevailed.

Senator Fellows moved that the resolution be laid on the table.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 32, A bill for an act to legalize the acts of the board of supervisors of Howard county, Iowa.

Senate File No. 54, A bill for an act in relation to paying the expenses of agents appointed to demand fugitives from justice.

Senate File No. 1, A bill for an act to amend an act for the relief of the widow and indigent children of Joseph Ketterer.

Also, a joint resolution instructing our delegation in Congress to urge the passage of a law indemnifying citizens of Lee county for lands and property used in the construction of the Mississippi improvement on the rapids.

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of House File No. 59, A bill for an act abolishing all distinction between foreign and native born citizens, as to acquisition, transfer and enjoyment of property, with report that it do pass, which was taken up and considered.

Senator Larimer moved to suspend the rule and read the bill a third time now.

Senator Fellows moved to amend as follows :

Insert after the word "person" in third line of section 4, the words "or any municipal or other corporation either public or for pecuniary profit."

Also add to section 4 the following: "Except in cases where legal proceedings have been had as required by law, whereby said escheated property has become part of the permanent school land of the State of Iowa."

The amendments were adopted.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin,

Donnan, Dunham, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Newell, Rice, Robertson, Wright—28.

The nays were Senators Fellows, Needham, Oliver, Patterson, Powers, Richards, Smyth—7.

So the bill passed, and the title was agreed to.

Senator Donnan asked leave of absence for Senator Walden, which was granted.

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

HOUSE MESSAGES.

House File No. 134, A bill for an act to amend chapter 172, of the laws of the Ninth General Assembly, relating to schools, was taken up, read first and second time, and referred to Committee on schools.

House File No. 119, A bill for an act to amend an act approved April 20th, 1866, entitled an act to accept the grant of land to the State of Iowa, made by an act of Congress of May 12th, 1864, and to carry out the provisions of said act entitled "an act for a grant of land to the State of Iowa in alternate sections to aid in the construction of a railroad in said State," and to make effectual the acceptance by the State of Iowa of said grant of land, was taken up, read first and second time.

Senator Patterson moved to suspend the eleventh rule, and read the bill a third time.

The motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Casady, Cattell, Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Wright—33.

The nays were, Senator Bennett—1.

So the bill passed, and the title was agreed to.

House File No. 327, A bill for an act relating to a meeting of the trustees of the Agricultural College and Farm, and further regulating the leasing and sale of the lands of the Agricultural College and Farm, and prescribing the evidence of forfeiture and abandonment of the contracts of lease or sale, was taken up, and read first and second time, and referred to Committee on Judiciary.

Substitute for House File Nos. 110 and 149, A bill for an act to protect game, was taken up, and read first and second time, and referred to Committee on Agriculture.

House File No. 195, A bill for an act to quiet title in and to

certain lands in Webster county, State of Iowa, was taken up, read first and second time, and referred to Committee on Judiciary.

Substitute for House File No. 83, A bill for an act to amend chapter 172 of the laws of the Ninth General Assembly, passed April 8th, 1862, and act amendatory thereof, passed April 3d, 1866, was taken up, read first and second time, and referred to Committee on Schools.

By leave, and on motion of Senator Richards, Senate File No. 176, A bill for an act empowering municipal corporations to contract for the use of railroad bridges as public highways, with report of committee recommending amendments, was taken up, considered, and the report was adopted, and the bill was ordered to be engrossed, and read a third time to-morrow.

BILLS ON SECOND READING.

Senate File No. 134, A bill for an act to amend section 1568 of the Revision of 1860, in relation to the punishment of persons found in a state of intoxication, with report of committee that it do pass, was taken up, and on motion of Senator Matthies the rule was suspended, and the bill was read a third time.

Senator Fellows moved to reconsider the vote just taken.

The motion prevailed.

Senator Patterson moved to amend by striking out the words "ten dollars," and inserting the words "not less than five, or more than fifty dollars."

Senator Needham moved to amend the amendment by striking out "fifty" and inserting "twenty."

The motion prevailed.

Senator Rice moved to amend the amendment by striking out out "five," and inserting "ten."

The motion did not prevail.

The question being on the amendment offered by Senator Patterson, the amendment was adopted.

Senator Smyth moved to amend section 1 by striking out the words "that the magistrate before whom such person is tried and convicted may remit any portion of such penalties."

The amendment was adopted.

Senator Robertson moved to suspend the rule and read the bill a third time now.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Donnan, Dunham, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larabee, Long, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Robertson, Smyth, Wright—25.

The nays were Senators Fairall, Farwell, Fellows, Hedges, Hollman, Knoll, Larimer, Matthies, Rice,, Richards—10.

Absent but not excused, Senator Casady.

So the bill passed, and the title was agreed to.

Senate File No. 132, A bill for an act to legalize the acknowledgement, and entitle to record a deed from Geo. J. Meredith, and wife to Wm. Halderman, with report of committee recommending that it do pass, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Wright—34.

The nays were none.

Absent but not excused Senator Dunham.

So the bill passed, and the title was agreed to.

The memorial to Congress, relating to connecting the waters of the Mississippi river with the waters of Lake Michigan, with report of committee that it do pass, was taken up, considered and adopted.

Senate File No. 100, A bill for an act to encourage the planting and growing of timber, orchards, hedges and shade trees, with report of committee reporting a substitute, and recommending the passage of the same, was taken up and considered.

Senator Oliver moved to amend as follows: "Strike out all of the first section after the word "provide," in the eighth line thereof, and insert the following: "That there shall be not less than 1500 trees planted on each acre, and that such trees shall be kept in a healthy and growing condition."

The motion did not prevail.

Senator Oliver offered the following additional sections:

SEC. 5. The boards of supervisors of each county of this State, is hereby empowered, at their June meeting A. D. 1868, and at their January meeting in each year thereafter, to exempt from taxation, except for State purposes, the real or personal property of each taxpayer who shall within such year, plant and suitably cultivate, or having within such year or the two preceding years planted, shall suitably cultivate one or more acres of forest trees for timber, to an amount not exceeding five hundred dollars for each acre, provided that said board may fix the minimum number of trees which shall be grown on each acre.

SEC. 6. Such board is also empowered at the same times to make a similar exemption for every half-mile of hedge, and for every mile of shade trees along the public highway, and for every acre of fruit so planted and cultivated, and to establish rules and regulations in ref-

erence to the planting and cultivating of hedges, shade and fruit trees, and the distance at which they shall be planted, which shall be complied with by persons asking such exemption.

SEC. 7. Any person claiming the benefit of such exemption, may appear before the board of supervisors of the county at any regular meeting, and upon making proof by sworn evidence, showing to the satisfaction of said board that he has complied with the requirements which entitle him to such exemption, he shall receive from the clerk of the board a certificate stating the amount of the exemption which shall be received by the county treasurers in satisfaction of the taxes exempted.

Pending which, Senator Fairall asked for leave of absence for himself to-day, which was granted.

The President asked for leave of absence for himself for to-morrow which was granted.

Senator Donnan moved to adjourn until two o'clock, P. M.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK, P. M.

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

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 42, A bill for an act to provide for the registry of electors and to prevent fraudulent voting, which was taken up and considered.

Senator Richards offered the following substitute for section 5:

SECTION 5. Said proceedings shall be open, and all persons residing and entitled to vote in said township, shall be entitled to be heard by said board in relation to corrections or additions to said register.

No addition shall be made to said register of any name, except of one who has personally appeared before said boards, at such sitting, or of one who shall be then satisfactorily proved before said board to be entitled to vote as provided in this section.

Any person appearing personally before said board to have his name registered may be challenged either by an elector or by a member of the board, and it shall be the duty of said board to challenge any one who is not known to some member thereof to be entitled to vote at the next election.

If the person challenged be present, some member of said board shall administer to him the following oath :

“ You do solemnly swear (or affirm) that you will true answers make to all such questions as shall be put to you touching your qualifications as an elector ? ”

Said board shall thereupon cause the person to be interrogated upon all points suggested by the challenger in reference to his qualifications as an elector, and when demanded by the challenger, or when the board shall think proper, the substance of such questions and answers shall be reduced to writing by the clerk of such board, and the minutes thereof filed with the township clerk.

If from his answers so given, the said board are of the opinion the applicant has no right to have his name registered, they shall so inform him. If upon being so informed the applicant shall insist upon having his name registered, the board shall tender to him the following oath, and shall caution him not to commit perjury.

“ You do solemnly swear that you are a citizen of the United States, of the age of twenty-one years, that you are a resident of _____, (giving the name of the township, city, or village, as the case may be) in this county ; that you have resided in this county sixty days, and in this State six months next preceding the next ensuing election.” And, if he takes such oath, the board shall register his name.

If any other elector shall appear in favor of such challenged person, the said board may, if they think proper, administer to such elector the following oath :

“ You do swear (or affirm) that you are an elector of the township, (town, village, or city, as the case may be) that you will fully and truly answer all such questions as shall be put to you touching the qualifications as an elector of the person you claim has a right to be registered as a voter.” And whoever shall swear falsely, and shall swear to that which he does not know to be the truth, if it be not the truth, shall be guilty of perjury.

If the person challenged shall refuse to answer satisfactorily every question put to him, or if the board are not satisfied by the examination of the person appearing in behalf of the applicant in his absence, then in either case the name shall not be suffered to remain on the register.

Senator Patterson offered the following as a substitute for the substitute offered by Senator Richards :

“ Strike out all after “ and ” in first line of section 5, and insert “ Any person appearing to register his name, may be challenged by any elector or member of the board, and in case of such challenge, shall be examined on oath, touching his qualifications as an elector, which examination may or may not, in the discretion of the board, be reduced to writing ; and if it shall appear upon such examination that the person is entitled to be registered, in the opinion of the board, or

if after such examination the said person will take an oath that he is or will be at the election for which the registry is made, a legal voter stating the said township or district in which he resides, and complying in other respects with requirements of the oath administered to electors in case of his being challenged, then the board shall cause the name of said person to be registered.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Newell, Oliver, Patterson, Rice, Robertson, Smyth, Wright—23.

The nays were, Senators Casady, Dunham, Hedges, Hollman, Knoll, Larimer, Mitchel, Powers, Richards—9.

Absent but not excused, Senators Fellows and Matthies.

The motion prevailed.

Senator Needham was granted leave of absence.

The question being on the substitute offered by Senator Richards as amended, the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Cattell, Chapin, Farwell, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Meyer, McMillan, Newell, Oliver, Patterson, Robertson, Smyth, Wright—19.

The nays were Senators Casady, Donnan, Griffith, Grimes, Hedges, Hollman, Knoll, Larimer, Matthies, Mitchel, Powers, Rice, Richards—13.

Absent but not excused, Senator Fellows.

So the substitute as amended, was agreed to.

Senator Bill moved to amend section 14 by striking out the words, "sections 4 and 5," which was agreed to.

The bill was then ordered engrossed, and read a third time tomorrow.

By leave, Senator Matthies offered the following :

Joint resolution to Congress for the relief of Peter J. Knapp, private of Company H, Fifth Iowa Infantry Volunteers.

The joint resolution was adopted.

BILLS ON SECOND READING.

Substitute for Senate File No. 100, which was under consideration at the hour of adjournment, with amendments thereto, was taken up and considered.

The question being on the amendment offered by Senator Oliver, the amendment was adopted.

Senator Oliver moved to fill the blank in fourth section with the word "June."

The motion prevailed.

Senator Richards moved to amend section 1 by striking out "fifty," and inserting "one hundred."

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Casady, Chapin, Griffith, Hamilton, Hedges, Johnson, Keller, Larimer, Larrabee, Matthies, Moore, Newell, Oliver, Richards, Smyth, Wright—17.

The nays were Senators Bennett, Bill, Donnan, Farwell, Grimes, Knoll, Long, Meyer, McMillan, Mitchel, Patterson, Powers, Robertson—13.

Absent, but not excused, Senators Cattell, Dunham, Fellows, Hawley, and Hollman.

The amendment was agreed to.

Senator Smyth offered the following amendment, by adding "that fifty dollars be exempted from taxation for every mile of hedge, and for every half-mile of shade trees along any public highway."

The amendment was not adopted.

Senator Hollman moved to adjourn.

The motion did not prevail.

The substitute was then adopted.

Senator Larimer moved that the rule be suspended and the bill read a third time now.

The motion prevailed.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Chapin, Donnan, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Smyth, Wright—84.

The nays were none.

So the bill passed, and the title was amended and agreed to.

Senator Cattell was granted leave of absence.

A communication was received from the Governor at the hands of his private secretary which was laid on the President's table.

By leave, Senator Powers from Committee on Judiciary, submitted the following report:

The Judiciary Committee have had under consideration the following bills, and recommend the same do pass, viz:

House File No. 135, A bill for an act for the compensation of the attorney-general.

House File No. 237, A bill for an act requiring the reporter of the Supreme Court to attend the Dubuque argument term of the Supreme Court.

House File No. 297, A bill for an act for the relief of William Binnaman.

The committee having had under consideration Senate File No. 122, which was referred to them for the purpose of ascertaining

whether any additional amendment is necessary to protect the rights of minors and insane persons, the committee are of the opinion that such amendment is necessary.

A majority of the committee recommend the passage of Senate File No. 174, A bill for an act legalizing the acts of Mitchell county in regard to bounties for soldiers.

The committee recommend the passage of Senate File No. 198, A bill for an act supplementary to article 1, chapter 55 of the Revision of 1860.

The petition of J. Q. A. Crosby and others, your committee, a majority of them, are of opinion should not be granted.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

By leave, Senator Newell, from Committee on Ways and Means, submitted the following report :

The committee to whom was referred Senate File No. 167, have instructed me to report the same back, and recommend its passage.

NEWELL, for Committee.

Ordered, that the report pass on file.

Senator Hawley, from the Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills, would report that they have this day presented to the Governor for his approval, Senate File Nos. 1 and 54 ; also, joint resolution instructing our Senators and Representatives in Congress.

THEO. HAWLEY, Chairman.

By leave, Senator Rice introduced Senate File No. 205, A bill for an act to establish a state normal school at Marshalltown, Iowa.

Read first and second time, and referred to Committee on State University.

On motion of Senator Casady, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 24, 1868.

Senate convened at nine o'clock, A. M.

The President being excused, the Senate was called to order by the Secretary.

On motion of Senator Oliver, Senator Woolson was appointed temporary chairman.

Prayer by Rev. Mr. Remsburg.

On motion of Senator Knoll, the Senate proceeded to the election of a President *pro tem*.

Senator Woolson nominated Senator Bennett.

Senator Farwell nominated Senator Cattell.

Senator Hollman nominated Senator Knoll.

The roll was then called with the following result :

Whole number of votes cast.....	46
Necessary to a choice.....	24
Senator Bennett received.....	36
Senator Cattell received.....	2
Senator Knoll received.....	7
Senator Hollman received.....	1

Senator Bennett having received a majority of all the votes cast was declared duly elected President *pro tem*, of the Senate.

Those voting for Senator Bennett were Senators Bill, Bulis, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long Matthias, Meyer, McMullan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—36.

Those voting for Senator Cattell were Senators Bennett and Farwell—2.

Those voting for Senator Knoll were Senators Casady, Cones, Dunham, Fairall, Fellows, Hedges, Hollman—7.

Those voting for Senator Hollman were, Senator Knoll.

Absent without excuse, Senator Richards.

The President *pro tem* then took the chair.

The journal of yesterday was read, corrected and approved.

The following message was received from the House :

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

House file No. 247, A bill for an act to protect crops against the invasion of stock.

House File No. 272, A bill for an act to provide for the taxation of shares of national banks.

House File No. 252, A bill for an act to authorize counties to fund certain indebtedness and to provide for the payment thereof.

BENJ. VAN STEENBURG, Assistant Clerk.

PETITIONS AND MEMORIALS.

By Senator Robertson: A memorial from the board of supervisors of Louisa county, in relation to funds stolen from county safe.

Referred to Committee on Claims.

By Senator Johnson: A petition from J. M. Adams and numerous others, with accompanying bill, Senate File No. 206, a bill for an act for the relief of Evans and Shellabarger, and to appropriate certain moneys for that purpose.

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

By leave, Senator Robertson introduced Senate File No. 207, A bill for an act to release the county of Louisa from payment of certain funds belonging to the state, and which were stolen from the treasury of said county.

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

By leave, Senator Wright from Committee on Agriculture, submitted the following report.

The Committee on Agriculture to whom was referred House File 326, A bill for an act to destroy Canada thistles, direct me to report it back, and recommend that it do pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from the Governor in relation to the Cedar Rapids and Missouri River Rail Road, was taken up, read, and on motion of Senator Oliver, was laid on the table, and ordered printed.

By leave, Senator Cattell from Committee on Ways and Means submitted the following report:

The Committee on Ways and Means has considered the following bills, and instructed me to report as follows:

Senate File No. 10, relating to tax on property of corporations for pecuniary profit; the committee recommend that it do not pass.

Senate File No. 196, relating to assessment of real property sold for taxes: the committee report a substitute and recommend the adoption thereof, and that it do pass.

Senate File No. 208, relating to pay of members of future General Assemblies; the committee recommend that the portion of the bill relating to mileage and stationery be stricken out and insert "and mileage as now provided by the constitution," and so amended, the bill do pass.

Senate File No. 191, relating to exempting certain property from taxation; the committee with six members present, were equally divided, and hence make no recommendation.

CATTELL, for Committee.

Ordered, that the report pass on file.

By leave, and on motion of Senator Cattell, Senate File No. 196, A bill for an act to provide for the assessment of real estate sold for delinquent taxes in the name of the purchaser, with report of committee recommending a substitute bill, was taken up and considered.

On motion of Senator Cattell the bill was re-committed to Committee on Ways and Means.

Senator Meyer from Committee on Engrossed Bill, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 176, and report the same correctly engrossed. MEYER, for Committee.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 170, A bill for an act making a grant of land to the McGregor and Sioux City Railway Company, and to execute the trust conferred by act of Congress entitled "an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12th, 1864.

Also, Senate File No. 140, A bill for an act making a grant of land to the forty-third parallel railroad company, and to execute the trust conferred by act of Congress, entitled "An Act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12th, 1864.

The bills with majority report, recommending that Senate File No. 140 do not pass, and a substitute for Senate File No. 170, and recommend that the substitute do pass, and minority report recommending that Senate File No. 140 do pass, were taken up, and the substitute reported by the committee was considered.

Senator Doud offered the following amendment:

Add at the end of section 1, the following: "*Provided*, said railroad company, accepting the provisions of this act, shall at all times be subject to such rules, regulations and rates of tariffs, for the transportation of freights and passengers, as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and in the acts of Congress granting said lands to the State of Iowa."

Pending which the following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 120, A bill for an act for the relief of Hardin county, Iowa, for money stolen from the county safe, September 14, 1865.

House File No. 186, A bill for an act to enable townships and incorporated towns and cities to aid in the construction of railroads.

House File No. 259, A bill for an act to legalize the incorporation of First Congregational Society of Mason City, Cerro Gordo county, Iowa.

House File No. 119, A bill for an act to amend an act, approved April 20, 1866, entitled an act to accept the grant of land to the

State of Iowa, made by act of Congress of May 12, 1864, and to carry out the provisions of said act, entitled an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State, and to make effectual the acceptance by the State of Iowa, of said grant of land.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Tuttle moved to adjourn until two o'clock P. M.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK, P. M.

The Senate convened pursuant to adjournment, and was called to order by the President *pro tem*.

The consideration of Senate File Nos. 140 and 170 was resumed.

Senator Newell moved a call of the Senate, which was sustained.

The roll was then called, and the following Senators were found to be absent without excuse:

Senators Cattell, Smyth, Tuttle and Wolf.

On motion of Senator Oliver, further proceedings under the call was dispensed with.

The question being on the amendment offered by Senator Doud the yeas and nays were demanded by Senator Doud.

The yeas were Senators Bennett, Bill, Coffes, Donnan, Doud, Farwell, Fellows, Grimes, Hamilton, Johnson, Keller, Knoll, Larimer, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson, Wright—29.

The nays were Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Griffith, Hawley, Hedges, Hollman, Larrabee, Long, Moore, Oliver, Patterson, Powers, Reed, Tuttle, Walden—19.

The amendment was adopted.

Senator Larrabee moved to amend second section, fourth line, after the word "within" by inserting as follows: "one mile of Clermont village and one mile of the city of West Union in Fayette county," pending which Senator Patterson moved that further consideration of the special order be postponed until to-morrow morning at 9½ o'clock, which was agreed to.

A communication was received from the Governor at the hands of his private secretary, which was laid on the President's table.

The following messages were received from the House:

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

Substitute for House File No. 307, A bill for an act authorizing cities of the first class to establish fire limits.

House File No. 139, A bill for an act prescribing the terms and conditions on which the State will relinquish and convey to the Des Valley Railroad Company certain rights and privileges in respect to the resumption of lands heretofore granted to said company.

I also herewith present for signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Substitute for House File No. 57, A bill for an act fixing the time of holding courts in the Second Judicial District.

House File No. 89, A bill for an act to amend chapter 135 of the Acts of the Eleventh General Assembly, an act requiring owners of threshing-machines to guard against accidents.

House File No. 256, A bill for an act to legalize the action of the officers of the corporate town of Montana, in Boone county, in organizing a city of the second class.

BENJ. VAN STEENBURG, Assistant Clerk.

On motion of Senator Meyer, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 25, 1868.

Senate convened at 9 o'clock, A. M.

The President in the chair.

Prayer by Rev. Mr. Remsburg.

Journal of yesterday was read and approved.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

A communication from His Excellency, the Governor, in relation to the services of J. A. Harvey in settlement of certain land claims, was taken up, read, and on motion of Senator Bennett was laid on the table and ordered printed.

A memorial from the board of supervisors of Johnson county, in relation to the distribution of the Revision of 1860, and the laws of Iowa was taken up, read and referred to Committee on Judiciary.

PETITIONS AND MEMORIALS.

By Senator Larrabee : A petition from B. Diamond and others, in relation to the forty-third parallel land grant, and expressing confidence in the Forty-Third Parallel Railroad Company.

Passed on file.

By leave, Senator Powers introduced Senate File No. 208, A bill for an act to legalize deeds and acknowledgments thereof, executed and acknowledged in other States and countries.

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

By leave, Senator Robertson introduced Senate File No. 209, A bill for an act to amend section 1564 of the Revision of 1860.

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

By leave, Senator Oliver introduced Senate File No. 210, A bill for an act fixing time for holding courts in the Fourth Judicial District and attaching certain counties in said district to others for judicial purposes.

Read first and second time, and on motion of Senator Oliver, the eleventh rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright
—44.

The nays were none.

Absent but not excused, Senators McMillan, Reed, Smith and Woolson.

So the bill passed, and the title was agreed to.

Senator Cones asked for leave of absence for Senator Larimer, which was granted.

By leave, Senator Hawley introduced Senate File No. 211, A bill for an act to authorize the Sioux City and St. Paul Railroad Company to transfer their rights and privileges to the Sioux City and Pacific Railroad Company, and to facilitate the construction of said road.

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

By leave, Senator Hollman introduced Senate File No. 212, A bill for an act to regulate the planting of hedge-fences and establishing lines thereof.

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

Senator Meyer from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 42, and report the same correctly engrossed.

MEYER, for Committee.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 140. A bill for an act making a grant of land to the Forty-Third Parallel Railroad Company, and to execute the trust conferred by act of Congress, entitled "an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864.

Senate File No. 170, A bill for an act making a grant of land to the McGregor and Sioux City Railway Company, and to execute the trust conferred by act of Congress, entitled "an act for a grant of land to the State of Iowa, in alternate sections, to aid in the construction of a Railroad in said State," approved May 12, 1864, with a majority report of committee recommending that Senate File No. 140 do not pass, and recommending a substitute for Senate File No. 170, and that the substitute do pass, and a minority report recommending that Senate File No. 140 do pass, were taken up and the substitute was further considered.

The question being on the amendment offered by Senator Larrabee, on which question the yeas and nays were demanded by Senator Newell.

The yeas were, Senators Bill, Casady, Donnan, Grimes, Johnson, Knoll, Larrabee, Matthies, Moore, Newell, Traverse, Walden, Wolf, Woolson, Wright—15.

The nays were, Senators Bennett, Bulis, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Long, Meyer, McMillan, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle—31.

Absent but not excused, Senators Hamilton and Mitchel.

The motion did not prevail.

Senator Larrabee moved to amend section 2, fourth line, by striking out all before the word "running" and inserting

SEC. 2. This grant is made upon the express condition that the said railway company shall commence at or near the foot of Main street, South McGregor, in said State, and run thence in a westerly direction, by the most practicable route, on or near the forty-third parallel, until it shall intersect the proposed railroad running from Sioux City to the Minnesota State line, in the county of O'Brien, in said State of Iowa: *Provided*, said company may, at its option, connect with, use, and run over that portion of the McGregor Western, otherwise known as the Iowa division of the Milwaukee and St. Paul Railway between McGregor and the west line of Allamakee county, or any portion thereof, on such terms as they may make with said Milwaukee and St. Paul Railway Company, or under the provisions of the general law regulating and fixing the rights of railroad

companies in that regard: *Provided, farther,* That if said company should connect with, use, and run over any part of the road last aforesaid, they shall diverge therefrom at a point no further west than the west line of Allamakee county, and cross the south line of township ninety-five, east of the west line of range seven.

On which question the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bill, Casady, Donnan, Farwell, Grimes, Johnson, Larrabee, Matthies, Moore, Newell, Pierce, Rice, Traverse, Walden, Wolf, Wright—16.

The nays were Senators Bennett, Bulis, Chapin, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Holtman, Keller, Knoll, Long, Meyer, McMillan, Needham, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Woolson—29.

Absent but not excused, Senators Cattell, Hamilton and Mitchell.

So the motion did not prevail.

Pending the further consideration of the bill, on motion of Senator Newell, the Senate adjourned until two o'clock P. M.

TWO O'CLOCK P. M.

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

By leave, Senator Oliver introduced Senate File No. 213, A bill for an act providing for and requiring of the Cedar Rapids and Missouri River Railroad Company to keep as near as practicable to the forty-second parallel.

Referred to Committee on Railroads, and ordered printed.

By leave, Senator Hamilton, from Committee on Incorporations submitted the following report:

The Committee on Incorporations, to whom was referred substitute for House File No. 129, A bill for an act to regulate insurance companies, have had the same under consideration, and I am instructed to report the same back and recommend its passage, with the following amendments:

In the twelfth line of section 2, strike out the word "party," and insert in lieu thereof the word "body;" in the twenty-seventh line of section 15, after the word "case," insert the word "of;" in the fifth line of the 16th section, strike out the letters "ness," in the word "witness;" insert after the word "insurance," in the seventeenth line of 17th section, the words "or upon the cancelation by the company of the policy;" in section 17 strike out of lines twenty-six,

twenty-seven, and twenty-eight the following: "but in no case shall the note be for more than five times the whole amount of cash premiums;" in the thirty-ninth line of section 17, strike out the word "acquired," and insert in lieu thereof the word "required;" in the twelfth sub-division of section 20, insert in the second line of said sub-division, after the words "than following, to wit," "one and not over;" in the fifth line of section 26, strike out the word "thirtieth," and insert instead thereof the word "first;" in the sixth line of section 40, after the word "supplementary," insert the word "thereof."

HAMILTON, Chairman.

Ordered, that the report pass on file.

By leave, Senator McMillan, from the Committee on Roads, submitted the following report:

The Committee on Roads, to whom was referred Senate File No. 199, have considered the same, and instruct me to report the same back, with the recommendation that it do pass.

McMILLAN, Chairman.

Ordered, that the report pass on file.

By leave, Senator Wright from Committee on Agriculture, submitted the following report:

The Committee on Agriculture to whom was referred House File Nos. 110 and 149, A bill for an act to protect game, direct me to report it back without recommendation.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

By leave, Senator Fairall from Committee on Judiciary, submitted the following report:

I am instructed by a majority of the Judiciary Committee to report back and recommend the passage of Senate File No. 117, A bill for an act to abolish capital punishment, and providing for solitary imprisonment in the penitentiary for certain crimes.

SAMUEL H. FAIRALL, for Committee.

Ordered, that the report pass on file.

The consideration of Senate File Nos. 140 and 170, with substitute was resumed.

Senator Larrabee moved to amend section 2 by adding as follows: *Provided*, That if a more practicable route can be found nearer to the forty-third parallel, on the same meridian with each or either of the points designated in this act, the company shall be at liberty to adopt it.

On which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bill, Hamilton, Johnson, Keller, Larrabee, Matthies, Moore, Newell, Pierce, Richards, Robertson, Wolf—18.

The nays were Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges,

Hollman, Knoll, Long, Meyer, McMillan, Oliver, Patterson, Powers, Reed, Smyth, Traverse, Tuttle, Walden, Wright—27.

Absent, but not excused, Senators Cattell, Farwell, Hawley, Mitchel, Parvin, Rice, Smith, Woolson.

So the motion did not prevail.

Senator Richards moved to amend section 2 by striking out all after the word "latitude," in fourth line, to "until," in sixth line, and insert at the end of the section: Provided said company shall not defect at any point on their route more than twelve miles north of the forty-third parallel, nor shall said railroad run south of the said forty-third parallel.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Hamilton, Johnson, Newell, Pierce, Richards, Walden, Wolf, Woolson—9.

The nays were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Wright—37.

Absent, but not excused, Senator Mitchel.

The amendment was not agreed to.

Senator Woolson moved to amend 5th section, first line, by striking out the words "of land."

The motion did not prevail.

Senator Newell moved to amend 5th section, second line, insert "when under the provisions of this act they have earned and are entitled to such selections."

On which question the yeas and nays were demanded by Senator Larrabee.

The yeas were, Senators Farwell, Hamilton, Johnson, Keller, Larrabee, Moore, Newell, Parvin, Pierce, Rice, Richards, Robertson, Smith, Wolf, Woolson, Wright—16.

The nays were, Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Patterson, Powers, Reed, Smyth, Traverse, Tuttle, Walden—30.

Absent but not excused, Senators Bill and Cattell.

So the motion did not prevail.

Senator Richards moved to amend the eighth section, seventh line, by striking out the words "preceding sections" and inserting the word "provisions" and strike out the word "foregoing" in the eighth line, which was agreed to.

Senator Larrabee moved to amend the eighth section, third line,

by striking out all after the word "the" and inserting the "Forty-third Parallel Railway Company may accept the grant within sixty days thereafter and shall thereby become substituted to all the rights and subject to all the conditions hereinafter mentioned to the same extent as if said Forty-third Parallel Railway Company had been mentioned in this act in place of the McGregor and Sioux City Railroad Company wherever the same occurs therein, on which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bill, Casady, Cattell, Chapin, Donnan, Farwell, Grimes, Hamilton, Johnson, Keller, Knoll, Larrabee, Matthies, Mitchel, Moore, Newell, Pierce, Rice, Richards, Robertson, Smith, Traverse, Walden, Wolf, Woolson, Wright—27.

The nays were, Senators Bulis, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Long, Meyer, McMillan, Needham, Oliver, Parvin, Patterson, Powers, Reed, Tuttle—20.

Senator Bennett was excused from voting.

The amendment was agreed to.

Senator Richards moved to amend the ninth section in the fifth line, after the word "grant" by inserting "and at the time of the acceptance hereinbefore required, and as a part thereof," which was agreed to.

Senator Newell moved to amend the ninth section, third line by striking out the word "sixty" and inserting "thirty," on which question the yeas and nays were demanded by Senator Larrabee.

The yeas were Senators Bill, Grimes, Hamilton, Johnson, Larrabee, Meyer, Moore, Newell, Pierce, Traverse—10.

The nays were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Long, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Wolf, Woolson, Wright—35.

Absent but not excused, Senators Matthies, Rice and Walden.

The motion did not prevail.

Senator Woolson moved to amend section 9: first line after the word "said" insert "McGregor and Sioux City Railway," which was agreed to.

Senator Larrabee moved to amend 9th section by striking out all after the word "constructed" in eleventh line.

Senator Woolson moved to amend 9th section, sixteenth line by inserting after the word "said" the words "last named."

The motion prevailed.

The question being on the amendment offered by Senator Larrabee, the yeas and nays were demanded by Senator Newell.

The yeas were, Senators Bill, Larrabee, Meyer, Newell—4.

The nays were, Senators Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies,

McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—41.

Absent but not excused, Senators Bennett, Casady and Rice.

So the amendment was not adopted.

Senator Larrabee moved to amend section 9 by striking out of seventeenth line the words "for railroads already constructed."

On which question the yeas and nays were demanded by Senator Larrabee.

The yeas were, Senators Bill, Casady, Cattell, Chapin, Grimes, Hamilton, Johnson, Keller, Knoll, Larrabee, Meyer, Moore, Needham, Newell, Parvin, Pierce, Smith, Traverse, Wolf—19.

The nays were, Senators Bulis, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Long, Matthies, McMillan, Mitchel, Oliver, Patterson, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Walden, Woolson, Wright—27.

Absent but not excused, Senators Bennett and Rice.

So the amendment was not agreed to.

Senator Tuttle moved to amend section 9; seventeenth line, after the word "for," insert "any;" after the word "railroads," strike out "already;" after the word "constructed," add "on said line between McGregor and O'Brien county," which was agreed to.

Senator Newell offered the following additional section:

SECTION 10. That in the event of said McGregor and Sioux City Company using or running over any part of the road now built from North McGregor west, the proper railroad connection shall be made with the initial point defined in said land grant act, at or near the foot of Main Street, South McGregor, Iowa, by the construction of a railroad between North McGregor and the initial point before described, and the erection of a passenger and freight depot of sufficient capacity to accommodate the business of the road at said initial point to be completed on or before the first day of December, 1868, and from which date all passenger trains going west shall start from said initial point, and those going east shall run to said initial point, and the freight directed to and through South McGregor, shall be delivered at said point, and it is hereby expressly provided that no land shall be certified by the Governor to said McGregor and Sioux City Railway Company until they have complied with all the requirements of this section.

On which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Cattell, Hamilton, Johnson, Larrabee, Moore, Newell, Oliver, Pierce, Rice, Smith—10.

The nays were Senators Bennett, Bill, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Parvin, Patterson, Powers, Reed,

Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—36.

Absent, but not excused, Senators Grimes and Wolf.

So the motion did not prevail.

The substitute was then adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—42.

The nays were Senators Cattell, Larrabee, Moore, Newell, Woolson—5.

Absent, but not excused, Senator Hamilton.

Senator Larrabee moved to amend the title by inserting after the word "company," the words "or in case of their failure to accept the same to the Forty-Third Parallel Railroad Company," which was agreed to, and the title so amended, was agreed to.

By leave, Senator Hawley introduced Senate File No. 214, A bill for an act legalizing the platting and recording of Block No. 71 in Denison, Iowa.

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

Senator Traverse moved to adjourn.

On which question the yeas and nays were demanded by Senator Bennett.

The yeas were, Senators Bennett, Bill, Cones, Doud, Dunham, Farwell, Hamilton, Johnson, Knoll, Matthies, Meyer, Mitchel, Pierce, Richards, Traverse, Walden, Woolson, Wright—18.

The nays were, Senators Bulis, Casady, Cattell, Chapin, Donnan, Fairall, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Larrabee, Long, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Robertson, Smith, Tuttle, Wolf—29.

Absent but not excused, Senator Smyth.

So the motion did not prevail.

Senator Griffith moved that the special order for ten o'clock this day, being House File No. 152, A bill for an act to provide for the erection of a State House, be postponed until Thursday, March 26, at two o'clock p. m.

On which question the yeas and nays were demanded by Senator Meyer.

The nays were, Senators Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Long, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Smith, Tuttle, Wolf—26.

The nays were, Senators Bennett, Bill, Cones, Doud, Farwell, Grimes, Hamilton, Johnson, Knoll, Larrabee, Matthies, Meyer, Mitchel, Needham, Pierce, Richards, Robertson, Smyth, Traverse, Walden, Woolson, Wright—22.

So the motion prevailed.

On motion of Senator Farwell the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 26, 1868.

Senate convened at 9 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Dinsmore.

The Journal of yesterday was read and approved.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bill and joint resolution, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 124, A bill for an act to perfect the title of Peter Oleson and Magnus Rangoin in and to certain lands.

Joint resolution relative to the construction of a draw-bridge across the Missouri river at Council Bluffs.

I am also directed to inform the Senate that the House has adopted the Senate memorial to Congress in relation to the improvement of the Fox and Wisconsin rivers.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Mitchel, from Committee on Printing, submitted the following report :

The Committee on Printing, to whom was referred the petition for the relief of Henry Hospurs, have had the same under consideration, and have instructed me to report the same back, with the recommendation that the relief asked for in said petition be not granted.

I. J. MITCHEL, Chairman.

Ordered, that the report pass on file.

By leave, Senator Woolson, from special committee on Senate File No. 157, submitted the following report :

The select committee, to whom was referred Senate File No. 157, A bill for an act to provide for Soldiers' Orphans Homes, &c., with instructions, have considered the same, and report the same back with the following accompanying amendment marked "A." Also, insert after section 1, the new sections numbered sections 2, 3, 4, and 5. Add to section 5 of the printed bill (No. 9 when re-numbered) the accompanying amendment marked "B."

A.

Insert after section 1 the following new sections :

SECTION 2. Whenever application shall be made to the board of supervisors of any county in behalf of any soldier's orphan under the age of fourteen years, admitted or which is entitled to admission into any one of the Soldiers' Orphans Home, from such county, for assistance in the support and education of such child at the home of its mother, grandparent or guardian, and such application is accompanied with such evidence as will satisfy such board that such child is a proper individual to receive such assistance, and that the said mother, grandparent or guardian, as the case may be, with whom such child is to reside, is a proper person to have the care, custody and supervision of the same, then said board shall issue its warrant on the county treasurer monthly in favor of such mother, grandparent, or guardian for the sum of one dollar per month, to be continued so long as such assistance is needed, and the fund so contributed to such assistance shall be judiciously expended for the good of such child, or until such child attains the age of fourteen years; and it shall be the duty of the supervisor representing the township where such child shall reside, to ascertain in the best manner in his power, and report from time to time to the same board of supervisors whether such child has the proper care and advantages of education fit, for such child; and said board may for good cause shown, discontinue such assistance at any time; and when such allowance shall be made to any such child by such board, and also when it is discontinued, the clerk of such board shall immediately communicate the fact, giving the name and age of such child, and the name of its father, and also the name of the person to whom the care thereof is intrusted, with the post office address of the mother, to the secretary of the board of trustees of the Iowa Soldiers' Orphans Home.

SEC. 3. Whenever the board of trustees of said home shall receive the information from the clerk of the board of supervisors, as provided in the last section, such board of trustees shall, by its president and secretary, issue monthly to the said mother, grandparent, or guardian, having the care of such child as aforesaid, an order on the treasurer of such board of trustees for the sum of four dollars, payable to the order of such person so having the care of such child, so long as the said board of supervisors shall continue its assistance as provided in the last section; and shall transmit the same by mail on the first of each month. Where there are more than one child of the same father taken care of by the same person, the application, information, and payments may embrace all in the same form, without executing separate papers for each.

SEC. 4. The secretary of such board of trustees shall keep a list of all orders issued under the preceding section by number,

date, payee, and amount, and shall deliver to the Auditor of State monthly, on the first of each month, a certified copy of such list for the preceding month; such certificate shall be sufficient authority to the auditor to draw his warrant on the Treasurer of State in favor of the treasurer of said board for the amount thereof, and the said treasurer of said board shall keep such funds exclusively for the payment of such orders, and shall pay them in such order as they may be presented.

SEC. 5. It shall be the duty of the board of trustees, and all persons employed about the several Orphans' Homes, to encourage and promote, so far as it is possible, the adoption of the orphans in their charge or care into families where they will find good homes with the proper advantages of education and training; and in cases where such orphans have no parent living, or resident of this State, the consent of the president of said board given to the adoption of any such orphan shall be equivalent to, and supersede the necessity of the consent of parent, guardian, or other authority. And when any such child is adopted, the trustees shall take care that its rights are protected, as well in regard to its educational as to its general welfare, and, in case there be a necessity for it, they shall cause the proper remedy to be applied.

B.

- Add to section 9, as amended, at the end thereof:

"*Provided*, That, of the moneys appropriated by section 7 of this act, the trustees may draw immediately a sum not exceeding _____ dollars for furnishing, repairing and rent of the building used by the Home at Cedar Falls; and of the moneys appropriated by section 8 of this act, the trustees may draw immediately a sum not exceeding _____ dollars for furnishing and repairing the buildings used as a Home at Glenwood; on the first Monday of December next, or as soon thereafter as convenient, the said board shall meet, and after considering the operations of the provisions of this act, and ascertaining the number of orphans then supported at the several Homes, they shall determine how much, if any, more room than exists at the Davenport Home is required for the accommodation of said orphans with due regard to the future; and therefore if any be needed, the board shall proceed to contract for and cause to be built only such additional room as the actual wants of such orphans require; and said board shall thereupon proceed to draw so much of said remaining appropriations as may be necessary for that purpose.

In case any new building shall be constructed, the board of trustees are directed to have such plan of construction adopted as may be necessary to hereafter use the same for a school for imbecile-minded youth."

T. W. WOOLSON, Chairman.

On motion of Senator Powers, Senate File No. 157, with report of committee recommending amendments, was taken up and considered.

The question being on the adoption of the amendments reported by the special committee, Senator Powers offered the following as a substitute for the report of the committee :

“Any child in either of the orphans’ homes may, with the consent of the parent or guardian of such child, be adopted by any citizen of this State, but no article of adoption shall be of any force or validity until approved by the board of trustees, nor shall any child so adopted be removed from the Home until articles of adoption are so approved. The board of trustees shall have power, and it shall be their duty, to discharge from the Homes all children who are of proper age, or have sufficient means to provide for themselves, or whose mothers have sufficient means, and are competent to take care of them. Any child adopted from either of the Homes shall be returned to the Home from which it was taken upon the order of the board of trustees, and the board shall make such order whenever they are satisfied that such child is not properly trained, educated and provided for by the person by whom it was adopted. Such order shall be entered on the minutes of the proceedings of the board of trustees, and shall discharge and cancel the articles of adoption.

Senator Newell offered the following :

Resolved, That Senate File No. 157 be recommitted to the special committee to whom was referred the subject of providing homes for our soldiers’ orphans, and that said committee be requested to inquire into the expediency of discontinuing the Homes now located at Glenwood, Davenport and Cedar Falls, with a view to providing homes for said soldiers’ orphans at the Agricultural College Farm.

The resolution was not adopted.

The question recurring on the motion of Senator Powers, pending which the President announced that the hour for the special order had arrived, it being the consideration of the following joint resolution agreeing to ratifying and confirming amendments to the State constitution.

WHEREAS, The Eleventh General Assembly of the State of Iowa did in due form by a majority of the members elected to each of the two Houses, agree to proposed amendments to the constitution as follows :

- 1st. Strike the word “white” from section 1, article 2 thereof.
 - 2d. Strike the word “white” from section 22, of article 3 thereof.
 - 3d. Strike the word “white” from section 34, of article 3 thereof.
 - 4th. Strike the word “white” from section 35, of article 3 thereof.
 - 5th. Strike the word “white” from section 1, of article 6 thereof,
- and entered the same on the journals thereof, and referred the same to the legislature to be chosen at the next general election, and the same having been published as provided by law for three months

previous to the time of making the choice of the Twelfth General Assembly; therefore,

Be it Resolved by the General Assembly of the State of Iowa, That the said amendments aforesaid, and each of them are hereby ratified, and the same shall be submitted to the people for their approval as this General Assembly shall provide, with report of committee recommending the passage of the same, and also Senate File No. 186, A bill for an act providing for the submission of certain proposed amendments to the constitution of the State of Iowa to the people thereof at the next general election, which were taken up and considered.

On motion of Senator Oliver the joint resolution was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright.—40.

The nays were Senators Casady, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll—7.

Absent, but not excused, Senator Tuttle.

The joint resolution was adopted.

Senate File No. 186 was next considered, and on motion of Senator Oliver, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright—40.

The nays were Senators Casady, Dunham, Fairall, Fellows, Hedges, Hollman, Knoll—7.

Absent but not excused, Senator Tuttle.

So the bill passed, and the title was agreed to.

The consideration of Senate File No. 157 was resumed, the question being on the substitute for the amendments reported by the committee, offered by Senator Powers, pending which, Senator Reed moved to adjourn until two o'clock P. M.

The motion prevailed, and the Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the chair.

The President announced that the hour for the special order had arrived, it being the consideration of House File No. 157, A bill for an act to provide for the erection of a State House. By consent, it was postponed until after Senate File No. 157, which was under consideration at the hour of adjournment, was disposed of, and the Senate proceeded to the further consideration of the last named bill.

Senator Powers moved a call of the Senate, which was sustained.

The roll was then called, and the following named Senators were found to be absent without excuse: Senators Larrabee, Long, Needham, Patterson, Tuttle and Wolf.

Senator Parvin moved that further proceedings under the call be dispensed with.

The motion did not prevail.

The Sergeant at Arms was then directed to bring the absentees to the bar of the Senate.

Senator Oliver moved to adjourn.

The motion did not prevail.

Senator Oliver moved that further proceedings under call be dispensed with, which was agreed to.

The following message was received from the House:

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

House File No. 257, A bill for an act to release an escheat in Hamilton county.

Senate File No. 182, A bill for an act to legalize certain acts of the board of supervisors of Washington county.

Senate File No. 156, A bill for an act to legalize the plat of the town of Sabula, in Jackson county, Iowa, and to legalize all conveyances heretofore made by the members of lots and blocks as now specified in said plat.

Senate File No. 132, A bill for an act to legalize the acknowledgment and entitle to record a deed from Geo. J. Meredith and wife to William Haldeman.

Substitute for Senate File No. 170, A bill for an act making a grant of land to the McGregor and Sioux City Railway Company, or in case of their failure to accept the same, to the Forty-Third Parallel Company, and to execute the trust conferred by act of Congress entitled "an act for a grant of land to the State of Iowa

in alternate sections, to aid in the construction of a railroad in said State," approved May 12, 1864.

Substitute for Senate File No. 150, A bill for an act to quiet the title to Margaret Enk and others to certain real estate.

I herewith present for your signature joint resolution asking that Council Bluffs be made a port of delivery. And also House File No. 30, A bill for an act to amend chapter 46 of the Revision of 1860, in relation to state and county roads, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

M. U. WOODRUFF, Chief Clerk.

The question being on the substitute offered by Senator Powers, for the amendments reported by the committee, the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Reed, Rice, Smith, Smyth, Tuttle, Wolf—34.

The nays were, Senators Bill, Hamilton, Hawley, Knoll, Larrabee, Newell, Pierce, Richards, Robertson, Traverse, Walden, Woolson, Wright—13.

The motion prevailed.

Senator Powers moved to adopt the substitute as section 7, which was agreed to.

Senator Powers moved that the rule be suspended, and read the bill a third time now.

Senator Larrabee moved to amend section 3 by striking out all before the word "there," and strike out the third and fourth line, and insert "trustees to use the whole or part of said appropriation as in their judgment is necessary to secure good buildings and accommodations for the orphans at Cedar Falls, or at such places in the Third Congressional District, as may offer the best opportunities, and the most economical provisions for said orphans."

On which question the yeas and nays were demanded by Senator Newell.

The yeas were, Senators Bill, Knoll, Larrabee, Newell, Oliver, Pierce, Richards, Wolf—8.

The nays were, Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Parvin, Patterson, Powers, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—9.

Absent but not excused, Senator Reed.

So the amendment was not agreed to.

Senator Newell moved to amend section 3, second line, by striking

out the words "twenty-five" and inserting "fifteen," which was not agreed to.

Senator Fellows moved to strike out section 6 and insert as follows:

"In the enumeration of persons between the ages of five and twenty-one years, as provided by sections 41 and 50 of chapter 172 of the acts of the Ninth General Assembly, the orphans at the several Homes shall in no case be enumerated in the several districts in which such Homes are located, except in cases where the mother, guardian, or other person having the legal charge or control of such child, other than the officers of the Homes, shall reside in such district," which motion was agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were Senators Bill, Hedges, Hollman, Knoll—4.

Absent but not excused, Senator Rice.

So the bill passed, and the title was agreed to.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the further consideration of House File No. 152, A bill for an act to provide for the erection of a State House, which was taken up and considered.

Senator Cattell moved to suspend the rule and read the bill a third time now.

Senator Bennett moved to amend by striking out all of the bill after the words "State House," in fifth line of section 2, and inserting: "They shall at once advertise, for at least twenty days in two daily newspapers published in Iowa, and one in each of the cities of Chicago, New York, and Philadelphia, for plans and specifications for the State House—

1st. Plans based on a cost of seven hundred and fifty thousand dollars.

2d. Plans based on a like estimate of one million dollars.

3d. Plans based on a like estimate of one and a half million of dollars; and said commissioners shall determine which of said several classes of plans are the best two, and shall pay a reasonable com-

compensation for such best two of each class, and shall report such selected plans to the next General Assembly for its action.

SEC. 3. The said commissioners shall advertise that they will receive specimens of stone fit for dressing, of such dimensions as they shall determine, from such quarries as the owners thereof desire should be tested for this purpose; and said board may pay a reasonable sum for the transportation thereof to them. Upon their reception they shall cause the said specimens to be tested as to their fitness for the purposes, to their satisfaction, by all the known means to prove their durability, color and quality, as well chemically and mechanically, and by exposure to sun and freezing; and shall report the results ascertained, and also the relative cost of the different kinds or specimens in respect to first cost and cost of transportation, with any other facts they may think proper, to the next General Assembly.

SEC. 4. That said board of commissioners, at their first meeting, or as soon thereafter as possible, shall proceed to cause to be constructed in the present capitol building, a fire-proof vault for the preservation of the archives of the State, in such place and form as shall, in the opinion of a majority of such board, best secure the records of the State against destruction by fire.

SEC. 5. The said board shall also cause the necessary repairs of the present building to be made whenever necessary, to such an extent as may in their opinion be required to render the same fit for the purpose for which it is used, until a new capitol shall be completed.

SEC. 6. That to enable the said board to make the said repairs, to defray all the expenses incurred by said commissioners under this act, there is hereby appropriated out of the State treasury the sum of fifteen thousand dollars, or so much thereof as may be necessary.

SEC. 7. This act shall take effect upon its publication in the State Register and Evening Statesman."

On which question the yeas and nays were demanded by Senator Wolf.

The yeas were, Senators Bennett, Bulis, Chapin, Cones, Donnan, Doud, Farwell, Grimes, Hamilton, Johnson, Knoll, Matthies, Meyer, Mitchel, Newell, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—27.

The nays were Senators Casady, Cattell, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Larrabee, Long, McMillan, Moore, Needham, Oliver, Patterson, Powers, Reed, Wolf—20.

Absent but not excused, Senator Parvin.

So the amendment was adopted.

Senator Tuttle moved to reconsider the vote just taken, on which the yeas and nays were demanded by Senator Farwell.

The yeas were Senators Bulis, Casady, Cattell, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll,

Larrabee, Long, McMillan, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Smith, Tuttle—26.

The nays were Senators Bennett, Bill, Chapin, Cones, Doud, Farwell, Grimes, Hamilton, Johnson, Matthies, Meyer, Mitchel, Needham, Parvin, Pierce, Robertson, Smyth, Traverse, Walden, Wolf, Woolson, Wright—22.

So the motion prevailed.

Senator Oliver moved to recommit the bill and amendments to Committee on Public Buildings.

The motion prevailed.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked :

House File No. 347, A bill for an act for the relief of George Higley, of Dubuque, Iowa.

Substitute for House File No. 225, A bill for an act to legalize the notarial acts of certain notaries public of Polk county.

M. C. WOODRUFF, Chief Clerk.

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

HOUSE MESSAGES.

House File No. 257, A bill for an act for the relinquishment of an escheat was taken up and read first and second time.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Wright—41.

The nays were none.

Absent but not excused, Senators Cones, Dunham, Hollman, Johnson, Rice, Traverse and Woolson.

So the bill passed, and the title was agreed to.

House File No. 272, A bill for an act to provide for the taxation of the shares of National Banks was read first and second time, and referred to Committee on Banks.

House File No. 247, A bill for an act to protect crops against the invasion of stock, was read first and second time, and referred to Committee on Agriculture.

House File No. 252, A bill for an act to authorize counties to fund certain indebtedness and to provide for the payment thereof, was read first and second time and referred to Committee on County and Township Organization.

House File No. 347, A bill for an act for the relief of George Higley of Dubuque, Iowa, was read first and second time and referred to Committee on Claims.

Substitute for House File No. 225, A bill for an act to legalize the notarial acts of certain notaries public of Polk county, was read first and second time, and referred to Committee on Judiciary.

House File No. 307, A bill for an act to authorize cities of the first and second class to establish fire limits, was taken up, read first and second time, and referred to Committee on Incorporations.

Substitute for House File No. 139, A bill for an act prescribing the terms and conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain rights and privileges in respect to the resumption of lands heretofore granted to said company, was read first and second time, and referred to Committee on Railroads.

By leave, Senator Donnan introduced Senate File No. 215, A bill for an act to permanently locate and provide for the erection of an additional institution for the insane.

Read first and second time, and referred to Committee on Public Buildings; ordered printed.

Senator Donnan moved that the bill be made the special order for March 31st, at ten o'clock, A. M.

On which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Richards, Traverse, Tuttle, Walden, Wolf—35.

The nays were Senators Farwell, Keller, Matthies, Parvin, Reed, Robertson, Smyth, Woolson, Wright—9.

Absent, but not excused, Senators Dunham, Rice, and Smith.

The motion prevailed.

By leave, Senator Hamilton introduced Senate File No. 216, A bill for an act to annex certain lands to sub-district number one, in Center township, Wapelle county, Iowa, for all school and school-house purposes.

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

By leave, and on motion of Senator Wright, Senate File No. 162, A bill for an act making appropriation for the Iowa State Agricultural College and Farm, was taken up and made the special order for March 31st, at two o'clock, P. M.

By leave, Senator Larrabee offered the following:

Resolved, That the copies of the report of the State Geologist which the Committee on Commerce ordered to be printed, be distributed as follows:

To each member of the General Assembly, 10 copies; to the Governor, 50 copies; to the Secretary of State, Auditor, Treasurer, and Lieutenant-Governor, each 10 copies; to each of the five clerks of the House, and each of the five secretaries of the Senate, 3 copies; to the State Geologist, 400 copies.

Senator Bill moved to amend by adding two copies each to door-keeper, sergeant-at-arms, janitor, and paper-folders.

Senator Wolf moved to refer to Committee on Printing, which was agreed to.

On motion of Senator Patterson, substitute for House File No. 39, A bill for an act to provide for the incorporation of towns and cities, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Griffith, Hamilton, Hollman, Johnson, Long, Matthies, Newell, Patterson, Pierce, Powers, Reed, Smith, Traverse, Tuttle, Walden, Wright—25.

The nays were Senators Bennett, Bulis, Farwell, Fellows, Keller, Knoll, Meyer, Mitchel, Moore, Needham, Oliver, Parvin, Richards, Robertson, Smyth, Wolf—16.

Absent, but not excused, Senators Grimes, Hawley, Hedges, Larabee, McMillan, Rice, and Woolson.

So the bill passed, and the title was agreed to.

On motion of Senator Richards, substitute for House File No. 129, A bill for an act to regulate insurance companies, was made the order for March 27th, at 11 o'clock A. M.

By leave, and on motion of Senator Powers, House File No. 135, A bill for an act to fix the compensation of the Attorney-General for certain services, was taken up, and considered.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—41.

The nays were none.

Absent but not excused, Senators Casady, Grimes, Hedges, Larabee, Mitchel and Woolson.

So the bill passed, and the title was agreed to.

By leave, and on motion of Senator Powers, House File No. 237, A bill for an act requiring the reporter of the Supreme Court to attend the argument term at Dubuque, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—43.

The nays were none.

Absent but not excused, Senators Casady, Hedges, Larrabee, Oliver and Woolson.

So the bill passed, and the title was agreed to.

By leave, Senator Patterson from Committee on County and Township Organizations, submitted the following report :

Your Committee on County and Township Organization have had under consideration the substitute for Senate File Nos. 68 and 69, and have directed me to report the following substitute for the same, and recommend its passage. They have also considered the resolution on the same subject in regard to limiting the size of road districts, and direct me to report that they deem the change proposed inexpedient.

J. G. PATTERSON, Chairman.

On motion of Senator Patterson the report was made the special order for March 28, at 9½ o'clock A. M.

By leave, Senator Parvin from Committee on Claims, submitted the following report :

The Committee on Claims have had under consideration the bill for an act to release the county of Louisa from the payment of certain funds belonging to the State, and which were stolen from the treasury of said county, and have instructed me to report that under the instruction of the Senate as manifested by the vote in similar cases, the committee recommend that the bill do pass.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

By leave, Senator Moore introduced Senate File No. 217, A bill for an act legalizing the contract made by the board of supervisors of Page county, Iowa, with St. Louis, Chillicothe and Omaha Railroad Company; the submission to the people of said contract and authorizing the board of supervisors of said county to levy a tax to pay the indebtedness arising out of said agreement.

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

On motion of Senator Hollman the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 27, 1868.

Senate convened at 9 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Paxton.

The journal of yesterday was read and approved.

By leave, Senator Griffith, from Committee on Public Buildings, submitted the following report :

Your committee to whom was referred Senate File No. 215, A bill for the location and erection of an additional institution for the insane, have had the same under consideration, and instruct me to report the same back, with recommendation that it do pass.

GRIFFITH, for Committee.

Ordered, that the report pass on file.

By leave, Senator Reed, from Committee on Railroads, submitted the following report :

The Committee on Railroads, to whom was referred substitute for House File No. 139, A bill for an act prescribing the terms and conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain rights and privileges in respect to the resumption of lands heretofore granted to said company, have had the same under consideration, and a majority of the committee instruct me to report the bill back, with the following amendments :

Strike out of the 3d section the words "the company accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for transportation of freight and passengers as may from time to time be enacted by the General Assembly of the State of Iowa," and so amended they recommend that the bill do pass.

J. R. REED, Chairman.

Ordered, that the report pass on file.

By leave, Senator Mitchel, from Committee on Claims, submitted the following report :

Your Committee on Claims, to whom was referred the claim of John Garrahty against the State of Iowa, for services as attorney, have had the same under consideration, and a majority of said committee have instructed me to report the following bill, and recommend its passage.

MITCHEL, for Committee.

Senate File No. 218, A bill for an act for the relief of John Garrahty.

Read first and second time, and passed on file.

Ordered, that the report pass on file.

By leave, Senator Bulis from Committee on State University, submitted the following report :

The Committee on State University have had under consideration Senate File No. 205, A bill for an act to establish a State Normal School at Marshalltown, and a majority of the committee instruct me to report the same back without recommendation.

BULIS, Chairman.

Senator Rice moved that Senate File No. 205, be made the special order for Tuesday, March 31st, at 9½ o'clock A. M., which was agreed to.

By leave, Senator Farwell from Committee on Public Lands, submitted the following report:

Your committee have had House File No. 108, A bill for an act authorizing the sale of certain school lands in Webster and Hamilton counties, under consideration, and have instructed me to report the same back without recommendation.

FARWELL, Chairman.

Senator Hawley moved to refer to special committee, Senator Mitchel to be chairman.

Senator Fairall moved to amend by referring to Judiciary.

The amendment was agreed to.

By leave, Senator Wolf from Committee on Judiciary, submitted the following report:

The Committee on Judiciary to whom was referred Senate File No. 38, A bill for an act to amend section 824, of the Revision of 1860 relating to county roads, have had said bill under consideration, and have instructed me to report the same back to the Senate with accompanying substitute, with recommendation that said substitute be adopted and passed.

WOLF, Chairman.

Ordered, that the report pass on file.

The Committee on Judiciary, to whom was referred substitute for House File No. 60, A bill for an act to provide for the payment of witness' and jurors' fees in State cases, have had said bill under consideration, and have directed me to report the same back to the Senate with the recommendation that it be amended by adding to the first section thereof the following words: "Provided, that the county may afterward collect such fees from such defendant; and provided further, that nothing in this act shall be construed as preventing courts from taxing costs against private prosecutors under the provisions of sections 4646 and 5086 of the Revision of 1860," and with the further recommendation that the said bill when so amended do pass.

WOLF, for Committee.

Ordered, that the report pass on file.

Also the following:

The Committee on Judiciary, to whom was referred Senate File No. 146, A bill for an act declaring certain written instruments not negotiable, have had said bill under consideration, and a majority of

said committee have directed me to report said bill to the Senate, with the recommendation that it be indefinitely postponed.

WOLF, for Committee.

Ordered, that the report pass on file.

By leave, Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have considered Senate File No. 196, and instructed me to report the accompanying substitute, and recommend the adoption of the substitute, and that it do pass.

CATTELL, for Committee.

On motion of Senator Cattell the report was considered, and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—46.

The nays were none.

Absent but not excused, Senator Oliver.

So the bill passed, and the title was agreed to.

Senator Donnan asked leave of absence for Senator Powers, which was granted.

By leave, and on motion of Senator Reed, substitute for House File No. 139, A bill for an act prescribing the terms and conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain rights and privileges in respect to the resumption of lands heretofore granted, with report of committee recommending amendments, was taken up and considered.

The question being on the adoption of the amendments recommended by the committee, the yeas and nays were demanded by Senator Hawley.

The yeas were Senators Bulis, Casady, Cattell, Chapin, Dunham, Fairall, Griffith, Hawley, Hedges, Hollman, Larrabee, Long, Moore, Oliver, Patterson, Reed, Tuttle, Walden, Wright—19.

The nays were Senators Bennett, Bill, Cones, Donnan, Doud, Farwell, Fellows, Grimes, Hmailton, Johnson, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Parvin, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson—28.

The report of the committee was not agreed to.

Senator Reed moved to suspend the rule, and read the bill a third time now.

Senator Hawley moved to add at the end of section 8: "*Provided,*

That the right herein reserved to regulate the rates of tariff shall not be exercised so as to prevent said railroad from earning and paying ten per cent per annum upon the cost thereof.

Pending which the President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 200, A bill for an act to authorize owners or lessees of coal lands to acquire the right of way thereto for wagon roads, horse railroads, and to drain such lands over the lands of others, which was taken up and considered.

On motion of Senator Pierce, the bill was recommitted to the Committee on Roads.

The consideration of House File No. 139 was resumed.

The question being on the amendment offered by Senator Hawley, on which question the yeas and nays were demanded by Senator Hawley.

The yeas were Senators Bulis, Casady, Cattell, Dunham, Fairall Griffith, Hawley, Hedges, Hollman, Larrabee, Long, Moore, Oliver Patterson, Reed, Tuttle, Walden—17.

The nays were Senators Bennett, Bill, Chapin, Cones, Donnan, Doud, Farwell, Fellows, Grimes, Hamilton, Johnson, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Parvin, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson, Wright—30.

The amendment was not agreed to.

Senator Mitchel moved to amend by adding at the end of subdivision 4 of section 1 the following: "That said railroad company shall, in the construction of said railroad, be confined within the limits of said land grant," pending which, the President announced that the hour for the special order had arrived, it being the consideration of substitute for House File No. 129, A bill for an act to regulate insurance companies.

Senator Fairall moved to postpone the special order until the bill under consideration shall be disposed of, which was agreed to, and the consideration of House File No. 139 was resumed.

The question being on the amendment offered by Senator Mitchel, the yeas and nays were demanded by Senator Mitchel.

The yeas were, Senators Donnan, Grimes, Hamilton, Johnson, Knoll, Meyer, Mitchel, Oliver, Patterson, Rice, Richards, Smith, Smyth, Tuttle, Wright—15.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Long, Matthies, McMillan, Moore, Newell, Parvin, Pierce, Reed, Robertson, Traverse, Walden, Woolson—28.

Absent but not excused, Senators Dunham, Larrabee, Needham and Wolf.

The motion did not prevail.

The question recurred on the motion to suspend the rule and read the bill a third time now.

The motion prevailed and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—45.

The nays were, Senator Mitchel—1.

Absent but not excused, Senator Smith.

So the bill passed, and the title was agreed to.

The following message was received from the House:

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

House File No. 271, A bill for an act to legalize, confirm and carry out a contract between the Dubuque and Sioux City and the Iowa Falls and Sioux City Railroad Company, and to extend the time for completing said railroad from Dubuque to Sioux City; and to grant certain lands to the Dubuque, Bellevue and Sabula Railroad Company for the building of the Tete des Morts Branch, &c.

House File No. 319, A bill for an act to provide for the relief of certain classes of indigent persons.

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of substitute for House File No. 129, which, with report of committee recommending amendments, was taken up, considered and the various amendments reported by the committee were adopted.

Senator Cattell moved to amend section 3: sixth line insert after stock holder the words: "*Provided*, that any company which shall have all of its capital stock well and properly secured by mortgage on real estate, or by good and sufficient collateral security, shall not be required to pay or have paid up in cash more than fifteen per cent of its capital stock.

The motion was not agreed to.

Senator Cattell moved to amend section 23, fifth line by inserting after the word "capital" the words "exclusive of any assets of any such company as shall be deposited in any other states or territories for the special benefit or security of the insured therein."

Pending which, the following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 59, A bill for an act abolishing distinctions between foreigners and citizens as to the acquisition, enjoyment and transfer of property.

House File No. 257, A bill for an act for the relinquishment of an escheat.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Fellows, the Senate adjourned until two o'clock P. M.

TWO O'CLOCK, P. M.

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

The consideration of substitute for House File No. 129 was resumed, the question being on the amendment offered by Senator Cattell, which was agreed to.

Senator Bulis moved to amend section 20 by adding "each accident insurance company, or company insuring against accident in this State, shall keep a register of tickets sold by its officers or agents, which register shall show the name and residence of the person insured, the amount of such insurance, the date of issue of such ticket and the time the same will be and remain in force; and it shall be the duty of every such company to file in the office of the Auditor of State in January in each year, a report sworn to by the President or Secretary of the company, showing the above items of the business of such company during the preceding year, and the Auditor of State shall withhold the certificate of authority from any such company neglecting or failing to comply with the provisions of this section," which was agreed to.

Senator Cattell moved to strike out of line four, section 15, the word "fifty," and insert "forty," on which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bennett, Bulis, Cattell, Donnan, Dunham, Farwell, Griffith, Grimes, Hollman, Johnson, Knoll, Matthies, Meyer, McMillan, Pierce, Richards, Robertson, Smith, Wolf, Woolson, Wright—21.

The nays were Senators Bill, Casady, Chapin, Doud, Fairall,

Hamilton, Hawley, Keller, Larrabee, Long, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Rice, Smyth, Traverse, Tuttle—20.

Absent but not excused, Senators Cones, Fellows, Hedges, Reed, and Walden.

So the motion prevailed.

Senator Knoll moved to add the following as an additional section:

SEC. 40. Nothing in this act shall be so construed as to prevent any number of persons not exceeding two hundred to make mutual pledges, and to give valid obligations to each other for their own insurance from loss by fire or death. But such associations of persons shall in no case insure any property not owned and occupied by one of their number, and no life except that of their own members, which was agreed to.

Senator Cattell moved to amend section 41 as follows: strike out to the word "chapter" in second line, and add at the end of the section, the words, "and the Auditor of State is authorized to return the deposits made under section 1759, of the Revision of 1860, provided such deposits shall not be needed for the payments of losses due from the company having made the same," which was agreed to.

Senator Patterson moved to add at the end of section 40, the words, "nor shall any of the provisions of this act be applicable to such associations or corporations." Adopted.

Senator Richards moved to amend section 28, fifteenth line, by striking out "20," and inserting "10," and in the sixteenth line strike out the words, "paid up."

The motion did not prevail.

Senator Woolson moved to amend section 40 by adding, "provided such associations or companies shall in no case pay any salaries or compensation to officers, agents, or any other employes, and shall receive no premiums nor make any dividends," which was agreed to.

Senator Cattell moved to amend section 40, after the word "repealed," in third line, insert "except so far as the same relates to the business of life insurance companies."

The motion prevailed.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—45.

The nays were none.

Absent, but not excused, Senator Rice.

The bill passed, and the title was agreed to.

On motion of Senator Meyer, bills on third reading were taken up.

BILLS ON THIRD READING.

Senate File No. 80, A bill for an act to amend section 2, chapter 115, of the laws of the Ninth General Assembly, relating to the protection of game, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Cones, Donnan, Fairall, Farwell, Grimes, Hawley, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, Newell, Parvin, Pierce, Reed, Richards, Robertson, Smyth, Wolf—25.

The nays were Senators Bulis, Casady, Doud, Fellows, Griffith, Hamilton, Hedges, Keller, McMillan, Mitchel, Oliver, Patterson, Smith, Traverse, Tuttle, Walden, Woolson, Wright—18.

Absent but not excused, Senators Dunham, Moore and Rice.

So the bill passed, and the title was agreed to.

Senate File No. 93, A bill for an act to authorize the Register of the State Land Office to deliver patents to the parties who purchased lands of the Commissioners of the Des Moines River Improvements, whether the original certificates have been lost or destroyed, was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—44.

The nays were none.

Absent but not excused, Senators Cones and Rice.

The bill passed, and the title was agreed to.

Senate File No. 42, A bill for an act for the registry of electors and to prevent fraudulent voting, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wright—33.

The nays were, Senators Casady, Fairall, Farwell, Fellows, Hedges, Hollman, Knoll, Richards, Wolf—9.

Absent but not excused, Senators Cones, Smith, Rice and Woolson.

The bill passed, and the title was agreed to.

Senator Walden moved a call of the Senate, which was sustained.

The roll was then called, and Senator Needham was absent without excuse.

Senator Knoll moved that further proceedings under the roll be dispensed with.

The motion prevailed.

Senator Larrabee moved to adjourn, which was not agreed to.

Senate File No. 160, A bill for an act reorganizing boards of supervisors, was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Bulis, Casady, Cones, Griffith, Hamilton, Hawley, Keller, Matthies, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Reed, Rice, Smyth, Traverse, Walden, Woolson, Wright—28.

The nays were, Senators Bennett, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Meyer, Newell, Parvin, Richards, Robertson, Smith, Tuttle, Wolf—24.

So the bill having failed to receive a constitutional majority, did not pass.

Senator Larrabee moved to adjourn, on which question the yeas and nays were demanded.

The yeas were Senators Dunham, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Knoll, Larrabee, Long, Meyer, Smith, Wolf—13.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Griffith, Hamilton, Hawley, Johnson, Keller, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—34.

So the motion did not prevail.

Substitute for Senate File No. 54, A bill for an act to provide for the election of township collectors, and to define their powers and duties, was taken up, pending which, Senator Farwell moved to take up bills on second reading.

Senator Oliver moved the previous question.

On the question, Shall the previous question be seconded? the yeas and nays were demanded.

The yeas were Senators Bennett, Bill, Bulis, Casady, Cones, Dunham, Hamilton, Hawley, Keller, Larrabee, Matthies, McMillan, Mitchel, Moore, Oliver, Parvin, Pierce, Reed, Rice, Robertson, Traverse, Walden, Woolson, Wright—24.

The nays were Senators Cattell, Chapin, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Knoll, Long, Meyer, Needham, Newell, Patterson, Richards, Smith, Smyth, Tuttle, Wolf—23.

The previous question was seconded.

On the question "Shall the main question be now put?" the yeas and nays were demanded.

The yeas were Senators Bennett, Bill, Bulis, Casady, Chapin, Cones, Doud, Griffith, Hamilton, Hawley, Keller, Matthies, McMillen, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Traverse, Tuttle, Walden, Woolson, Wright—27.

The nays were Senators Cattell, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Meyer, Newell, Richards, Robertson, Smith, Smyth, Wolf—20.

The main question was ordered.

The bill was then read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Larrabee, Meyer, Newell, Patterson, Richards, Smith, Smyth, Tuttle, Wright—20.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Cones, Doud, Griffith, Hamilton, Hawley, Keller, Long, Matthies, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Pierce, Reed, Rice, Robertson, Traverse, Walden, Wolf, Woolson—27.

So, the bill failing to receive a constitutional majority, did not pass.

Senate File No. 176, A bill for an act to empower municipal corporations to contract for the use of railroad bridges as public highways, was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Bill, Dunham, Keller, and Needham.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked:

House File No. 81, A bill for an act to enable sureties on replevin bonds to exonerate themselves from further liability on the same.

House File No. 138, A bill for an act to enable railroad corporations to take and hold real estate for the purpose of constructing and maintaining dams and reservoirs to hold and accumulate water to supply engines, and for the purpose of laying down pipes to supply water for the use of engines used in operating such railroad.

I have also to inform the Senate that the House has passed the following bill without amendment, which I herewith submit:

Senate File No. 85, A bill for an act establishing Circuit and General Term Courts, and to define the powers and jurisdiction thereof.

M. C. WOODRUFF, Chief Clerk.

By leave, and on motion of Senator Hawley, House File No. 271, A bill for an act to legalize, confirm, and carry out a contract between the Dubuque and Sioux City Railroad Company, and the Iowa Falls and Sioux City Railroad Company, and to extend the time for completing said railroad from Dubuque to Sioux City, to grant certain lands to the Dubuque, Bellevue, and Sabula Railroad Company, for the building of the Tete des Morts Branch, and for other purposes, was taken up, read first and second time, and referred to Committee on Railroad, with instructions to print if they think necessary.

By leave, Senator Hawley from Committee on Railroads, submitted the following report:

The Committee on Railroads to whom was referred memorial and joint resolution, asking certain amendments to the Pacific Railroad bill by Congress requiring the Northern Branch thereof to run westwardly from Sioux City, Iowa, have had the same under consideration, and have directed me to report the same back with the following amendment: Strike out the third resolution, and as so amended would recommend their adoption.

THEO. HAWLEY, for the Committee.

Ordered, that the report pass on file.

By leave, Senator Newell offered the following:

Resolved, by the Senate, the House concurring, That our Senators and Representatives in Congress are hereby requested to favor and use their influence in securing such national legislation as shall secure to the holders of our national bonds issued since the 13th day of April, 1861, payment in gold or lawful money of the United States, according to the express conditions of said bonds; that is to say where it is expressly provided in the bond, as one of its conditions, that said bond shall be paid at maturity in gold, that the same shall be so paid, and when it is not so expressly provided in the bond, then said bond shall be paid at maturity in the lawful money of the United States.

Referred to Committee on Federal Relations.

By leave, Senator Fairall, introduced Senate File No. 219, A bill for an act relating to the dissolution or modification of injunctions and other orders.

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

Senator Meyer moved that House messages be taken up.

The motion prevailed.

HOUSE MESSAGES.

House File No. 138, A bill for an act to enable railroad corporations to take and hold real estate for the purpose of constructing and maintaining dams and reservoirs to hold and accumulate water to supply engines, and for the purpose of laying down pipes to supply water for use of engines used in operating such railroad.

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

House File No. 319, A bill for an act to provide for the relief of certain classes of indigent persons.

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

House File No. 81, A bill for an act to enable sureties on replevin bonds to exonerate themselves from liability on the same.

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

By leave, Senator Wolf, from special committee on Senate File No. 172, submitted the following report:

Your special committee, to whom was referred Senate File No. 172, A bill for an act transferring the county of Tama from the Eighth to the Eleventh Judicial District, and fixing the time of holding court therein, have had said bill under consideration, and said committee, being unable to agree, the undersigned members thereof report said bill back with the accompanying substitute, and recommend the adoption and passage of the substitute.

W. P. WOLF,
MATTHEW LONG.

Ordered, that the report pass on file.

By leave, Senator Needham offered the following:

Resolved, That from and after this day, the Senate, in the transaction of its business, will be governed by the "order of daily business" as provided by the rules of the Senate.

The resolution was adopted.

On motion of Senator Fellows the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 28, 1868.

Senate convened at nine o'clock, A. M., the President in the chair.
Prayer by Rev. Mr. Do Forest.

The Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Matthies: A petition from Dr. H. Roberts and others in relation to the salary of the surgeon of the penitentiary.

Referred to Committee on Medical Institutions.

By Senator Cattell: A memorial from the board of supervisors of Polk county in relation to fugitives from justice.

Referred to Committee on Judiciary.

By Senator Mitchel: A petition of Wm. A. Jennings and three hundred and fifty-two others, praying the General Assembly to enact a law for the relief of settlers upon land known as Des Moines river land.

Referred to Committee on Judiciary.

RESOLUTIONS.

Senator Cattell offered the following:

Resolved, That the *per diem* allowance to the officers and employes of the Senate during the present session be fixed as follows: Secretary, \$6.00; assistant secretaries (each) \$5.00; enrolling and engrossing clerks, sergeant-at-arms, door-keeper and janitor (each) \$4.00; paper-folders and messengers (each) \$3.00.

Referred to Committee on Ways and Means.

Also the following:

Resolved by the Senate, the House of Representatives concurring, That the *per diem* of the post-master, assistant post-master and mail carrier be fixed at \$4.00 each.

Referred to Committee on Ways and Means.

Senator Smyth offered the following:

Be it Resolved by the General Assembly of the State of Iowa, That there is hereby appointed the following persons as a board of trustees of the Iowa Soldiers' Orphans Home, for the term of two years:

From the State at large, J. W. Cattell, of Polk county; from the First Congressional District, William Salter, of Des Moines county; from the Second Congressional District, John A. Parvin, of Muscatine county; from the Third Congressional District, P. G. Wright, of Allamakee county; from the Fourth Congressional District, N. H. Brainard, of Johnson county; from the Fifth Congressional District, E. C. Bosbyshell, of Mills county, and from the Sixth Congressional District, J. B. Powers, of Black Hawk county.

Referred to Committee on Orphans' Homes.

Senator Cones offered the following:

Resolved, by the General Assembly of the State of Iowa, That James Chapin, of Benton county, John Hodgden, of Dubuque county, and Charles G. Trusdell, of Clinton county, be and are hereby appointed trustees for the Institution for the Blind for four years

from February 1st, 1868, and until their successors are elected and qualified.

Referred to Committee on Charitable Institutions.

Senator Larrabee moved to reconsider the vote by which Senate File No. 160 was lost.

Senator Grimes moved to lay that motion on the table, on which question the yeas and nays were demanded by Senator Larrabee.

The yeas were Senators Bennett, Donnan, Doud, Dunham, Fellows, Grimes, Hollman, Johnson, Knoll, Long, Meyer, Newell, Parvin, Richards, Smith—14.

The nays were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Griffith, Hamilton, Hawley, Hedges, Keller, Larimer, Larrabee, Matthies, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—33.

Absent, but not excused, Senator Farwell.

The motion did not prevail.

Senator Reed asked for leave of absence for Senator Fairall, which was granted.

The question recurring on the motion to reconsider, the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Griffith, Hamilton, Hawley, Keller, Larimer, Larrabee, Matthies, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Rice, Traverse, Walden, Wolf, Woolson, Wright—28.

The nays were Senators Bennett, Donnan, Doud, Dunham, Farwell, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Long, Meyer, Newell, Parvin, Richards, Robertson, Smith, Smyth, Tuttle—20.

The motion to reconsider prevailed.

On the question, "Shall the bill pass?"

The yeas were, Senators Bill, Bulis, Casady, Cones, Farwell, Griffith, Hamilton, Hawley, Keller, Larrabee, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Rice, Smyth, Traverse, Walden, Woolson, Wright—25.

The nays were, Senators Bennett, Cattell, Chapin, Donnan, Doud, Dunham, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Larimer, Long, Matthies, Meyer, Newell, Parvin, Richards, Robertson, Smith, Tuttle, Wolf—23.

So the bill passed, and the title was agreed to.

Senator Walden moved to reconsider the vote by which Senate File No. 4 was lost.

Senator Bennett moved to lay the motion on the table, on which question the yeas and nays were demanded by Senator Newell.

The yeas were, Senators Bennett, Casady, Doud, Dunham, Fellows, Griffith, Hedges, Keller, Long, Matthies, Meyer, McMillan, Needham, Oliver, Parvin, Reed, Rice—17.

The nays were, Senators Bill, Bulis, Cattell, Chapin, Cones,

Donnan, Farwell, Grimes, Hamilton, Hawley, Hollman, Johnson, Knoll, Larimer, Larrabee, Mitchel, Moore, Newell, Patterson, Pierce, Powers, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—81.

So the motion did not prevail.

The question recurring on the motion to reconsider, the yeas and nays were demanded.

The yeas were Senators Bill, Cattell, Chapin, Cones, Donnan, Dunham, Farwell, Grimes, Hamilton, Hawley, Hollman, Johnson, Knoll, Larimer, Larrabee, Meyer, Mitchel, Moore, Newell, Patterson, Pierce, Powers, Reed, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—82.

The nays were Senators Bennett, Bulis, Casady, Doud, Griffith, Hedges, Keller, Long, Matthies, McMillan, Needham, Parvin, Rice, Robertson—14.

Absent but not excused, Senators Fellows and Oliver.

So the motion to reconsider prevailed.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Chapin, Donnan, Dunham, Farwell, Grimes, Hawley, Hollman, Johnson, Knoll, Larimer, Larrabee, Meyer, Mitchel, Moore, Newell, Patterson, Powers, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—26.

The nays were Senators Bennett, Bulis, Casady, Cattell, Cones, Doud, Griffith, Hamilton, Hedges, Keller, Long, Matthies, McMillan, Needham, Oliver, Parvin, Pierce, Reed, Rice, Robertson, Wolf—21.

Absent but not excused, Senator Fellows.

So the bill passed, and the title was agreed to.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File Nos. 68 and 69, with report of committee recommending a substitute, which was taken up and considered, pending which the following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution in which the concurrence of the Senate is asked:

WHEREAS, The General Assembly of the State of Iowa in Twelfth Session assembled, has heard with sincere regret that a terrible and crushing calamity has suddenly befallen Hon. Chas. Dudley, a member of the House of Representatives from Wapello county, in the destruction of his house by fire, and the irreparable loss of three of his children who perished in the flames, therefore,

Resolved, That we desire to express to our friend and associate, Hon. Chas. Dudley, and his surviving family, our heart-felt sympathy

and condolence in this terrible and sudden grief which has fallen with crushing weight upon his heart.

Resolved, That this resolution be spread upon the Journal of the House of Representatives, and a copy of the same be furnished by the clerk to Hon. Chas. Dudley.

Resolved, That this House now adjourn until Monday morning.

Resolved, That the Speaker appoint a committee of three members of this House to accompany Mr. Dudley to his home.

M. C. WOODRUFF, Chief Clerk.

By unanimous consent the special order was postponed until Monday, March 30th, at 9½ o'clock A. M.

Senator Bennett moved that a committee of three be appointed to draft resolutions expressive of the sense of the Senate on this sad occasion, which was agreed to, and the President announced as such committee, Senators Bennett, Hamilton and Powers.

During the retirement of the committee, Senator Parvin said: We are commanded to weep with those who weep, as well as to rejoice with those who rejoice. It becomes us as brethren, as Christians, and as members of the General Assembly, to express our sympathy with our brother under the severe affliction which has overtaken him. "Man, that is born of woman, is of few days, and full of trouble." Few of us but have passed through heart-rending scenes in the taking away of our near and dear friends by the ruthless hand of death. But this is no ordinary affliction. Three children, one in the bloom of manhood, taken at once—not in the usual way of the approach of this grim monster, but in the dreadful manner of *burning* to death; their immortal spirits taking their flight through the roaring and whirling flames of his own dwelling. What can be more awful? What bolt can strike deeper in a parent's heart? Sympathy can not bring the dead to life; can not restore the dead children to the embrace of a tender father; but it is a consolation, under the severe dispensation of providence, to feel that we have friends whose hearts beat in sympathy with ours. But our brother, we trust, looks for consolation to a higher source than frail man; that faith tells him although he has less ties on earth, he has more in heaven: and may he with meekness which ever becomes a Christian, say in the language of Job, "The Lord gave, and the Lord taketh away, blessed be the name of the Lord."

Senator Richards spoke as follows:

MR. PRESIDENT:—I hesitate to break the silence which prevails here, knowing that it is more eloquent than any words which any man can utter, yet I feel it a privilege to say, as one who has not even a personal acquaintance with the man who has thus been so awfully and suddenly bereaved, though he lives in a distant part of the State, that I tender to him, as one of this Senate, my most heartfelt and deepest sympathy: and the most impressive reflection that

comes to me at the present moment is the honor that is done this Assembly by the manner in which it has received this intelligence.

Senator Woolson said: I feel, at a time like this that silence is truly more eloquent than words; but having been honored with some acquaintance with him, I can not forbear saying that I regard Mr. Dudley as one of the best works of God; an honest man, an upright citizen, a kind husband and a devoted father.

I can realize, in some measure, the terrible affliction which has fallen upon our brother legislator. To have those near and dear to us taken away under ordinary circumstances, where we may sit by their bed side and watch them while their eyes are slowly sealed in death and the spirit takes its flight to the eternal world, is sad indeed, but such affliction is light when compared with such a terrible calamity as this, where a whole family is torn away from a parent under such crushing circumstances and without any previous warning. It is right, meet, and proper that we should give our sympathies to our friend on this occasion; and, though these expressions must necessarily be faint, yet faint as they may be, I can bear testimony myself that they are cheering, and that they are consoling when one rests under a less affliction than this. I doubt not that every Senator will join in the strongest expression of sympathy to the Hon. Mr. Dudley in this sad hour of bereavment.

Senator Wright remarked: Words fail to convey the deep sympathy I have for the afflicted. I have known Mr. Dudley about ten years, and have known but to respect and honor him, as an *honest man* and a *Christian*. This winter I have roomed with him, and our more intimate association has only caused me to admire and respect him more, for his sterling integrity and conscientious uprightness under all circumstances. He has been deeply afflicted. Last fall his oldest son was killed by the running away of a team; now he is called upon to mourn the loss of three more of his sons, by this awful calamity. Whilst it is hard thus to part with our friends, we are assured "that our loss is their gain" and that "God willeth all things for our good."

Senator Bennett for the committee, submitted the following:

WHEREAS, Information has been communicated to this body by the House of Representatives of the terrible affliction of Hon. Charles Dudley, one of its members, in the destruction by fire of his home, in which three of his sons perished. Therefore, be it

Resolved by the Senate, That we hereby extend to Hon. Charles Dudley and his bereaved family, our warmest sympathy and condolence in this, the hour of their desolating sorrow.

Resolved, That a committee of two be appointed from this body to accompany the Hon. Charles Dudley to his home.

Resolved, That the Des Moines Valley Railroad Company be requested to furnish a special train for the use of Hon. Charles Dudley to convey him and the committee to his home without delay.

Resolved, That these resolutions be spread upon the journal of the Senate.

Resolved, That out of respect to the Hon. Charles Dudley this Senate do now adjourn until Monday next.

Senator Donnan on rising to move the adoption of the resolutions, said: Borne down as I know the Hon. Mr. Dudley must be by this calamity, nothing that we can do or say I am sure can remove in any degree this burden, and yet from experience in extreme sorrow, I know there is some degree of pleasure and relief in knowing that one has the sympathy of friends in such an hour.

I move, therefore, the adoption of the resolutions by this Senate standing.

Senator Meyer said: I rise to second the motion of the Senator from Buchanan. On an occasion like this, language fails to express our feelings; the mind is not able to comprehend the loss of the departed. I have, myself, been again and again thus afflicted. Property, home, and all we have in the world is considered as nothing when death takes the nearest and dearest from our loved homes. I thought when I rose that on account of my own afflictions I could fully sympathise with our friend and brother of this General Assembly, but my dear departed ones were taken from me after weeks of pain and suffering, while he received the news this morning in the midst of his legislative toils, with the supposition that all at home were well; but they are dead. I sincerely condole with the bereaved, and tender to him my heartfelt sympathy.

Senator Needham addressed the Senate as follows:

MR. PRESIDENT:—I rise to second the resolutions just offered, and to express the gratitude I have felt whilst sitting here, to observe what an amount of human sympathy can be exhibited on an occasion like the present. I am glad that this General Assembly can express so much sympathy as it has by the eloquent silence which has here prevailed, and by the tears that have bedewed the cheeks of its members. It is solemn and sad to see a young man lingering and wasting day by day till death takes him from us; but it is terrible to contemplate the fearful calamity that has visited our friend in the sudden taking away from him of three of his family. I have known Mr. Dudley for ten or twelve years, and have recognized in him an honest man and a Christian; and crushing as the calamity is upon him, I know that it will be much lessened by the exercise of that faith and confidence in God which the Christian alone can enjoy. That sympathy which we tender him will no doubt be felt by him to be dear indeed. I have thought whilst sitting here that every member of this General Assembly has profited by the occasion, and has felt that we too may soon be called from time to eternity; that, whilst we are here enjoying all of life that we can enjoy in performing the duties assigned us by our constituents, we too may be soon called from our labors; and whilst we sympathise with the bereaved we will bow in humble submission to an overruling Providence.

Senator Smythe said: I desire to express my sympathy with, and to tender my condolence to our fellow-member and friend in this sad bereavement. At times like these we wonder and ask, why is it thus? We all believe in a superintending Providence, in whose hands our destinies are, and yet how hard on such occasions as this to realize the full meaning of that petition we have so often repeated at a mother's knee: "Thy will be done." We can only bow in submission with the reflection, that "what we know not now we shall know hereafter." The sympathy and condolence of friends do, in some measure, assuage grief, and I am sure the hearts of all Senators on this floor, as manifested in their faces, feel deeply for our afflicted friend, and sincerely join with him in this his great sorrow.

Senator Patterson remarked: As we have all been taught in the hour of grief to look to One for consolation, I would move that the Rev. Mr. Paxton close the Senate with prayer after the adoption of the resolution now before the Senate.

The resolutions were unanimously adopted, all the Senators standing in their places.

The President announced as committee to attend the Honorable member to his home, Senators Woolson and Doud.

The Rev. Mr. Paxton then offered a brief and affecting prayer, and the President announced the Senate adjourned until Monday morning at nine o'clock.

SENATE CHAMBER, DES MOINES, IOWA,
March 30, 1868.

Senate convened at nine o'clock, A. M., and was called to order by the President.

Prayer by Rev. Mr. Ingalls.

The journal of Saturday was read and approved.

RESOLUTIONS.

Senator Fellows offered the following:

Resolved, That a committee consisting of the chairmen of the Committees of Ways and Means, Judiciary, Schools, Agriculture, County and Township Organization, Railroads, and Charitable Institutions, be appointed to arrange the bills on file in the following order:

1st. House Files.

2d. Bills reported favorably by committees, in the order of their importance.

8d. Bills reported without recommendation.

4th. Bills reported unfavorably.

The committee to report to-morrow morning.

Resolved, That the secretary be instructed to observe the same order in placing on file bills heretofore reported.

The resolution was adopted.

Senator Bulis offered the following :

Resolved, That in speaking on any question before the Senate, each member shall hereafter be limited to ten minutes, unless permitted to continue by unanimous consent.

The resolution was adopted.

REPORTS OF COMMITTEES.

Senator Powers, from Committee on Judiciary, submitted the following report :

The Judiciary Committee have had under consideration the following bills :

Senate File No. 166, A bill for an act to amend section 2198 of the Revision of 1860, and Senate File No. 165, A bill for an act to amend section 3857 of the Revision of 1860, and Senate File No. 59, and substitute to Senate File No. 59, and Senate File No. 94, and Senate File No. 165, and House File No. 50, and recommend that the same be indefinitely postponed. House File No. 262 the committee recommend do pass. Committee report back Senate File No. 142 without recommendation.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

Senator Patterson, from Committee on Judiciary, submitted the following report :

Your Committee on Judiciary have had under consideration House File No. 29 and have directed me to report the same back with the following amendments and recommend its passage.

J. G. PATTERSON, for Committee.

Ordered, that the report pass on file.

Senator Powers, from Committee on Judiciary, submitted the following report ;

The Judiciary Committee have had under consideration Senate File No. 155, A bill for an act to punish the procuring of abortion, and report the same back without recommendation as to whether it should pass or not, and recommend that the same be referred to the Committee on Medical Institutions.

J. B. POWERS, Chairman.

The report was adopted.

Senator Wright, from Committee on Agriculture, submitted the following report :

The Committee on Agriculture, to whom was referred Senate File No. 212, A bill for an act to regulate the planting of hedges and forest trees and establishing limits thereof, recommend that it do pass.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Also the following:

The Committee on Agriculture, to whom was referred House File No. 247, A bill for an act to protect crops against the invasions of stock, direct me to report it back without recommendation.

JAS. D. WRIGHT, Chairman.

Ordered, that the report pass on file.

Senator Patterson, from Committee on County and Township Organization, submitted the following report:

Your Committee on County and Township Organization have had under consideration the resolution requiring them to inquire as to the expediency of having property in independent school districts assessed separately from other property of the townships and have directed me to report the same back with a recommendation that no further legislation on the subject is necessary.

J. G. PATTERSON, Chairman.

Ordered, that the report pass on file.

Senator Matthies, from Committee on Military Affairs, submitted the following report:

The Committee on Military Affairs, to whom was referred House File No. 78, has had the same under careful consideration and instructed the undersigned to recommend that the bill do pass.

C. L. MATTHIES, Chairman.

Ordered, that the report pass on file.

Senator Parvin, from Committee on Claims, submitted the following report:

The Committee on Claims, to whom was referred House File No. 847, A bill for an act for the relief of George Higley of Dubuque, have examined the same and instructed me to report said bill back to the Senate with the recommendation that it do pass.

J. A. PARVIN, Chairman.

The Committee on Claims have also examined the petition and claim of Townsend Hall and recommend that he be allowed the sum of two hundred and fifty dollars and report a bill to appropriate said sum for that purpose.

Senate File No. 219, A bill for an act for the benefit of Townsend Hall, read first and second time and passed on file.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Senator Smyth from Committee on Banks, submitted the following report:

The Committee on banks, to whom was referred House File No. 222, A bill for an act to provide for the taxation of the shares of national banks, have instructed me to report the same back to the Senate, and recommend its passage.

SMYTH, Chairman.

Ordered, that the report pass on file.

Senator Griffith from Committee on Public Buildings, submitted the following report :

Your committee to whom was referred House File, No. 152, A bill for an act for the erection of a State House, with various substitutes and amendments, have considered the same, and instructed me to report as follows.

GRIFFITH, Chairman.

Ordered, that the report pass on file.

Senator Oliver, for Senator Hamilton, from Committee on Incorporations, submitted the following report :

The Committee on Incorporations to whom was referred House File No. 303, A bill for an act to legalize and confirm an ordinance of the city of Dubuque, Iowa, granting certain rights and privileges to the Dunleith and Dubuque Bridge Company, have considered the same and instructed me to report the bill back with the recommendation that it do pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Mitchel from Committee on Printing, submitted the following report :

The Committee on Printing, to whom was referred Senate File No. 195, have had the same under consideration, and have instructed me to report said bill back with the recommendation that the same do pass.

MITCHEL, Chairman.

Ordered, that the report pass on file.

Also the following :

The Committee on Printing, to whom was referred Senate File No. 194, have had the same under consideration, and have instructed me to report the bill back to the Senate with the recommendation that the same do pass.

MITCHEL, Chairman.

Ordered, that the report pass on file.

Senator Long, from Committee on Internal Improvements, submitted the following report :

The Committee on Internal Improvements, to whom was referred Senate File No. 118, An act providing for fencing railroads by fences and cattle-guards, have examined the same, and a majority of the committee order me to report the same back with the recommendation that it do not pass.

LONG, for Committee.

Ordered, that the report pass on file.

Senator Hawley from Committee on Enrolled Bills, submitted the following report.

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 132, 150, 156, 182, and memorial to Congress in relation to the project of connecting by navigable channels, through the Fox and Wisconsin rivers, the waters of the Mississippi with the waters of Lake Michigan, and find the same correctly enrolled.

HAWLEY, Chairman.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bill, with certain amendments, in which the concurrence of the Senate is asked:

Senate File No. 81, A bill for an act to enable municipal and public corporations to adjust their indebtedness, and to provide for the issue of new bonds and for the payment of the same, with amendments as herein specified:

Add at the end of eighth line, section 1, the words: "Provided, that no compromise shall be made without first submitting the question whether such compromise shall be made to the people, and shall be by them authorized by a majority of the voters."

Also, strike out the word "charter" in the twenty-first line, and insert the word "character."

Also, strike out of section 10 the words, "if one-fourth of the legal voters of any town, city or county (as shown by the last preceding election) shall petition to," and insert the words, "no compromise shall be made under the provisions of this act until" in lieu thereof.

Also, strike out the words "to have" in second line, section 10, and insert the words "shall submit" in lieu thereof.

Also, insert the word "and" after the word "county" in third line of section 10.

Also, strike out the words "body petitioned not to take any action hereunder, but," and insert in lieu thereof, "town, city or county authorities."

Also, amend the word "council" in thirteenth line, same section, by making it "county."

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of the substitute for the substitute for Senate File Nos. 68 and 69, which was treated as a new bill and numbered Senate File No. 220, A bill for an act to repeal chapter 163 of the laws of the Ninth General Assembly, also chapter 76 of

the laws of the Tenth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors in certain cases, to provide for the levying and collecting of road taxes and determining the *per diem* of road supervisors and the *per diem* for labor on roads, was read first and second time and considered.

Senator Oliver moved to amend by striking out publication clause, which was agreed to.

Senator Patterson moved to suspend the rule and read the bill a third time now.

Senator Oliver moved to amend by striking out section 9, which was agreed to.

Senator Hawley moved to strike out the word "five" in fifteenth line of section 2, and insert "three," on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bulis, Casady, Cattell, Cones, Dunham, Fellows, Hawley, Hollman, Larrabee, Matthies, Moore, Needham, Parvin, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson—22.

The nays were Senators Chapin, Donnan, Griffith, Grimes, Hedges, Johnson, Keller, Knoll, Larimer, Long, Meyer, McMillan, Mitchel, Oliver, Patterson, Reed, Tuttle, Wright—18.

So the motion prevailed.

Senator Walden was granted leave of absence for to-day and to-morrow.

Senators Hamilton, Bill, Bennett, Doud, Farwell, Pierce, and Newell, were granted leave of absence for to-day.

Senator Hawley moved to add the following section:

SEC. — The township trustees in dividing their respective townships into road districts shall not include any lands more than three miles lying on each side of said roads respectively, and the road-tax hereby authorized shall only be levied and collected on the lands and other property situated within such limits.

The motion was not agreed to.

Senator Wright moved to amend by adding the following additional section:

That section 896 of the Revision of 1860 be amended by adding at the end thereof, the following, viz:

Provided, that any person so failing to render a satisfactory excuse as in this section provided, shall forfeit and pay the sum of one dollar and a half for each days labor he may be liable for, and any judgment rendered for such forfeiture shall be deemed, and it is hereby declared to be for a penalty, and shall authorize the issuing of an execution on such judgment authority, the committal of the body of the defendant to the county jail for one day for each dollar of such execution, in case no sufficient goods and chattels can be found whereof to make such execution and costs.

The amendment was disagreed to.

The question resuming on the motion to suspend the rule and read the bill a third time.

The motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Donnan, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Wolf, Woolson, Wright—86.

The nays were, Senators Needham, Parvin, Traverse—3.

Absent but not excused, Senators Cones and Dunham.

So the bill passed, and the title was amended and agreed to.

The following message was received from the House:

MR. PRESIDENT: I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 135, A bill for an act to fix the compensation of the Attorney-General for certain services.

Senate File No. 182, A bill for an act to legalize certain acts of the board of supervisors of Washington county, Iowa.

Senate File No. 150, An act to quiet the title of Margaret Enk, and others, to certain real estate.

Senate File No. 156, A bill for an act to legalize the plat of the town of Sabula, in Jackson county, Iowa, and to legalize all conveyances of lots heretofore made, by the number of lots and blocks as now specified in said plat.

Senate File No. 182, A bill for an act to legalize the acknowledgment and entitle to record, a deed from Geo. J. Meredith and wife to William Halderman.

House File No. 287, A bill for an act requiring the reporter of the Supreme Court to attend the argument term at Dubuque.

House File No. 139, A bill for an act prescribing the terms and conditions on which the State will relinquish and convey to the Des Moines Valley Railroad Company certain rights and privileges in respect to the resumption of lands heretofore granted to said company.

Senate memorial to Congress in relation to the project of connecting by navigable channels through the Fox and Wisconsin rivers, the waters of the Mississippi river with the waters of Lake Michigan.

Joint resolution agreeing to, ratifying, and confirming amendments to the State Constitution.

M. C. WOODRUFF, Chief Clerk.

BILLS ON THIRD READING.

Senate File No. 81, A bill for an act to enable municipal and

public corporations at their election to settle, adjust and compound their indebtedness, and to provide for the issue of new bonds, and for the payment of such new bonds by the levy of specific taxes, and for this purpose altering and amending existing charters and laws, with House amendments, was taken up.

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

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Knoll, Larimer, Long, Matthies, Mitchel, Needham, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Woolson, Wright—32.

The nays were, Senators Hedges, Hollman, [Meyer, Newell, Wolf—5.

Absent, but not excused, Senators Larrabee, McMillan, Moore and Rice.

So the House amendments were concurred in.

BILLS ON SECOND READING.

Senate File No. 143, A bill for an act to repeal chapter 120 of the Laws of the Ninth General Assembly approved April 7th, 1862, and to enact in lieu thereof a substitute having for its object the better protection of fruit, with report of the committee recommending the bill do pass, was taken up and considered.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Parvin, Powers, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Wolf, Wright—33.

The nays were Senators Needham, Oliver, Patterson, Rice, Traverse, Woolson—6.

Absent but not excused, Senators Dunham and McMillan.

So the bill passed, and the title was agreed to.

The following message was received from the House:

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

House File No. 4, A bill for the further prosecution of the Geological survey of the State.

House File No. 332, A bill for an act requiring township trustees to take control of cemeteries in certain cases.

House File No. 358, A bill for an act to amend section 3, chapter 27 of the acts of the Twelfth General Assembly.

Also, Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders, without amendments, and which I herewith return to the Senate.

Senate File No. 157, A bill for an act to provide the Iowa Soldiers' Orphans Home, without amendments, which I herewith return to the Senate.

Also, Joint resolution memorializing Congress for the relief of Peter J. Knapp, private Company H, 5th Iowa Infantry Volunteers.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 159, A bill for an act in relation to the taxation of railroads, and providing for the collection of the same, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Patterson moved to amend by striking out "gross" in third line of 1st section, and inserting "nett;" strike out the word "without" in the same line, and insert the word "after;" strike out the word "gross" in section 2, first line, and insert the word "nett;" strike out the word "gross" in section 4, second line, and insert the word "nett."

Pending which, Senator Wright moved to adjourn until 2 o'clock. The motion prevailed, and the Senate adjourned.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment.

The President in the chair.

The consideration of Senate File No. 159, was resumed.

The question being on the amendment offered by Senator Patterson, Senator Hollman moved to lay the bill and amendment on the table, on which question the yeas and nays were demanded by Senator Hollman.

The yeas were, Senators Bulis, Casady, Chapin, Cones, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Mitchel, Oliver, Patterson, Powers, Reed, Rice, Richards, Smith, Smyth, Traverse, Wright — 27.

The nays were, Senators Cattell, Larrabee, Meyer, McMillan, Moore, Parvin, Robertson, Wolf, Woolson — 9.

Absent but not excused, Senators Donnan, Larimer, Needham and Tuttle.

So the motion prevailed.

Senator Oliver moved that the communication of the Governor, with report of J. A. Harvey, commissioner of claims, be referred to Committee on Public Lands, which was agreed to.

Senate File No. 161, A bill for an act to amend an act entitled an act in relation to county seats, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Hawley moved to suspend the rule and read the bill a third time now.

Senator Robertson moved that the bill be indefinitely postponed, on which question the yeas and nays were demanded by Senator Oliver.

The yeas were, Senators Cattell, Chapin, Cones, Dunham, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Larrabee, Long, Matthies, Meyer, McMillan, Newell, Parvin, Rice, Richards, Robertson, Smyth, Woolson, Wright—23.

The nays were, Senators Bulis, Casady, Hawley, Keller, Knoll, Larimer, Moore, Oliver, Patterson, Reed, Smith, Traverse, Wolf—13.

Absent but not excused, Senators Donnan, Powers and Tuttle.

So the motion prevailed.

Senator Hollman moved to reconsider the vote just taken.

Senator Fellows moved to lay the motion on the table, on which question the yeas and nays were demanded.

The yeas were Senators Chapin, Cones, Dunham, Fellows, Griffith, Grimes, Hedges, Hollman, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Newell, Parvin, Richards, Robertson, Smyth, Woolson, Wright—21.

The nays were Senators Bulis, Casady, Cattell, Hawley, Johnson, Keller, Moore, Oliver, Patterson, Reed, Smith, Traverse, Wolf—13.

Absent but not excused, Senators Donnan, Larimer, Mitchel, Powers and Tuttle.

So the motion prevailed.

The following message was received from the House:

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

House File No. 7, A bill for an act to fix the time of holding courts in Greene county, in the Fifth Judicial District.

I herewith return to the Senate substitute for Senate File No. 196, A bill for an act in relation to real estate sold for taxes and unredeemed, and providing that property so sold shall be so designated on the tax-lists, which has passed the House without amendment.

Also, Senate File No. 210, A bill for an act fixing the time for holding court in the Fourth Judicial District, and attaching certain counties in said district to others for judicial purposes, without amendment.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 127, A bill for an act relating to towns and cities incorporated under the provisions of chapter 42 of the Code of 1851, with report of committee recommending amendments, was considered, and the report of the committee was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—41.

The nays were none.

So the bill passed, and the title was agreed to.

Senator Richards moved that the regular order of business be suspended, and that House File No. 358, A bill for an act to amend section 3, chapter 27, of the acts of the Twelfth General Assembly of Iowa, be taken up.

The motion prevailed, and the bill was taken up and read first and second time.

On motion of Senator Knoll, the eleventh rule was suspended and the bill was read a third time

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—37.

The nays were none.

Absent but not excused, Senators Hedges, Hollman, Larimer and Needham.

So the bill passed, and the title was agreed to.

House File No. 117, A bill for an act making appropriation for two Lawson's wood furnaces, pipes and registers, furnished and put in the adjutant-general's office and state arsenal, by Warren, Fuller & Co., with report of committee that the bill do pass, was taken up and considered.

On the question, "Shall the bill pass?"

The yeas were, Senator Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright—40.

The nays were none.

Absent but not excused, Senator Woolson.

So the bill passed, and the title was agreed to.

Senate File No. 109, A bill for an act to enable counties, townships and incorporated cities and towns to aid in the construction of

railroads, with report of committee recommending amendments, was taken up and on motion of Senator Cattell was laid on the table.

Resolution of board of supervisors of Jackson county was taken up and laid on the table.

Senate File No. 84, A bill for an act to amend section 898 of the Revision of 1860, with the report of committee recommending a substitute, was taken up, considered, and the substitute was adopted.

Senator Meyer moved to suspend the rule, and read the bill a third time now, which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fellows, Griffith, Grimes, Hawley, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—36.

The nays were none.

Absent but not excused, Senators Dunham, Hedges, Larimer, Powers, and Smith.

So the bill passed, and the title was agreed to.

Senate File No. 124, A bill for an act to regulate the practice of medicine, and promote medical science in the State of Iowa, was taken up, and, on motion of Senator Robertson, was recommitted to Committee on Medical Institutions.

Senate File No. 107, A bill for an act giving the consent of the Legislature of the State Iowa to the purchase by the United States of certain real estate, and ceding to the United States jurisdiction over the same, was taken up and considered, and the report of the committee was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—39.

The nays were none.

Absent but not excused, Senators Dunham and Smith.

So the bill passed, and the title was amended and agreed to.

Joint resolution in relation to removing the seat of Federal Government was taken up, and on motion of Senator Woolson, was indefinitely postponed.

Senate File No. 147, A bill for an act for the protection of game,

with the report of the committee recommending that the bill do not pass, was taken up.

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

On the question, "Shall the bill pass?"

The yeas were Senators Cattell, Chapin, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Powers, Reed, Robertson, Smith, Wolf, Woolson—26.

The nays were Senators Bulis, Casady, Cones, Donnan, Fellows, Keller, McMillan, Patterson, Richards, Smyth, Traverse, Tuttle, Wright—13.

Absent but not excused, Senators Dunham and Rice.

So the bill passed, and the title was agreed to.

Report of committee on sundry petitions relating to the game law was taken up and passed on file.

Joint resolutions relating to connecting the waters of the Mississippi river with the waters of Lake Michigan, was taken up, read and adopted.

House File No. 230, A bill for an act relating to the qualification of notaries public, with report of committee that the bill do pass, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—39.

The nays were Senators Larimer, Oliver—2.

So the bill passed, and the title was agreed to.

Senate File No. 163, A bill for an act to amend section 721 of the Revision of 1860 relating to assessment of credits for taxation, with report of committee recommending that the bill do pass, was taken up and considered.

Senator Meyer moved to suspend the rule and read the bill a third time now, which was agreed to, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Casady, Chapin, Donnan, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Moore, Newell, Powers, Reed, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Wolf—26.

The nays were Senators Bulis, Cones, Needham, Oliver, Parvin, Patterson, Robertson, Woolson, Wright—9.

Absent but not excused, Senators Cattell, Dunham, Larimer, Larrabee and Mitchel.

So the bill passed, and the title was agreed to.

Senator Powers moved a call of the Senate, which was sustained.

The roll was then called and all Senators were found to be present or absent with leave.

On motion of Senator Bulis, further proceeding under the call was dispensed with.

Senate File No. 145, A bill for an act to amend chapter 169 of the Acts of the Ninth General Assembly in relation to the duties of railroad companies, with report of committee recommending amendments, was taken up, considered, and the report of the committee was not adopted.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—41.

The nays were none.

So the bill passed, and the title was agreed to.

Senator Wright moved to adjourn, which was not agreed to.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 348, A bill for an act to provide for the payment of salaries of officers and wages of employes of the Penitentiary, and for the support of the convicts.

Also, that the House has passed Senate File No. 186, A bill for an act providing for the submission of certain proposed amendments to the Constitution of the State to the people thereof at the next general election, without amendment, and which I herewith return.

M. C. WOODRUFF, Chief Clerk.

Senator Rice moved to suspend the regular order of business, and take up Senate File No. 165, A bill for an act to amend section 3857 of the Revision of 1860, allowing suits to be brought in the township where the plaintiff or defendant, or one of several defendants reside.

The motion did not prevail.

The petition of members of Company G, Second Iowa Infantry, with report of committee that the claim be not allowed, was taken up and laid on the table.

Senate File No. 153, A bill for an act to amend chapter 59 of the laws of the Tenth General Assembly, in relation to the report of the State University to the General Assembly, with report of committee that the bill do pass, was taken up and considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—40.

The nays were none.

Absent, but not excused, Senator Powers.

The bill passed, and the title was agreed to.

Report of committee on the claims of Company A, Second Iowa Infantry, recommending that the claim be not allowed, was taken up and laid on the table.

Senate File No. 72, A bill for an act in relation to balances due from county treasurers whose terms of office have expired, with report of committee recommending a substitute, was taken up, considered, and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth—30.

The nays were Senators Griffith, Patterson, Traverse, Tuttle, Wolf, Woolson, Wright—7.

Absent, but not excused, Senators Dunham, Keller, Larimer, and Mitchel.

The bill passed, and the title was agreed to.

Senator Smyth asked leave to withdraw the report of the Committee on Banks, made this morning, which was granted.

Senator Smyth moved to suspend the regular order of business, and take up Senate File No. 180, A bill for an act to provide for the taxation of the shares of national banks, on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bulis, Casady, Cones, Hedges, Knoll, Meyer, McMillan, Moore, Newell, Patterson, Richards, Smyth, Tuttle, Wolf—14.

The nays were Senators Cattell, Chapin, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hollman, Johnson, Keller, Larrabee,

Long, Matthies, Needham, Oliver, Powers, Reed, Robertson, Smith, Traverse, Woolson, Wright—23,

Absent but not excused, Senators Larimer, Mitchel, Parvin and Rice.

So the motion did not prevail.

Senator Reed moved to adjourn, on which question the yeas and nays were demanded by Senator Patterson.

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Hawley, Hedges, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Reed, Richards, Robertson, Smith, Traverse, Woolson—27.

The nays were Senators Grimes, Hollman, Oliver, Parvin, Patterson, Powers, Smyth, Tuttle, Wolf, Wright—10.

Absent, but not excused, Senators Larimer, Larrabee, Needham and Rice.

So the motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
March 31, 1868.

Senate convened at 9 o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Summerbell.

Journal of yesterday was read and approved.

The following message was received from the House :

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

House File No. 313, A bill for an act to legalize the acts of the board of supervisors of Taylor county in issuing bonds to the amount of \$50,000 to the Bedford, Winterset and Des Moines Railroad Company.

House File No. 268, A bill for an act to authorize the correction of errors in the village plat of Webster City, Hamilton county.

House File No. 323, A bill for an act to legalize the acts of the Northwestern Mining Company.

House File No. 194, A bill for an act legalizing the acts of Wm. Van Asch and Koenraad D. Yong, attorneys.

House File No. 20, A bill for an act to legalize the acts of James Foster, a justice of the peace of Guthrie county.

House File No. 355, A bill for an act to legalize certain judgments rendered by Benj. Furnace, a justice of the peace of Louisa county.

H. File No. 95, A bill for an act to legalize an election in Burlington township, Des Moines county, to form an independent school district.

House File No. 353, A bill for an act to legalize certain acts of Corydon town council, in Wayne county.

House File No. 351, A bill for an act to include Kincaid's Addition in the limits of Corydon, Wayne county.

House File No. 153, A bill for an act to provide for the organization of fire companies in incorporated towns and villages, and to legalize the acts of such companies heretofore organized.

I also herewith return Senate File No. 91, A bill for an act to legalize the official acts of Henry Temple, a notary public, which has passed the House without amendment.

Senate File No. 178, A bill for an act to legalize the acts of the city council of Cedar Falls, Black Hawk county, without amendment.

I also return Senate memorial and joint resolution asking Congress to declare the Iowa river unnavigable from the city of Wapello in Louisa county, north, which has been adopted by the House.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to substitute for House File No. 129, A bill for an act to regulate insurance companies.

M. C. WOODRUFF, Chief Clerk.

By leave, Senator Richards presented a memorial to Congress in relation to water communication between the Mississippi river and the Atlantic, by way of the James and Kanawah rivers in Virginia.

Also, a joint resolution in reference to water line of communication between the Mississippi Valley and the Atlantic, by way of the James and Kanawah rivers, in Virginia.

On motion of Senator Richards, five hundred copies of each were ordered printed.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 205, A bill for an act to establish a State Normal School at Marshalltown, Iowa, which was taken up and considered.

Senator Bennett moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Bulis, Cattell, Cones, Johnson, Keller, Larimer, Larrabee, Meyer, McMillan, Moore, Needham, Oliver, Parvin, Pierce, Reed, Smyth, Traverse, Wolf—20.

The nays were Senators Casady, Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Knoll, Long, Matthies, Mitchel, Newell, Patterson, Powers, Rice, Richards, Robertson, Smith, Tuttle, Walden, Woolson—27.

Absent but not excused, Senator Wright.

So the motion did not prevail.

Senator Rice moved to suspend the rule and read the bill a third time now.

Senator Oliver moved to strike out "Marshalltown" and insert "Agricultural College and Farm," on which question the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bennett, Bill, Johnson, Larrabee, Meyer, Moore, Oliver, Parvin, Pierce, Reed, Smyth, Traverse, Wolf—13.

The nays were Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Larimer, Long, Matthies, McMillan, Mitchel, Needham, Newell, Powers, Rice, Richards, Robertson, Smith, Tuttle, Walden, Woolson, Wright—33.

Absent but not excused, Senators Hawley and Patterson.

So the motion was not agreed to.

Senator Reed moved to strike out "Marshalltown" and insert "Adel, Dallas county," which was not agreed to.

Senator Larrabee moved to amend by adding to appropriate five thousand dollars to Grinnell College, and five thousand dollars to the Upper Iowa University, for the purpose of sustaining a normal department in said institutions, on which question the yeas and nays were demanded by Senator Larrabee.

The yeas were Senators Bulis, Donnan, Dunham, Knoll, Larrabee, Meyer, Newell, Oliver, Patterson, Reed, Smyth, Woolson—12.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Needham, Parvin, Pierce, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Wright—34.

Absent but not excused, Senators Fellows and Powers.

So the motion was not agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time now, the motion did not prevail.

The question being, Shall the bill be engrossed and read a third time to-morrow? the yeas and nays were demanded by Senator Rice.

The yeas were Senators Bulis, Casady, Cattell, Donnan, Dunham, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Long, Matthies, Mitchel, Patterson, Powers, Rice, Richards, Robertson, Smith, Tuttle, Walden, Woolson, Wright—24.

The nays were Senators Bennett, Bill, Chapin, Cones, Doud, Farwell, Fellows, Hamilton, Johnson, Keller, Larimer, Larrabee, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Pierce, Reed, Smyth, Traverse, Wolf—24.

The vote being a tie the President voted yea, and the motion prevailed.

SPECIAL ORDER.

The President announced that the hour for the special order had

arrived, it being the consideration of Senate File No. 215, A bill for an act to permanently locate, and to provide for the erection of an additional institution for the insane, which was taken up and considered.

Senator Reed moved to amend by striking out "Independence, Buchanan," and inserting "Des Moines, Polk."

On which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bill, Bulis, Cattell, Doud, Keller, Long, Meyer, McMillan, Moore, Needham, Reed, Walden—12.

The nays were Senators Bennett, Casady, Chapin, Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Matthies, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—34.

Absent, but not excused, Senators Cones, Larimer, and Parvin.

The motion did not prevail.

Senator Griffith moved to strike out "Independence, Buchanan," and insert "Indianola, Warren," which was not agreed to.

Senator Bulis offered the following as a substitute for the bill under consideration.

Strike out all after the enacting clause and insert :

SECTION 1. That there shall be established an additional hospital to be denominated, "The Northern Hospital for the Insane," to be located at such place within the limits of the Third or Sixth Congressional Districts as shall be hereafter determined.

SEC. 2. The Governor shall appoint five commissioners who, having taken the constitutional oath of office, shall advertise for plans and specifications for such hospital building, to be of not less capacity than the present hospital; they shall pay a reasonable sum for the best three plans and specifications, and shall report the same together with their estimated cost to the next General Assembly.

SEC. 3. They shall also invite propositions for furnishing a proper site within such district for the hospital, which shall consist of not less than three hundred and twenty acres of good land, and they shall report their proceedings under this act, and the site they recommend with the reasons for its selection, to the next General Assembly.

SEC. 4. Such commissioners shall receive five dollars per day for the time actually employed and the same mileage allowed members of the General Assembly, and there is hereby appropriated five thousand dollars or so much thereof as may be necessary to defray the expenses incurred under this act.

On which question the yeas and nays were demanded, and the yeas were Senators Bulis, Cattell, Doud, Hamilton, Keller, Matthies, Meyer, Moore, Needham, Oliver, Pierce, Reed, Robertson, Woolson—14.

The nays were Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, McMillan, Mitchel, Newell, Parvin, Patterson, Powers, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—35.

So the motion did not prevail.

Senator Bulis moved to strike out "Independence Buchanan," and insert "some place in Winnesheik," which was not agreed to.

Senator Woolson moved to amend by striking out "Independence, Buchanan county," and inserting "at such place in the Third Congressional District as shall be selected in the manner hereinafter provided," on which question the yeas and nays were demanded by Senator Woolson.

The yeas were Senators Bulis, Cattell, Doud, Hamilton, Keller, Matthies, Meyer, Moore, Needham, Oliver, Pierce, Robertson, Woolson—18.

The nays were Senators Bennett, Casady, Chapin, Cones, Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Long, McMillan, Mitchel, Newell, Parvin, Patterson, Powers, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Wolf, Wright—32.

Absent but not excused, Senators Bill, Larabee, Reed, and Walden.

So the motion did not prevail.

Senator Oliver moved to amend 1st section by striking out "Independence, Buchanan," and inserting "Iowa Falls, Hardin."

The amendment was not agreed to.

Senator Bulis moved to amend by striking out of the 3d section "160," and inserting "820," which was agreed to.

Senator Bennett moved to amend section 4 by striking out of third line the words "and of capacity equal to the present building at Mt. Pleasant," and add at the end of said section the following: "So as to preserve the symmetry and be, when ultimately completed, of capacity equal to the present building at Mt. Pleasant; *provided*, that the erection only of such portion of such building shall be undertaken by the said board under the provision of this act as may be completed and made ready for occupancy, by the appropriation herein made," which was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 2 and 170, and find the same correctly enrolled.

HAWLEY, Chairman.

On motion of Senator Parvin, the Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK, P. M.

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

The consideration of Senate File No. 215 was resumed.

Senator Wright moved to amend section 4—second line, strike out the word "brick," and after the word "stone" in third line, insert the words "and brick."

Senator Bulis moved to amend section 4 by striking out of second and third lines the words "which buildings shall be of brick, stone, or both," which was not agreed to.

The question being on the amendment offered by Senator Wright, it was adopted.

Senator Larimer moved to amend section 3 by striking out "Chicago" in third line, and inserting "Des Moines."

Senator Bennett moved to amend the amendment by inserting "Des Moines" after the word "Davenport," which was agreed to, and the amendment as amended was agreed to.

Senator Larimer moved to strike out the word "Chicago" in section 4, third line, on which question the yeas and nays were demanded by Senator Larimer.

The yeas were Senators Bill, Bulis, Cattell, Donnan, Doud, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Long, Matthies, Meyer, McMillan, Moore, Parvin, Powers, Reed, Robertson, Smith, Traverse, Tuttle, Wolf, Wright—28.

The nays were Senators Bennett, Casady, Chapin, Fairall, Farwell, Hamilton, Knoll, Larrabee, Newell, Oliver, Patterson, Pierce, Rice, Richards, Woolson—15.

Absent but not excused, Senators Cones, Dunham, Mitchel, Needham, Smyth and Walden.

So the motion prevailed.

Senator Fellows moved to amend section 6, second line, by inserting after the word "dollars," the following, "for the use of the State of Iowa to be approved by the Jensus Board, and filed in the office of the Secretary of State;" and strike out all after the word "act" in the fourth line of section 6, which was agreed to.

Senator Fellows moved to amend 7th section by striking out all after the word "power" in first line, to and including the word "power" in the third line, which was agreed to.

Senator Donnan moved to fill the blank in 8th section by inserting "one hundred and twenty-five."

The amendment was adopted.

Senator Bulis moved to strike out the 11th section and insert as follows, "The members of the board shall each receive five dollars per day while actually employed in the discharge of their duties, and their travelling expenses," which was agreed to.

Senator Oliver moved to amend the 3rd section by adding after

section 3 the following: "Provided that a suitable tract of land can not be obtained at Independence, then the commissioners may locate such institution at such other place in the Third Congressional District as may furnish a suitable tract of land as aforesaid, and as such board may deem the most desirable location for such institution," on which question the yeas and nays were demanded by Senator Knoll.

The yeas were Senators Bill, Bulis, Cattell, Cones, Doud, Hamilton, Keller, Larrabee, Long, Matthies, Meyer, Moore, Newell, Oliver, Patterson, Pierce, Reed, Traverse, Tuttle, Wolf, Woolson, Wright—22.

The nays were Senators Bennett, Casady, Chapin, Donnan, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, McMillan, Needham, Parvin, Powers, Rice, Richards, Robertson, Smith, Smyth—23.

Absent but not excused, Senators Dunham, Fairall, Mitchel and Walden.

So the motion did not prevail.

Senator Larimer moved to amend section 4 by striking out of the second and third lines the words "stone and brick," and inserting "the exterior of which building shall be of stone, the same to be procured within the state," which was agreed to.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Chapin, Donnan, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Matthies, McMillan, Mitchel, Newell, Parvin, Patterson, Powers, Rice, Richards, Smith, Smyth, Tuttle, Wolf, Wright—33.

The nays were Senators Cattell, Cones, Doud, Keller, Long, Meyer, Moore, Needham, Oliver, Pierce, Robertson, Traverse, Walden—13.

Absent but not excused, Senators Fairall, Reed and Woolson.

So the bill passed, and the title was agreed to.

A communication was received from the Governor, at the hands of his private secretary, which was laid on the President's table.

The following message was received from the House.

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 39, A bill for an act to provide for the incorporation of towns or cities.

House File No. 230, A bill for an act relating to the qualification of notaries public.

Senate File No. 170, A bill for an act making a grant of land to the McGregor and Sioux City Railroad Company.

Senate File No. 2, A bill for an act to establish and organize a State Reform School for juvenile offenders.

M. C. WOODRUFF, Chief Clerk.

SPECIAL ORDER.

The President announced that the hour for the special order had arrived, it being the consideration of Senate File No. 162, A bill for an act making appropriations for the Iowa State Agricultural College and Farm, which was taken up and considered.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Hamilton, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Rice, Smith, Tuttle, Wolf, Woolson, Wright—26.

The nays were Senators Bill, Cones, Fairall, Grimes, Hedges, Hollman, Johnson, Keller, Knoll, Moore, Parvin, Pierce, Reed, Richards, Robertson, Smyth, Traverse, Walden—18.

Absent but not excused, Senators Bulis, Casady, Dunham, Fellows, and Hawley.

So the bill passed, and the title was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 81, 91, 157, 178, 186, and 196.

Also, joint resolution to Congress for the relief of Peter J. Knapp, private of Company H, Fifth Iowa Infantry.

Also, memorial and joint resolution asking Congress to declare the Iowa river unnavigable from the city of Wapello, in Louisa county, north, and find the same correctly enrolled.

HAWLEY, Chairman.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

MR. PRESIDENT:—The Committee on Engrossed Bills have examined Senate File No. 205, and report the same correctly engrossed.

MEYER, for Committee.

PETITIONS AND MEMORIALS.

By Senator Newell: A memorial from the board of education of the independent school-district of Elkader, in relation to the passage of an act authorizing the said district to issue bonds.

Referred to Committee on Schools.

By Senator Fairall, a petition of G. Choate and others in relation to a law for the better protection of fish.

Referred to Committee on Judiciary.

Senator Patterson asked leave to withdraw House File No. 176, A bill for an act for the protection of fish, from the files for the purpose of again considering the same in committee, which was agreed to.

INTRODUCTION OF BILLS.

Senator Larrabee, from Committee on Commerce, introduced Senate File No. 221, A bill for an act to authorize the Governor to appoint a board of commissioners to investigate as to whether railroad companies discriminate against the trade and commerce of the state in the adjustment of their tariffs and freights.

Read first and second time and passed on file.

Senator Reed, from the committee on railroads, introduced Senate File No. 222, A bill for an act to encourage the investment of capital in railroads in Iowa.

Read first and second time, and passed on file.

By Senator Smith Senate File No. 223, A bill for an act providing for the publication and distribution of an alphabetical index of Iowa soldiers.

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

RESOLUTIONS.

Resolved by the General Assembly of the State of Iowa, that Martin L. Edwards of Henry County, and George Achison, of Jefferson County, are hereby appointed Trustees of the Hospital for the Insane for the term commencing on the fourth day of July next.

On motion of Senator Larimer the resolution was referred to Committee on Charitable Institutions.

Senator Cattell offered the following :

Resolved, that the select committee of seven on arrangement of business be instructed to arrange the House File on the Secretary's table in classes, in the order of their importance, and that such committee report such arrangements from time to time as may be necessary, as well upon the House File as the Senate File, and that the Senate will dispose of the several claims in their order.

The resolution was adopted.

COMMUNICATIONS ON THE PRESIDENT'S TABLE.

The following message from His Excellency, the Governor, was taken up, read, and referred to Committee on Judiciary :

STATE OF IOWA, EXECUTIVE DEPARTMENT,
DES MOINES, March 31, 1868.

Gentlemen of the Senate: On the 27th instant there was filed in the office of the Secretary of State, by the Chicago, Rock Island and Pacific Railroad Company, a written acceptance (a copy of which is herewith transmitted) of the provisions of the act of the present General Assembly, entitled an act providing for and requiring the early construction of the Chicago, Rock Island and Pacific Railroad.

I respectfully submit to your consideration the propriety of the Attorney-General being instructed by the General Assembly to take such action as the interests of the State may require, to secure a prompt and faithful compliance with the conditions and requirements of the said act.

S. MERRILL, Governor.

HOUSE MESSAGES.

House File No. 4, A bill for an act providing for the further prosecution of the geological survey of the State, was taken up and read first and second time, and referred to Committee on Commerce.

House File No. 348, A bill for an act to provide for the payment of the salaries of the officers, and wages of the employes of the penitentiary, and for the general support of the convicts, was taken up, and read first and second time.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—45.

The nays were none.

Absent but not excused, Senators Bill, Johnson, Woolson, and Wright.

So the bill passed, and the title was agreed to.

House File No. 332, A bill for an act requiring the township trustees to take control of cemeteries in certain cases, was read first and second time, and referred to Committee on Incorporations.

House File No. 7, A bill for an act to fix the time for holding court in Greene county, Iowa, in the Fifth Judicial District, was read first and second time, and referred to Senator Mitchell.

House File No. 351, A bill for an act to include the territory

known as the Kinkade Addition, in the limits of the town of Corydon, Iowa, was read first and second time.

Senator Bennett moved to amend by adding to publication clause, "without expense to the State," which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright — 44.

The nays were Senator Oliver.

Absent but not excused, Senators Bill, Fairall, Wolf and Woolson. So the bill passed, and the title was agreed to.

House File No. 95, A bill for an act to legalize an election in Burlington township, Des Moines county, Iowa, to form an independent school, was read first and second time.

Senator Fairall moved to add to publication clause the words "without expense to the State," which was agreed to.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Pierce, Powers, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright — 38.

The nays were, Senators Patterson, Richards — 2.

Absent but not excused, Senators Casady, Cones, Johnson, Larrabee, Mitchel, Needham, Reed, Wolf, Woolson.

So the bill passed, and the title was agreed to.

House File No. 355, A bill for an act to legalize certain judgments by Benjamin Furnace, a justice of the peace in and for Louisa county, Iowa, was read first and second time.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Bulis, Casady, Chapin, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Keller, Larimer, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Robertson, Smith, Tuttle, Woolson, Wright — 82.

The nays were, Senators Bennett, Cattell, Cones, Farwell, Hollman, Knoll, Needham, Reed, Richards, Smyth, Traverse, Walden, Wolf—13.

Absent but not excused, Senators Johnson, Larrabee, Mitchel, and Rice.

So the bill passed, and the title was agreed to.

House File No. 20, A bill for an act to legalize the acts of James Foster, a justice of the peace of Guthrie county, was read first and second time.

Senator Reed moved to suspend the eleventh rule, and read the bill a third time now.

Senator Woolson moved to refer to Committee on Judiciary, which not agreed to.

House File No. 194, A bill for an act to legalize the acts of William Van Asch and Koenraad D. Yong, of Marion county, Iowa, attorneys of Johanna J. Zeelt.

Read first and second time.

Senator Bulis moved to amend publication clause by adding "without expense to the State," which was agreed to.

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

On the question, Shall the bill pass?

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—44.

The nays were none.

Absent, but not excused, Senators Hamilton, Johnson, Meyer, Reed, and Woolson.

The bill passed, and the title was agreed to.

House File No. 153, A bill for an act to provide for the organization of fire companies in incorporated towns and villages, and regulate the same, and to legalize the acts of such companies heretofore organized.

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

House File No. 313, A bill for an act to legalize the action of the board of supervisors of Taylor county, Iowa, in loaning to the Bedford, Winterset and Des Moines Railroad Company, fifty thousand dollars, and directing and authorizing the clerk of said board to issue the bonds of said county for the sum of fifty thousand dollars in sums of five hundred dollars, to carry into effect said loan.

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

House File No. 353, A bill for an act to legalize certain acts of the council of the town of Corydon.

Read first and second time.

On motion of Senator Bulis the publication clause was amended by adding "without expense to the state," and referred to Senator Wright.

House File No. 268, A bill for an act to authorize the correction of errors in the village plat of Webster City, Hamilton county, Iowa. Read first and second time.

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

On the question "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Doud, Farwell, Fellows, Griffith, Hamilton, Hawley, Hedges, Keller Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Smith, Smyth, Traverse, Wright—33.

The nays were Senators Bennett, Hollman, Knoll, Meyer, Parvin, Robertson, Walden, Wolf—8.

Absent but not excused, Senators Bill, Donnan, Dunham, Fairall, Grimes, Johnson, Tuttle and Woolson,

So the bill passed, and the title was agreed to.

House File No. 323, A bill for an act to legalize the acts of the North Western Mining Company, was read first and second time and referred to Committee on Judiciary.

On motion of Senator Larimer the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 1, 1868.

Senate convened at nine o'clock A. M., and was called to order by the President.

Prayer by Rev. Mr. Hobbs.

Journal of yesterday was read and approved.

PETITIONS AND MEMORIALS.

By Senator Oliver: The claim, in the form of a memorial, of J. W. Denison, for services in the protection of the northern border, which was referred to Committee on Military Affairs.

INTRODUCTION OF BILLS.

Senator Farwell, from Committee on Public Lands, introduced Senate File No. 224, A bill for an act to amend chapter 79 of the acts of the Eleventh General Assembly, entitled an act to provide

for the adjustment of certain land-claims with the General Government.

Read first and second time, and passed on file.

By Senator Smyth: Senate File No. 225, A bill for an act to repeal clause five of section 711 of the Revision of 1860, in relation to revenue.

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

By Senator Powers: Senate File No. 226, A bill for an act to amend chapter 160 of the acts of the Ninth General Assembly, in relation to damage done to stock by railroads.

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

By Senator Bill: Senate File No. 227, A bill for an act to establish an independent school-district.

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

By Senator Moore: Senate File No. 228, A bill for an act to amend chapter 95 of the acts of the Eleventh General Assembly, entitled an act to provide for the settlement of certain claims against the General Government.

Read first and second time.

Senator Moore moved to suspend the eleventh rule and read the bill a third time now.

Senator Patterson moved to amend the first section by adding the words, "also all necessary expenses," and in the third line of section 3 of chapter 95 of the acts of the Eleventh General Assembly, "be and the same are hereby repealed."

Senator Fellows moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Casady, Cones, Doud, Dunham, Fellows, Grimes, Hollman, Johnson, Knoll, McMillan, Oliver, Parvin, Pierce, Richards, Smyth, Traverse, Woolson—18.

The nays were, Senators Bill, Bulis, Cattell, Chapin, Donnan, Fairall, Farwell, Griffith, Hamilton, Hawley, Hedges, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Moore, Needham, Newell, Patterson, Reed, Rice, Robertson, Smith, Tuttle, Walden, Wolf, Wright—29.

Absent but not excused, Senators Mitchel and Powers.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Patterson, Senator Larrabee moved to recommit to Committee on Ways and Means, with instructions to provide for additional per diem of five dollars.

On which question the yeas and nays were demanded by Senator Bennett.

The yeas were, Senators Bennett, Casady, Larrabee, Smyth, Woolson—5.

The nays were, Senators, Bill, Bulis, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Wright—42.

Absent but not excused, Senators Donnan and Mitchel.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Patterson, the amendment was adopted.

Senator Meyer moved to amend section 1 by striking out "five" and inserting "two."

Senator Fellows moved to amend the amendment by striking out "two" and inserting "one-half," which was not agreed to.

The question recurring on the amendment offered by Senator Meyer, Senator Patterson moved to amend the amendment by striking out "two" and inserting "three," on which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bulis, Cattell, Chapin, Fairall, Farwell, Hawley, Hedges, Larimer, Matthies, Meyer, Moore, Needham, Newell, Patterson, Reed, Robertson, Tuttle, Walden, Wright—19.

The nays were, Senators Bennett, Bill, Casady, Cones, Doud, Dunham, Fellows, Griffith, Grimes, Hamilton, Hollman, Johnson, Keller, Knoll, Larrabee, McMillan, Mitchel, Oliver, Parvin, Pierce, Powers, Rice, Richards, Smith, Smyth, Traverse, Wolf, Woolson—28.

Absent but not excused, Senators Donnan and Long.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Meyer, Senator Doud moved to amend the amendment by striking out "2," and inserting "1," on which question the yeas and nays were demanded by Senator Fellows.

The yeas were Senators Bennett, Casady, Doud, Dunham, Fellows, Johnson, Knoll, McMillan, Parvin, Pierce, Richards, Smith, Smyth, Traverse—14.

The nays were Senators Bill, Bulis, Cattell, Chapin, Cones, Donnan, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Needham, Newell, Oliver, Patterson, Powers, Reed, Rice, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—33.

Absent but not excused, Senators Fairall and Hollman.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Meyer, Senator Newell moved to recommit to Committee on Ways and Means, with instructions to report to-morrow morning at 10 o'clock, on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Casady, Doud, Farwell, Newell, Parvin, Pierce, Richards, Smyth—9.

The nays were Senators Bill, Bulis, Cattell, Chapin, Cones, Donnan, Dunham, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Powers, Reed, Rice, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—39.

Absent but not excused, Senator Fairall.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Meyer, Senator Larrabee moved to amend the amendment by adding and if Col. Dewey will not act as agent at this rate of compensation, the Governor is authorized to appoint an agent to fill the vacancy, which was agreed to.

Senator Bennett moved to amend the amendment offered by Senator Meyer by striking out "2," and inserting "1½," on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Casady, Doud, Dunham, Fellows, Hollman, Johnson, McMillan, Parvin, Pierce, Richards, Smith, Smyth, Traverse, Woolson—15.

The nays were Senators Bill, Bulis, Cattell, Chapin, Cones, Donnan, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Robertson, Tuttle, Walden, Wolf, Wright—33.

Absent, but not excused, Senator Needham.

The motion did not prevail.

The question recurring on the amendment offered by Senator Meyer, it was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Pierce, Powers Reed, Rice, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—37.

The nays were Senators Bennett, Doud, Fellows, Hollman, Knoll, Parvin, Richards, Smith, Smyth—9.

Absent, but not excused, Senators Dunham, Needham, and Oliver.

The bill passed, and the title was agreed to.

The following message was received from the House:

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

House File No. 360, A bill for an act to amend the act establishing Circuit and General Term Courts.

House File No. 361, A bill for an act to amend the act establishing Circuit and General Term Courts.

Senate File No. 143, A bill for an act to repeal chapter 120 of the laws of the Ninth General Assembly, and to enact a substitute therefor, without amendment.

Senate File No. 145, A bill for an act to amend chapter 169 of the acts of the Ninth General Assembly, in relation to the duties of railroad companies, without amendment.

Senate File No. 107, A bill for an act giving the consent of the Legislature of Iowa to the purchase by the United States of certain lands, without amendment.

Substitute for Senate File No. 84, A bill for an act to repeal section 898 of the Revision of 1860, and to provide a substitute therefor in relation to returning and collecting non-resident road tax, without amendment.

Senate File No. 127, A bill for an act relating to towns incorporated under the provisions of chapter 42 of the Code of 1851, without amendment.

M. C. WOODRUFF, Chief Clerk.

INTRODUCTION OF BILLS.

By Senator Cones: Senate File No. 229, A bill for an act regulating the mileage of trustees.

Read first and second time.

Senator Cones moved to suspend the eleventh rule, and read the bill a third time now.

Senator Reed moved to refer the bill to Committee on Charitable Institutions.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Bill, Bulis, Donnan, Doud, Dunham, Griffith, Hamilton, Keller, Long, Matthias, Meyer, McMullan, Oliver, Patterson, Reed, Smyth, Traverse, Tuttle — 19.

The nays were, Senators Casady, Cattell, Chapin, Cones, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Mitchel, Moore, Needham, Newell, Parvin, Pierce, Powers, Rice, Richards, Robertson, Smith, Walden, Wolf, Woolson, Wright — 29.

Absent but not excused, Senator Larimer.

So the motion did not prevail.

Senator Oliver moved to amend: The mileage of members of the General Assemblies shall hereafter be two dollars for every twenty miles travel in going to and returning from the place where the session is held, which shall be estimated in a direct line from the residence of such member to the place of holding such session.

Senator Rice moved to amend the amendment by striking out "2" and inserting "1."

The yeas and nays were demanded by Senator Rice.

The yeas were Senators Casady, Griffith, Hollman, Johnson, Newell, Patterson, Reed, Rice, Tuttle, Walden, Wright—11.

The nays were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Oliver, Parvin, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson—36.

Absent but not excused, Senators Mitchel and Powers.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Oliver, the yeas and nays were demanded by Senator Meyer.

The yeas were, Senators Casady, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hollman, Johnson, Meyer, Mitchel, Moore, Newell, Oliver, Parvin, Powers, Tuttle, Woolson—18.

The nays were, Senators Bennett, Bill, Bulis, Cones, Dunham, Fairall, Fellows, Hamilton, Hawley, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Needham, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Wright—30.

Absent but not excused, Senator Hedges.

So the motion did not prevail.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following joint resolution, in which the concurrence of the Senate is asked :

That instructing the attorney-general as to proceedings touching the Chicago, Rock Island and Pacific Railroad.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Reed, the Senate adjourned until two o'clock P. M.

TWO O'CLOCK P. M.

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

The consideration of Senate File No. 329 was resumed.

Senator Donnan offered the following as a substitute for the bill under consideration :

Strike out all after the enacting clause, and insert "that each of

the members of the board of trustees of the various State institutions of the State of Iowa, shall receive as his only compensation for services rendered as such trustees, the sum of \$8.00 per day and his necessary expenses while actually employed in the discharge of his official duties as such trustee, to be verified by oath.

SEC. 2. All acts and parts of acts inconsistent with this act are hereby repealed.

SEC. 3. This act being deemed of immediate importance by the General Assembly, shall take effect, and be in force from and after its publication in the *Iowa State Register*, and the *Iowa Evening Statesman*, newspapers published in Des Moines, Iowa.

Senator Larrabee moved the previous question, which was seconded, and the main question was ordered.

The question being on the adoption of the substitute offered by Senator Donnan.

The yeas and nays were demanded by Senator Cones.

The yeas were Senators Bill, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hawley, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, Moore, Needham, Newell, Oliver, Pierce, Reed, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—29.

The nays were Senators Bennett, Bulis, Casady, Cattell, Cones, Fairall, Fellows, Hedges, Hollman, Larimer, Parvin, Patterson, Powers, Rice, Richards, Smyth—15.

Absent, but not excused, Senators Dunham, Keller, Mitchel, and Robertson.

On motion, Senator McMillan was excused.

The substitute was adopted.

The bill was then ordered engrossed and read a third time tomorrow.

The following message was received from the House:

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

House File No. 204, A bill for an act to legalize the acts of the council of the city of Clinton, Iowa.

House File No. 364, A bill for an act to amend chapter 22 of the acts of the Twelfth General Assembly.

The House has passed the following without amendment, and is herewith returned:

Senate File No. 162, A bill for an act making appropriation for the Iowa State Agricultural College and Farm.

I have also to inform the Senate that the House has concurred in Senate amendments to House File Nos. 95, 194, and 351.

I am also directed to inform the Senate that the House has adopted the accompanying joint resolution relative to the appointment of trustees of the Hospital for the Insane.

M. C. WOODRUFF, Chief Clerk.

INTRODUCTION OF BILLS.

By leave, Senator Fairall introduced Senate File No. 230, A bill for an act to legalize the acts of certain cities and towns in their attempt to amend and abandon their special charters, and to legalize elections held, ordinances enacted, and other proceedings had by said cities and towns.

Read first and second time, and on motion of Senator Fairall, the eleventh rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—42.

The nays were none.

Absent but not excused, Senators Dunham, Keller, Meyer, Rice, Woolson and Wright.

So the bill passed, and the title was agreed to.

RESOLUTIONS.

Senator Powers offered the following:

Resolved, That no bills be hereafter received except upon recommendation of a standing committee of the Senate.

The resolution was adopted.

HOUSE MESSAGES.

House File No. 204, A bill for an act to legalize the acts of the council of the city of Clinton, Iowa.

Read first and second time.

Senator Bulis moved to amend the publication clause by adding, "Provided such publication be without expense to the State," which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden—40.

The nays were, Senators Needham and Wolf—2.

Absent but not excused, Senators Dunham, Hedges, Keller, Oliver, Woolson and Wright.

So the bill passed, and the title was agreed to.

House File No. 364, A bill for an act fixing the time of holding court in the county of Hardin.

Read first and second time.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—41.

The nays were none.

Absent but not excused Senators Bill, Casady, Dunham, Keller, Needham, Smith and Woolson.

So the bill passed, and the title was agreed to.

House File No. 849, A bill for an act for the improvement of the State Penitentiary, was read first and second time and referred to Committee on Charitable Institutions.

Joint resolution instructing the Attorney-General as to proceedings touching Chicago, Rock Island and Pacific Railroad, was taken up, read and referred to Committee on Judiciary.

House File No. 860, A bill for an act to amend the act passed by the Twelfth General Assembly of the State of Iowa, entitled an act establishing Circuit and General Term Courts, and to define the powers and jurisdiction thereof.

Read first and second time.

Senator Parvin moved to suspend the eleventh rule, and read the bill a third time now.

Senator Fairall moved to refer to Committee on Judiciary.

Senator Hawley moved the previous question, which was sustained, and the main question was ordered.

The question being "Shall the bill be read a third time to-morrow?" the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Bill, Bulis, Cattell, Hamilton, Johnson, Keller, Larrabee, Long, Matthies, Mitchel, Parvin, Smyth, Traverse, Walden—15.

The nays were Senators Casady, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Larimer, Meyer, McMillan, Moore, Needham, Newell, Oliver, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Tuttle, Wolf, Woolson, Wright—31.

Absent but not excused, Senators Donnan, Dunham, and Reed.

So the motion did not prevail.

Senator Hedges moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Knoll.

The yeas were Senators Casady, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Knoll, Needham, Oliver, Patterson, Powers, Reed, Rice, Richards, Tuttle—20.

The nays were Senators Bennett, Bill, Bulis, Cattell, Grimes, Hamilton, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson—26.

Absent but not excused, Senators Donnan and Dunham.

So the motion did not prevail.

Senator Newell moved to reconsider the vote by which the Senate refused to order the bill to a third reading, on which question the yeas and nays were demanded by Senator Hollman.

The yeas were, Senators Bennett, Bill, Cattell, Grimes, Hamilton, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Walden, Woolson—24.

The nays were, Senators Bulis, Casady, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Knoll, Needham, Oliver, Patterson, Powers, Reed, Rice, Richards, Tuttle, Wolf—22.

Absent but not excused, Senators Donnan and Dunham.

The motion prevailed.

On motion of Senator Farwell, Senator Wright was excused.

Senator Larimer moved to reconsider the vote by which the previous question was sustained.

Senator Farwell raised the point of order that the motion was not in order.

The Chair decided the point not well taken.

Senator Farwell appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the decision of the Senate?"

The yeas were, Senators Bennett, Bill, Bulis, Chapin, Doud, Fellows, Griffith, Grimes, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Patterson, Powers, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—27.

The nays were, Senators Cattell, Cones, Donnan, Fairall, Farwell, Hamilton, Hawley, Hedges, Hollman, Keller, Moore, Needham, Newell, Oliver, Pierce, Woolson—16.

Absent but not excused, Senators Dunham, Parvin, Reed and Robertson.

So the decision of the Chair stood as the decision of the Senate.

The question recurring on the motion of Senator Larimer to reconsider the vote by which the previous question was sustained, the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Casady, Chapin, Cones, Doud, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Knoll, Larimer, Meyer, McMillan, Mitchel, Reed, Rice, Richards, Smith, Traverse—22.

The nays were Senators Bennett, Bulis, Cattoll, Donnan, Farwell, Hamilton, Hawley, Keller, Larrabee, Long, Matthies, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson—25.

Absent but not excused, Senator Dunham.

So the motion did not prevail.

The question recurring on the motion to order the bill to a third reading, the yeas and nays were demanded by Senator Fairall.

The yeas were, Senators Bennett, Bill, Cattell, Donnan, Grimes, Hamilton, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Reed, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson—27.

The nays were, Senators Bulis, Casady, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Knoll, Needham, Oliver, Patterson, Powers, Rice, Richards, Wolf—21.

So the motion prevailed.

By leave Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have considered the resolution for fixing the pay of officers and employes of the Senate, and have directed me to report a substitute therefor, and recommend the adoption of the substitute.

Also, to report back the concurrent resolution for fixing the pay of post-master, assistant post-master, and mail carrier, and recommend its passage.

CATTELL, for Committee.

Substitute for resolution providing for *per diem* of officers and employes of the Senate.

Resolved, That the *per diem* allowance to the officers and employes of the Senate during the present session be fixed as follows:

Secretary \$6; assistant secretaries, each, \$5; enrolling and engrossing clerks, each, \$5; sergeant-at-arms, door-keeper, and janitor, each, \$4; paper-folders, each, \$3; messengers, each, \$2.

Senator Griffith moved to amend the substitute by making the pay of E. M. Putman, senior paper-folder, four dollars per day.

The amendment was agreed to.

The substitute was then adopted.

The question being on the adoption of the resolution, the yeas and nays were demanded by Senator Cones.

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Farwell, Fellows, Griffith, Grimes, Hamilton,

Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle—40.

The nays were Senators Cones, Fairall, Smith, Walden—4.

Absent but not excused, Senators Dunham, Patterson, Wolf, and Woolson.

So the resolutions were adopted.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 117, A bill for an act making appropriations for two Lawson wood furnaces, pipes and register, for use in the adjacent general's office, by Fuller, Warren & Co.

House File No. 358, A bill for an act to amend section 3, chapter 27, of the acts of the Twelfth General Assembly.

Senate File No. 186, A bill for an act providing for the submission of certain proposed amendments to the Constitution of Iowa, to the people thereof at the next general election therein.

Senate File No. 81, A bill for an act to enable municipal and public corporations at their election to settle, adjust and compound their indebtedness, and to provide for the issue of new bonds, and for their payment by the levy of a specific tax, and for this purpose altering and amending existing charters and laws.

Senate File No. 157, A bill for an act to amend chapter 92 of the acts of the Eleventh General Assembly, and to provide for the Iowa Soldiers' Orphans Homes.

Senate File No. 91, A bill for an act to legalize the official acts of Henry Templé, a notary public of Cass county.

Senate File No. 178, A bill for an act to legalize the acts of the city council of Cedar Falls, and the incorporation of said city.

Also, joint resolution to Congress for the relief of Peter J. Knapp, private of Company H, Fifth Iowa Infantry Volunteers.

Memorial and joint resolution asking Congress to declare the Iowa river unnavigable from the city of Wapello, in Louisa county, north.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Casady, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 2, 1868.

Senate convened at 9 o'clock, A. M., and was called to order by the President.

Prayer by Rev. Mr. Ingalls.

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

PETITIONS AND MEMORIALS.

By Senator Woolson: A remonstrance from the Representatives from Louisa, Des Moines, and Henry counties, against that provision of the Circuit Court bill which places Des Moines and Lee counties in one circuit.

Ordered passed on file.

RESOLUTIONS.

Senator Powers offered the following:

Resolved, That hereafter all bills received from the House of Representatives shall be read a first and second time by their title, and referred to the Committee on Arrangement of Business, unless referred to standing committees.

The resolution was adopted.

Senator Wright offered the following:

Resolved by the Senate, the House concurring, That no member of the Twelfth General Assembly of the State of Iowa be allowed pay for any day he has or may be absent from attendance when the General Assembly was in session, except such absence was caused by sickness of himself or family.

Resolved, That $11\frac{7}{8}$ dollars of the postage *per diem* of each member be returned to pay for portfolio, banker's case, gold pens, pen-knives, erasers, rules, &c., furnished to each member at the commencement of the session.

Resolved, That the *per diem* of the members, officers and employes of the General Assembly shall not be paid during the recess from the 14th to the 24th day of February, both days included: *Provided*, That every member, officer or employe who remained here on account of the distance or difficulty of getting home, or is employed in duty on committee or in the discharge of his duty, shall be allowed pay for the time so employed or occupied.

Senator Bulis moved to lay the resolution on the table, on which question the yeas and nays were demanded by Senator Wright.

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes,

Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Smith, Traverse, Tuttle, Walden, Wolf, Woolson—43.

The nays were, Senators Cones, Wright—2.

Absent but not excused, Senator Donnan, Larimer, Moore and Reed.

So the motion prevailed.

Senator Walden offered the following report and also the following resolution :

Your Committee on Printing have had under consideration the petition of Henry Hospers of Pella, for compensation for translating the laws of the Eleventh General Assembly into the Holland language, and instruct me to recommend that the State allow him one hundred dollars for said services.

WALDEN, for Committee.

Resolved, That the Committee on Ways and Means be, and are hereby instructed to present a bill allowing one hundred dollars for compensation, to Henry Hospers, for translating the laws of the Eleventh General Assembly into the Holland language.

Senator Larrabee moved to refer the resolution to the Committee on Ways and Means.

The motion did not prevail.

The question being, "Shall the resolution be adopted?" the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Donnan, Dunham, Fairall, Fellows, Griffith, Hamilton, Hedges, Hollman, Knoll, Larimer, Matthies, Meyer, McMillan, Mitchel, Patterson, Rice, Richards, Traverse, Walden—19.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cones, Doud, Farwell, Grimes, Hawley, Johnson, Keller, Larrabee, Long, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Robertson, Smyth, Tuttle, Wolf, Woolson, Wright—27.

Absent but not excused, Senators Cattell, Chapin and Smith.

So the motion did not prevail.

Senator Hawley from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval, Senate File Nos. 81, 91, 157, 178, 184. Also joint resolution to Congress for the relief Peter J. Knapp. Also memorial and joint resolution asking Congress to declare the Iowa river unnavigable from the city of Wapello in Louisa County, north.

HAWLEY, Chairman.

Senator Meyer from Committee on Engrossed Bills, submitted the following report :

The Committee on Engrossed Bills, have examined Senate File No. 229, and report the same correctly engrossed.

MEYER, for Committee.

HOUSE MESSAGES.

House File No. 861, A bill for an act supplemental to an act entitled an act for establishing Circuit and General Term Courts, and to define their power and jurisdiction thereof.

Read first and second time, and referred to Committee on Arrangement of Business.

REPORTS OF COMMITTEES.

Senator Patterson from Committee on Judiciary, submitted the following report:

The Judiciary Committee have had under consideration substitute for House File No. 14, and have directed me to report the same back with the following amendment, and thus amended, recommend its passage.

J. G. PATTERSON, for Committee.

Ordered, that the report pass on file.

Senator Powers from same committee, submitted the following report:

The Judiciary Committee have had under consideration Senate File No. 219, A bill for an act relative to the dissolution or modification of injunctions; House File No. 225, A bill for an act to legalize the acts of certain notaries public in Polk county; Senate File No. 164, A bill for an act authorizing County Courts to render judgment in certain cases; substitute for House File No. 199, A bill for an act to legalize the acts of Wm. H. Stivers, a notary public. The committee have also considered the following bills which they hereby report, viz: A bill for an act to legalize the acts of W. Moershell and others, notaries public; A bill for an act fixing time of holding courts in Fifth Judicial District; A bill for an act to legalize deeds and acknowledgements thereof, executed and acknowledged in other States and countries; and a bill to provide for compensation of clerks of District Court, which bills your committee recommend do pass.

J. B. POWERS, Chairman.

Senator Fairall from same committee submitted the following report:

The Judiciary Committee have instructed me to report back the special message of the Governor relative to the propriety of the attorney-general taking action to secure a faithful compliance by the Chicago, Rock Island and Pacific Rail Road Company with the terms of "an act providing for and requiring the early construction

of the Chicago, Rock Island and Pacific Rail Road from Des Moines to Council Bluffs upon certain conditions," passed by the present General Assembly, as also the joint resolution passed by the House relative to the duty of the attorney-general in enforcing the terms of said act, and to recommend the adoption of the latter.

SAM. H. FAIRALL, for Committee.

Senator Fairall moved to suspend the rule and consider the joint resolution now, on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Reed, Robertson, Smyth, Wolf—85.

The nays were Senators Bill, Needham, Patterson, Richards, Traverse, Tuttle, Walden, Woolson, Wright—9.

Absent but not excused, Senators Larimer, McMillan, Powers, Rice and Smith.

So the motion prevailed.

The question being, Shall the joint resolution pass? the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—41.

The nays were Senators Needham, Patterson, Richards, Walden—4.

Absent but not excused, Senators, Donnan, Larimer, Larrabee and Smith.

So the joint resolution was adopted.

Senator Powers submitted the following report:

The Judiciary Committee recommend that the following bills be indefinitely postponed:

House File No. 81, A bill for an act relating to sureties on replevin bonds.

Senate File No. 214, A bill for an act legalizing the platting and recording of block No. 71, in Denison, Iowa.

Senate File No. 227, A bill for an act to establish an independent school district, which bill if passed, your committee think would be special legislation and unconstitutional.

J. B. POWERS, Chairman.

Ordered, passed on file.

Also the following:

Judiciary Committee have considered House File No. 176, A bill for an act to protect fish; House File No. 108, A bill for an act

authorizing the sale of certain school lands in Webster and Hamilton counties; Senate File No. 217, A bill for an act to legalize the proceedings of the board of supervisors of Page county; House File No. 313, A bill for an act to legalize the action of the board of supervisors of Taylor township; House File No. 195, A bill for an act to quiet the title in and to certain lands in Webster county; Senate File No. 193, A bill for an act requiring the publication of legal notices in certain newspapers, and Senate File No. 188, and Senate File No. 121. Committee recommend that said bills be indefinitely postponed.

J. B. POWERS, Chairman.

Ordered, passed on file.

Senator Woolson, from same committee, submitted the following report:

The Judiciary Committee, to whom was referred House File No. 328, A bill for an act to legalize the acts of the Northwestern Mining Company, have considered the same, and propose the attached amendment, and as thus amended, recommend its passage.

T. W. WOOLSON, for Committee.

Ordered, that the report pass on file.

Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have considered House File No. 319, A bill for an act to provide for the relief of certain classes of indigent persons, and instructed me to report it back with a majority report recommending that it do pass.

CATTELL, for Committee.

Ordered, that the report pass on file.

Senator Needham, from Committee on Schools, submitted the following report:

The Committee on Schools have had under consideration the following bills, and have directed me to report as follows:

Substitute for House File No. 83, that the bill do not pass.

Senate File No. 201, that the bill do not pass.

House File No. 118, that the bill do not pass.

Senate File No. 216, report without recommendation.

NEEDHAM, Chairman.

Ordered, that the report pass on file.

Senator Patterson, from Committee, on County and Township Organization, submitted the following report:

Your Committee on County and Township Organization have had under consideration House File No. 252, and have directed me to report the same back without recommendation, and request that it be referred to the Committee on Ways and Means.

J. G. PATTERSON, Chairman.

Ordered, passed on file.

Senator Reed, from Committee on Railroads, submitted the following report:

The Committee on Railroads, to whom was referred House File No. 188, have had the same under consideration, and instruct me to report the same back without amendment and recommend its passage.

REED, for Committee.

Ordered, that the report pass on file.

Also the following :

The Railroad Committee have had under consideration House File No. 271, and a majority of the committee direct me to report the same back with the following amendments, viz. : In section 3 strike out all after the word " company " in the eleventh line, (printed bill). In section 5, after the word " Congress " insert the following, and so amended, they recommend the passage of the bill.

REED, for Committee.

Ordered, that the report pass on file.

Senator Hawley, from Committee on Railroads, submitted the following report :

The Committee on Railroads have had under consideration Senate File No. 211, A bill for an act to authorize the Sioux City and St. Paul Railroad Company to transfer their rights and privileges to the Sioux City and Pacific Railroad Company, and to facilitate the construction of said road, and have directed me to report the same back with the following amendments, and as so amended to recommend its passage.

HAWLEY, Chairman.

Ordered, that the report pass on file.

Senator Parvin, from Committee on Claims, submitted the following report :

The Committee on Claims, to whom was referred Senate File No. 206, for the relief of Evans and Shellerbarger, have considered the same, and instructed me to report a substitute for said bill, and recommend its passage.

J. A. PARVIN, Chairman.

Ordered, that the report pass on file.

Senator Smyth, from Committee on Banks, submitted the following report :

The Committee on Banks, who had leave to withdraw House File No. 272, A bill for an act to provide for the taxation of the shares of national banks, have re-examined the same, and found that the bill as passed by the House was perfect; that the omission was made by the engrossing clerk of the House; that the error has been corrected, and have instructed me to report the bill back to the Senate, and recommend its passage.

R. SMYTH, Chairman.

Ordered, that the report pass on file.

Senator Larrabee, from Committee on Commerce, submitted the following report :

Your Committee on Commerce report House File No. 4, and

recommend striking out all of section 1 after the word "appropriation," in fifth line, after which they recommend its passage.

LARRABEE, Chairman.

Ordered, that the report pass on file.

Senator Griffith, from Committee on Public Buildings, submitted the following report :

Your committee to whom was referred Senate File No. 202, A bill for an act making appropriation for repairing the state capitol, recommend the indefinite postponement of the same.

GRIFFITH, Chairman.

Ordered, that the report pass on file.

Senator Woolson, from Committee on Charitable Institutions, submitted the following report :

The Committee on Charitable Institutions have considered House File No. 349, and propose to amend section 4 thereof by striking out the last two words in the fourth line from the bottom, and the last three lines and inserting the following: "Their necessary expenses while performing that duty," and thus amended, they recommend its passage.

T. W. WOOLSON, Chairman.

Ordered, that the report pass on file.

Also, the following :

The committee to whom was referred the resolution for the appointment of trustees for the Institution for the Blind, report that they have considered the same and recommend the adoption of the resolution.

T. W. WOOLSON.

Ordered, that the report pass on file.

Senator Hamilton from Committee on Incorporation, submitted the following report :

The Committee on Incorporations to whom was referred House File No. 307, A bill for an act authorizing cities of the first and second class to establish fire limits, have had the same under consideration and have instructed me to report the bill back with the recommendation that it do pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Mitchel from Committee on Printing, submitted the following report :

The Committee on Printing to whom was referred the resolution in relation to the distribution of the state geological reports, have had the same under consideration and have amended said resolution by striking "four hundred" out of the last line and inserting in lieu thereof "three hundred," and by adding to said resolution, "to the state library one hundred copies," and have instructed me to report

back said resolution so amended, and recommend that the same do pass.

MITCHEL, Chairman.

Ordered, that the report pass on file.

Senator Wright from Special Committee, submitted the following report :

The Select Committee to whom was referred House File No. 353, An act to legalize certain acts of the town council of Corydon, have considered the same and recommend that the bill be amended as follows :

1st. Insert at the end of the eighth line the words "as fully and completely as if the territory known as Kinkaid Addition had at the time legally constituted a part of said town," and that so amended, the bill do pass.

JAMES D. WRIGHT, Chairman.

Ordered, that the report pass on file.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked : -

House File No. 3, A bill for an act to legalize the official acts of W. Throckmorton, a justice of the peace of Clarke county.

House File No. 198, A bill for an act to legalize the acts of D. D. Miracle, a notary public of Hamilton county.

House File No. 242, A bill for an act to prevent the importation of Texas cattle infected with the so-called Texas or Spanish fever, among the cattle of the State of Iowa.

House File No. 248, A bill for an act to vacate a grave-yard in Jefferson county.

Senate File No. 43, A bill for an act to release to Alfred Heber Reynolds an escheat in Buchanan county.

Senate File No. 152, A bill for an act for the relief of Barton B. Dunning, of Ringgold county.

The House has also passed a substitute for House File No. 339, A bill for an act to resume from the Cedar Rapids and Missouri River railroad company portions of the lands granted to Iowa by act of Congress, and to provide for the selection and disposition of the same, in which the concurrence of the Senate is asked.

The House has also concurred in the Senate amendment to House File No. 204, A bill for an act to legalize the acts of the city council of Clinton.

The House has also adopted the following joint resolutions, in which the concurrence of the Senate is asked :

That appointing trustees of the insane hospital.

House File No. 241, A bill for an act to legalize the official acts of Jonathan Oglesbee, recorder of Clayton county.

House File No. 239, A bill for an act to legalize the acts of Wm. Tiede, a notary public of Clayton county.

House File No. 260, A bill for an act to legalize the notorial acts Josephus Eastman.

House File No. 263, A bill for an act to legalize the official acts of James Hagerman, a notary public of Lee county, Iowa.

House File No. 359, A bill for an act to legalize the notorial acts of Thomas Cavanaugh, of Polk county.

I also herewith return to the Senate the following bills, which have passed the House without amendment:

Senate File No. 3, A bill for an act in relation to school fund and school lands.

That appointing trustees for the State reform school.

That asking our delegation in Congress to procure the passage of a law making post-masters within the United States special agents for the distribution of revenue stamps.

M. C. WOODRUFF, Chief Clerk.

BILLS ON THIRD READING.

Substitute for Senate File No. 229, A bill for an act to regulate the compensation of the trustees of state institutions, was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Cones, Donnan, Doud, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Rice, Robertson, Smith, Traverse, Walden, Wolf, Woolson, Wright—33.

The nays were Senators Bulis, Chapin, Fairall, Keller, Larimer, Patterson, Powers, Richards, Smyth, Tuttle—10.

Absent but not excused, Senators Casady, Dunham, Hamilton, Meyer, Needham and Reed.

So the bill passed, and the title was agreed to.

House File No. 360, A bill for an act to amend the act passed by the Twelfth General Assembly of the State of Iowa, entitled an act to establish Circuit and General Term Courts, and to define the powers and jurisdiction thereof, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Donnan, Doud, Farwell, Hamilton, Johnson, Larrabee, Long, Matthies, Meyer, Mitchel, Newell, Oliver, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—24.

The nays were Senators Bulis, Casady, Chapin, Cones, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, McMillan, Moore, Needham, Powers, Reed, Rice, Richards, Wolf—20.

Absent, but not excused, Senators Cattell, Dunham, Grimes, Larimer, and Patterson.

The bill not having received a constitutional majority, did not pass.

Senate File No. 205, A bill for an act to permanently locate the State Normal School at Marshalltown, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Casady, Cones, Donnan, Griffith, Grimes, Hawley, Hedges, Hollman, Long, Matthies, Mitchel, Patterson, Powers, Rice, Richards, Robertson, Smith, Walden—15.

The nays were Senators Bennett, Bill, Bulis, Doud, Dunham, Farwell, Johnson, Keller, Knoll, Larrabee, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Pierce, Reed, Smyth, Traverse, Tuttle, Wolf, Wright—24.

Absent, but not excused, Senators Cattell, Chapin, Fairall, Fellows, Hamilton, Larimer, and Woolson.

So the bill not having received a constitutional majority did not pass.

BILLS ON SECOND READING.

House File No. 279, A bill for an act to provide certain police regulations for the protection of the Iowa State Agricultural College and Farm, and of the students therein, with report of committee recommending amendments was considered, and the report of committee was adopted, and the bill was then ordered read a third time to-morrow.

House File No. 278, A bill for an act to prohibit the laying out or opening of roads across certain reserved lands of the State, and to vacate public highways on the same, with report of committee recommending that the bill do pass, was considered, and the bill was ordered read a third time to-morrow.

House File No. 26, A bill for an act to promote the collection of revenue of incorporated cities and towns acting under special charters, with report of committee recommending that the bill do pass, was considered, and the bill was ordered read a third time to-morrow.

Senator McMillan moved to reconsider the vote by which House File No. 360, was lost.

Senator Fairall moved to lay that motion on the table.

Senator Moore moved a call of the Senate, which was sustained.

The roll was then called, and Senator Cattell was found to be absent without excuse.

On motion of Senator Reed further proceedings under the roll was dispensed with.

The question being on the motion of Senator Fairall to lay the motion to reconsider the vote on the table, the yeas and nays were demanded by Senator Richards,

The yeas were, Senators Bulis, Casady, Chapin, Cones, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Oliver, Patterson, Powers, Reed, Rice, Richards, Tuttle, Wolf, Wright—22.

The nays were, Senators Bennett, Bill, Donnan, Doud, Farwell, Grimes, Hamilton, Johnson, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Walden, Woolson—26.

Absent but not excused, Senator Cattell.

So the motion did not prevail.

Senator Woolson moved a call of the Senate, which was sustained, and the roll was then called and Senator Cattell was found to be absent without excuse.

The Sergeant-at-Arms was then directed to bring the absentee to the bar of the Senate.

The Sergeant-at-Arms presented Senator Cattell at the bar of the Senate.

On motion of Senator Parvin, Senator Cattell was discharged from custody.

On motion of Senator Meyer, further proceedings under the call were dispensed with.

The question being on the motion to reconsider the vote by which House File No. 360 was lost, Senator Newell moved the previous question, which was seconded, and the main question was ordered.

The question being on the motion to reconsider the vote by which House File No. 360 was lost, the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Farwell, Grimes, Hamilton, Johnson, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Newell, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Walden, Woolson—25.

The nays were Senators Bulis, Casady, Chapin, Cones, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Moore, Needham, Oliver, Patterson, Powers, Reed, Rice, Richards, Tuttle, Wolf, Wright—24.

So the motion prevailed.

The question being "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Farwell, Grimes, Hamilton, Johnson, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Richards, Woolson—27.

The nays were Senators Bulis, Casady, Chapin, Cones, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Keller, Knoll, Needham, Oliver, Patterson, Powers, Reed, Rice, Tuttle, Wolf, Wright—22.

So the bill passed, and the title was agreed to.

Senator Richards moved to reconsider the vote just taken.

Senator Fellows moved to adjourn.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Casady, Cones, Donnan, Dunham, Fairall, Fellows, Hawley, Hedges, Johnson, Knoll—10.

The nays were Senators Bennett, Bill, Bulis, Cattell, Chapin, Doud, Farwell, Griffith, Grimes, Hamilton, Hollman, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—38.

Absent, but not excused, Senator Rice.

The motion did not prevail.

The question recurring on the motion of Senator Richards to reconsider the vote by which House File No. 360 passed the Senate.

Senator Parvin moved to lay that motion on the table.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Bulis, Chapin, Doud, Fairall, Farwell, Griffith, Grimes, Hamilton, Johnson, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Pierce, Powers, Robertson, Smith, Smyth, Traverse, Walden, Woolson, Wright—31.

The nays were Senators Casady, Cattell, Cones, Dunham, Fellows, Hawley, Hedges, Hollman, Keller, Knoll, Moore, Patterson, Reed, Rice, Richards, Wolf—17.

Absent, but not excused, Senator Donnan.

The motion did not prevail.

Substitute for House File No. 33, A bill for an act to amend section 317, of the Revision of 1860, in relation to compensation of members of the board of supervisors, was considered.

Senator Woolson moved to amend as follows :

Amend by striking out of the first line the figures "15,000," also strike out the "20, 21," and the word "exceeding" in the twenty-second line ; after "25,000," strike out "they shall receive pay for not more than twenty-five days in one year."

The motion did not prevail.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Matthies, Meyer, Moore, Newell, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf—34.

The nays were Senators Bill, Cones, Doud, Larimer, Larrabee, Long, McMillan, Oliver, Rice, Smith, Woolson, Wright—12.

Absent, but not excused, Senators Fellows, Hedges, and Mitchel. The bill passed, and the title was agreed to.

Senator Oliver moved to suspend the order of business and take up substitute for House File No. 339, A bill for an act to resume from the Cedar Rapids and Missouri River Railroad Company, portions of the lands which were granted to the State of Iowa by act of Congress, approved May 15, 1856, and to provide for the selection and disposition of the same, and providing for the completion of the Cedar Rapids and Missouri River Railroad on the forty-second parallel.

Senator Newell moved to adjourn until two o'clock P. M.

The motion did not prevail.

The question recurring on the motion of Senator Oliver to suspend the regular order, the motion was agreed to, and the bill was taken up, read first and second time, and referred to Committee on Railroads, with authority to print if deemed necessary.

Senator Rice moved to adjourn, which was not agreed to.

On motion of Senator Patterson, the Senate adjourned until two o'clock P. M.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, and was called to order by the President *pro tem*.

Senator Powers moved to take up report of Judiciary Committee reporting Senate File No. 231, A bill for an act to provide for the compensation of clerks of the District and Circuit Courts and to allow the deputy clerk to act as clerk of the Circuit Court.

Also, Senate File No. 232, A bill for an act fixing the time of holding District Courts in the Fifth Judicial District, which was agreed to, and the bills were read first and second time, and passed on file.

BILLS ON SECOND READING.

House File No. 236, A bill for an act to destroy Canada thistles, with report of Committee recommending that the bill do pass was considered.

Senator Moore moved that the bill be recommitted to the Committee on Judiciary, which was not agreed to.

Senator Farwell moved to amend by striking out all after the first section, which was agreed to.

Senator Fairall moved to amend by striking out all after the word "offense" in the first section, which was agreed to.

Senator Bulis moved to lay the bill on the table, which was not agreed to.

Senator Larrabee moved to postpone the consideration of the bill until April 4th, which was not agreed to.

The bill was then ordered read a third time to-morrow.

House File No. 29, A bill for an act changing the time of holding court in Waverly, Bremer county, Iowa, in the Twelfth Judicial District, with report of committee recommending amendments, was considered and the report of committee was adopted.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Keller, Larimer, Meyer, Mitchel, Reed and Smith.

So the bill passed and the title was amended by adding "and St. Charles, Floyd county, Iowa," and so amended the title was agreed to.

House File No. 78, A bill for an act to provide for the adjustment of claims of members of First Iowa Cavalry, with report of committee recommending that the bill do pass was considered.

Senator Moore moved to suspend the rule and read the bill a third time now, which was agreed to and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Woolson, Wright—44.

The nays were Senator Wolf—1.

Absent but not excused, Senators Keller, Meyer, Needham and Traverse.

So the bill passed, and the title was agreed to.

House File No. 152, A bill for an act to provide for the erection of a State House, with report of committee recommending amendments, was considered.

The question being on the adoption of the report of committee, Senator Richards moved to amend by authorizing the census board

to receive plans for a building to cost two millions of dollars, which was agreed to.

Senator Woolson, moved to amend by striking out "\$5,000" in the 1st section, and adding "\$5,000" at the end of the 2d section.

Senator Fairall moved to amend second section by striking out the word "five," and insert "two," which was not agreed to.

Senator Larimer moved to amend third section by inserting after the word "quarry" the words "in this State," which was agreed to.

Senator Farwell moved to strike out publication clause.

The motion prevailed.

Senator Cones moved to amend 5th section by striking out "15" and inserting "10," on which question the yeas and nays were demanded by Senator Cones.

The yeas were Senators Bill, Cones, Dunham, Fairall, Fellows, Hawley, Hollman, Johnson, Knoll, Larimer, Larrabee, Matthies, Mitchel, Rice, Richards, Traverse—16.

The nays were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Grimes, Hamilton, Hedges, Long, McMillan, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Reed, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—30.

Absent but not excused, Senators Keller, Meyer, Newell, and Powers.

So the motion did not prevail.

Senator Fellows moved to amend by striking out "15" and inserting "12."

On which question the yeas and nays were demanded by Senator Hollman.

The yeas were Senators Chapin, Cones, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Matthies, Mitchel, Newell, Rice, Richards, Traverse, Tuttle, Walden—22.

The nays were Senators Bennett, Bill, Bulis, Casady, Cattell, Donnan, Doud, Griffith, Hamilton, Long, McMillan, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smith, Smyth, Wolf, Woolson, Wright—25.

Absent, but not excused, Senators Keller and Meyer.

The motion did not prevail.

Senator Rice moved to amend by striking out "fifteen" and inserting "eight," on which question the yeas and nays were demanded by Senator Rice.

The yeas were, Senators Cones, Dunham, Fairall, Fellows, Grimes, Hollman, Knoll, Larrabee, Rice—9.

The nays were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Farwell, Griffith, Hamilton, Hawley, Hedges, Johnson, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Richards,

Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—38.

Absent but not excused, Senators Keller and Meyer.

The motion did not prevail.

Senator Moore moved the previous question, which was sustained, and the main question was ordered.

The question being on the adoption of the substitute, it was adopted, and the bill was then ordered to be read a third time to-morrow.

The following message was received from the House:

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

House File No. 343, A bill for an act to fix the price of state binding.

House File No. 369, A bill for an act for the compilation and publication of the road laws and the distribution of the same.

I am directed to inform the Senate that the House has adopted the following joint resolutions, in which the concurrence of the Senate is asked:

That proposing to strike the word "white" from section 4 of article 3 of the constitution of Iowa.

That requesting our delegation in Congress to procure an increase of mail facilities in the State.

M. C. WOODRUFF, Chief Clerk.

House File No. 303, A bill for an act to legalize and confirm an ordinance of the city of Dubuque, granting certain rights of way to the Dunleith and Dubuque Bridge Company, with report of committee that the bill do pass, was considered.

On motion of Senator Richards the bill was referred to a select committee of Senators along the line of the Dubuque and Sioux City Railroad, Senator Knoll to be chairman.

Senate File No. 175, A bill for an act detaching the county of Webster from the Eleventh Judicial District, and adding it to the Fourth Judicial District, with report of committee that the bill do pass, was considered.

Senator Hawley moved to amend as follows:

Amend first section by adding "and said county shall constitute a part of the Second Circuit of the Fourth Judicial District.

SEC. 2. "That the times of holding the District Court in said county shall hereafter be as follows: On the third Monday after the second Monday in April, and on the first Monday in November of each year.

SEC. 3. "All suits, proceedings, and processes now pending, or returnable to the District Court in said county, shall be deemed pending in and returnable to the term herein fixed; and no such suit, plea, process, recognizance, indictment, or other proceedings, shall

be quashed or held to be invalid by reason of any change in the terms of courts hereby made," which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—44.

The nays were Senator Oliver—1.

Absent but not excused, Senators Keller, Powers, Rice, and Smith.

So the bill passed, and the title was agreed to.

The President announced as committee on House File No. 303, Senators Knoll, Richards, Grimes, Donnan and Powers.

Senate File No. 180, A bill for an act to provide for the taxing the shares of national banks, with report of committee that the bill do pass, was considered.

On motion of Senator Fairall the bill was referred to Committee on Judiciary.

Senate File No. 179, A bill for an act apportioning the State into senatorial districts, with report of committee that the bill do pass, was considered.

Senator Wolf moved to amend section 1 by striking out the words "or practical part thereof equal to one-half," which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—36.

The nays were Senators Cones, Fairall, Hedges, Hollman, Richards—5.

Absent but not excused, Senators Bill, Casady, Hawley, Keller, Meyer, McMillan, Mitchel and Rice.

So the bill passed, and the title was agreed to.

Senate File No. 169, A bill for an act to provide for the election of county auditors and to define their powers and duties, and making county judges ex-officio county auditors, with report of committee, recommending amendments was considered, and the report of the committee was not agreed to,

Senator Cattell moved to amend the first section by inserting after

the word "auditor" in the first line the words "whose term of office shall commence on the first Monday in January following his election and."

Senator Chapin moved to amend the amendment by striking out in section one, after the enacting clause, the words "said auditors" in seventh line, and insert "that at the general election in 1868, and every two years thereafter there shall be elected in each organized county in this state a county auditor, who shall hold his office for two years from the first day of January succeeding his election, and until his successor is elected and qualified," which was not agreed to.

The question recurring on the amendment offered by Senator Cattell, it was adopted.

Senator Casady moved to strike out section 5, which was not agreed to.

Senator Bill offered the following as an additional section:

SEC. — The proceedings of auditors in road cases shall be published in the same manner as if had before the boards of supervisors.

Senator Needham moved to amend by adding the following as section 8:

"The auditor shall have the keeping and management of the transfer books provided for by chapter 61 of the acts of the Eleventh General Assembly, and for the transfer made on said books shall be entitled to a fee of twenty-five cents for each, and the county recorder shall not file for record any deed of real property until the proper entries have been made upon the transfer books in the auditor's office and indorsed upon the deed."

Senator Richards moved to amend the amendment by adding as follows: "Nor until all taxes due upon the real estate contained in any conveyance offered for record have been paid, which payment shall be evidenced by said auditor's indorsement thereon of the words "taxes paid."

The amendment to the amendment was adopted.

Senator Moore moved to reconsider the vote just taken, which was agreed to.

The question being on the amendment offered by Senator Richards, the amendment was not adopted.

Senator Smyth moved to amend the amendment by striking out "twenty-five cents for each deed" and insert "ten cents for each description," which was not agreed to.

The question recurring on the amendment offered by Senator Needham, the amendment was agreed to.

Senator Chapin moved to amend by adding the following as an additional section: "It shall be the duty of the county auditor to file all official bonds of justices of the peace, after the same have been approved, in the office of the clerk of the District Court," which was agreed to.

Senator Wright moved to recommit to Committee on Judiciary, which was agreed to.

Senator McMillan moved to suspend the order of business and take up House File No. 369.

The motion did not prevail.

Senate File No. 149, A bill for an act making further appropriations for the Hospital for the Insane," with report of committee recommending that the bill do pass, was considered.

Senator Fellows moved to amend by striking out the fourth and fifth lines of section 1, pending which the following message was received from the House :

MR. PRESIDENT :—I herewith present for your signature the following joint resolution and bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Joint resolution instructing the attorney-general as to proceedings touching the Chicago, Rock Island, and Pacific Railroad.

Also the following bills :

House File No. 348, A bill for an act to provide for the payment of salaries of officers, and wages of employes of the penitentiary, and for the support of convicts.

House File No. 351, A bill for an act to include Kinkaid's Addition within the limits of Corydon, in Wayne county.

House File No. 355, A bill for an act to legalize certain judgments made by Benj. Furnace, a justice of the peace in Louisa county.

House File No. 364, A bill for an act to amend chapter 22, of the acts of the Twelfth General Assembly.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Cattell, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 3, 1868.

Senate convened at nine o'clock, A. M., and was called to order by the President.

Prayer by Rev. Mr. Lounsberry.

On motion of Senator Walden, the reading of yesterday's journal was dispensed with.

PETITIONS AND MEMORIALS.

By Senator Knoll: A remonstrance of R. A. Babbitt and numerous others, in relation to legalizing an ordinance of the city council of Dubuque.

Referred to select committee.

INTRODUCTION OF BILLS.

Senator Cattell, from Committee on Ways and Means, introduced Senate File No. 233, A bill for an act to repeal section 16, of chapter 173, of the laws of the Ninth General Assembly, regulating the levy and collection of taxes on gross receipts of railroad companies, and to enact a substitute therefor.

Read first and second time, and ordered passed on file.

Senator Needham from Committee on Schools, introduced Senate File No. 234, A bill for an act to amend section 17, chapter 172, of the laws of the Ninth General Assembly.

Read first and second time, and ordered passed on file.

Also the following :

Senate File No. 235, A bill for an act to provide for the appointment of county superintendents in certain cases, and to fix the compensation of Superintendent of Public Instruction.

Read first and second time.

Senator Bulis moved to suspend the eleventh rule, and read the bill a third time now.

Senator Fellows moved to strike out all of the first section after the enacting clause, which was agreed to.

Senator Farwell moved to amend first section by inserting after the word "instruction" the words "and Register of the State Land Office," which was not agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time now.

The motion did not prevail.

Senator Oliver moved that the bill lie on the table, which was agreed to.

Senator Hawley from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have examined Senate Files Nos. 3, 43, 84, 85, 107, 127, 143, 145, 152, 162, 196 and 210, and find the same correctly enrolled.

HAWLEY, Chairman.

RESOLUTIONS.

Senator Fairall offered the following :

Resolved, by the General Assembly of the State of Iowa, That the trustees of the Agricultural College and Farm are hereby requested to incorporate in their next biennial report to the General Assembly a tabular statement showing the amount of land by them leased or sold, the name of the lessee or purchaser, the date of lease or contract of sale, the amount paid on each piece so leased or sold and the amount of fees or charges received by their agent upon each piece of land so leased or sold.

The resolution was adopted.

Senator Grimes offered the following :

Resolved, by the General Assembly of the State of Iowa, That our Representatives in Congress be, and are hereby requested, and our Senators instructed to use their influence to procure the establishment of a tri-weekly mail route from Manchester, in Delaware county, Iowa, via Barryville, Iowa Hill, Nugent's Grove and intermediate points, to Marion, in Linn county, Iowa.

Resolved, That the Secretary of State be instructed to forward a copy of this resolution to each of our Senators and Representatives in Congress.

Senator Hawley offered a memorial and joint resolution recommending certain changes in the act of Congress, approved July 1, 1862, establishing a Pacific Railroad and branches, and amendments thereto, which was adopted.

Senator Parvin offered the following :

Be it Resolved by the General Assembly of the State of Iowa, That the trustees of the Soldiers' Orphans Home, with the advice and consent of the Governor are hereby authorized, when in their opinion advisable, to allow the parent or guardian of any child now at the Orphans' Home, the sum of \$5 per month for the support of the child at the home of said parent or guardian, in lieu of the present allowance.

Senator Griffith moved to lay the resolution on the table, on which question the yeas and nays were demanded by Senator Knoll.

The yeas were Senators Bennett, Bulis, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Fellows, Griffith, Hollman, Larimer, Meyer, McMillan, Mitchel, Needham, Parvin, Patterson, Powers, Reed, Rice, Smith—22.

The nays were Senators Bill, Dunham, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larrabee, Long, Moore, Newell, Pierce, Richards, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—19.

Absent but not excused, Senators Casady, Farwell, Grimes, Mathies, Oliver and Smyth.

So the motion prevailed.

HOUSE MESSAGES.

Joint resolution for additional mail facilities in Iowa was taken up and adopted.

Joint resolution proposing to amend the constitution of the State of Iowa was taken up and referred to committee on constitutional amendments.

Joint resolution relating to the appointment of trustees of the Reform School was taken up and adopted.

Joint resolution in relation to making post-masters distributing agents of revenue stamps was taken up and adopted.

House File No. 359, A bill for an act to legalize the notarial acts of Thomas Cavanaugh of Polk county, was read first and second time.

Senator Patterson moved that all local bills be laid over until this evening at 7 o'clock, which was agreed to.

The bill was then referred to Committee on Arrangement of Business.

House File No. 263, A bill for an act to legalize the official acts of James Hagerman, notary public in Lee county, Iowa.

Read first and second time, and referred to same committee.

House File No. 260, A bill for an act to legalize the notarial acts of J. Eastman, notary public of Powesheik county, Iowa.

Read first and second time, and referred to same committee.

House File No. 239, A bill for an act providing for the legalizing of certain official acts of Wm. Tiede, notary public of Clayton county.

Read first and second time, and referred to same committee.

House File No. 241, A bill for an act to legalize certain official acts of Jonathan Oglesbee, recorder of Clayton county, Iowa.

Read first and second time, and referred to same committee.

House File No. 248, A bill for an act to vacate a graveyard in Jefferson county, Iowa.

Read first and second time, and referred to same committee.

House File No. 198, A bill for an act to legalize the acts of D. D. Miracle, a notary public in and for Hamilton county, Iowa,

Read first and second time, and referred to same committee.

House File No. 3, A bill for an act to legalize the acts of Wilson Throckmorton, late a justice of the peace in Clarke county, Iowa.

Read first and second time, and referred to same committee.

House File No. 396, A bill for an act to provide for the compilation and publication of the road laws and the distribution of the same.

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

House File No. 343, A bill for an act fixing the price of the state binding.

Read first and second time, and referred to Committee on Arrangement of Business.

House File No. 242, A bill for an act to prevent the importation of Texas or Southern cattle, and the spread of the so-called Texan or Spanish fever among the cattle of the State of Iowa.

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

REPORTS OF COMMITTEES.

Senator Cattell, from Committee on Ways and Means, submitted the following report:

The Committee on Ways and Means have instructed me to report as follows:

Senate File No. 225, A bill for an act to repeal clause five of section 711 of Revision, the committee recommend do not pass.

House File No. 252, A bill for an act to authorize counties to fund certain indebtedness and to provide for the payment thereof, the committee make no recommendation.

CATTELL, for Committee.

Ordered, that the report pass on file.

Senator Powers, from Committee on Judiciary, submitted the following report:

The Judiciary Committee report that they have considered Senate File No. 169, and recommend the following amendments.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

Senator Fairall, from Committee on Judiciary, submitted the following report:

The Judiciary Committee have instructed me to report back and recommend the passage of substitute for Senate File No. 226, A bill for an act to amend chapter 169 of the acts of the Ninth General Assembly.

FAIRALL, for Committee.

Ordered, that the report pass on file.

Also the following:

I am instructed by the Judiciary Committee to report and recommend the passage of the accompanying bill:

Senate File No. 236, A bill for an act to legalize the acts of Charles Hall, a justice of the peace of Hardin township, Webster county, Iowa.

FAIRALL, for Committee.

Read first and second time, and passed on file.

Senator Hamilton, from Committee on Incorporations, submitted the following report:

The Committee on Incorporations report that they have had under consideration House File No. 332, and I am instructed to report the same back with the recommendation that it pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Larimer, from Committee on Orphans' Homes, submitted the following report:

Your committee, to whom was referred joint resolutions appointing Trustees for the Iowa Soldiers' Orphans Home, have had the same under consideration, and have instructed me to report the following substitute, and recommend its adoption:

Resolved, by the General Assembly of the State of Iowa, That the following named persons are hereby appointed a board of trustees for the Iowa Soldiers' Orphans Homes, to serve for the term of

two years from the first day of June, 1868, and until their successors are elected and qualified:

For trustee at large—P. P. Ingalls, of Polk county.

From First Congressional District—Wm. Slatter, of Des Moines county.

Second Congressional District—John Bell, of Scott county.

Third Congressional District—P. G. Wright, of Allamakee county.

Fourth Congressional District—John Meyer, of Jasper county.

Fifth Congressional District—E. C. Bosbyshell, of Mills county.

Sixth Congressional District—J. B. Powers, of Black Hawk county.

A. M. LARIMER, for Committee.

The substitute was adopted, and the resolution as amended was adopted.

BILLS ON THIRD READING.

House File No. 326, A bill for an act to destroy Canada thistles, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Smith, Tuttle, Wolf, Woolson, Wright—31.

The nays were Senators Bulis, Fellows, Hedges, Hollman, Larrabee, Newell, Rice, Richards, Robertson, Traverse, Walden—11.

Absent but not excused, Senators Casady, Cones, Hamilton, Hawley, Larimer, and Smyth.

So the bill passed, and the title was agreed to.

House File No. 152, A bill for an act to provide for the erection of a State House, was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Richards, Robertson, Smith, Traverse, Tuttle, Wolf, Woolson, Wright—39.

The nays were Senators Cones, Fellows, Hollman, Knoll, Patterson, Rice, Walden—7.

Absent but not excused, Senators Fairall, Mitchel, and Smyth.

The bill passed, and the title was amended so as to read as follows: A bill for an act authorizing the census board to procure plans and specifications for a State House, and making appropriations for repairs on the capitol building, and so amended, the title was agreed to.

House File No. 26, A bill for an act to promote the collection of revenue of incorporated cities and towns acting under special charters, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—42.

The nays were Senator Richards—1.

Absent, but not excused, Senators Bill, Cones, Larrabee, Newell, and Smyth.

The bill passed, and the title was agreed to.

House File No. 278, A bill for an act to prohibit the laying out or opening of roads across certain reserved lands of the State, and to vacate public roads on the same, was taken up and read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Richards, Robertson, Smith, Tuttle, Walden, Wolf, Woolson, Wright—41.

The nays were Senators Larrabee, Oliver, Reed, Traverse—4.

Absent, but not excused, Senators Casady, Cones, Rice, and Smyth.

The bill passed, and the title was agreed to.

House File No. 279, A bill for an act to provide certain police regulations for the protection of the Agricultural College and Farm, and of the students therein, was taken up and read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Doud, Farwell, Griffith, Grimes, Johnson, Keller, Larimer, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Parvin, Patterson, Pierce, Reed, Robertson, Traverse, Tuttle, Wolf, Wright—28.

The nays were, Senators Donnan, Fellows, Hamilton, Hollman, Knoll, Oliver, Powers, Rice, Richards, Smith, Walden, Woolson—12.

Absent but not excused, Senators Casady, Dunham, Fairall, Hawley, Hedges, Larrabee, Mitchel and Smyth.

The bill passed, and the title was agreed to.

BILLS ON SECOND READING.

Senate File No. 149, A bill for an act making further appropriation for the Hospital for the Insane, which was under consideration at the hour of adjournment, was taken up and considered.

The question recurring on the motion to amend by striking out fourth and fifth lines of section 1, Senator Bulis moved to amend the amendment, by striking out of fourth line of section 1, the words "one hundred" and insert "seventh-five," on which question the yeas and nays were demanded by Senator Fellows.

The yeas were, Senators Bulis, Cattel, Cones, Doud, Farwell, Hamilton, Johnson, Keller, Larrabee, Long, Meyer, Needham, Newell, Parvin, Pierce, Reed, Robertson, Traverse, Walden, Woolson, Wright—21.

The nays were, Senators Bennett, Casady, Chapin, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Knoll, Larimer, Matthies, McMillan, Mitchel, Moore, Oliver, Patterson, Powers, Rice, Smith, Tuttle, Wolf—24.

Absent but not excused, Senators Bill, Hawley, Richards and Smyth.

So the motion did not prevail.

The question recurring on the amendment offered by Senator Fellows, the yeas and nays were demanded by Senator Fellows.

The yeas were Senators Bennett, Casady, Chapin, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Knoll, Larimer, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Rice, Smith, Tuttle, Wolf—35.

The nays were Senators Bulis, Cones, Doud, Farwell, Hamilton, Hawley, Keller, Larrabee, Long, Matthies, Meyer, Needham, Newell, Pierce, Reed, Robertson, Traverse, Walden, Woolson, Wright—20.

Absent but not excused, Senators Bill, Cattell and Smyth.

So the motion prevailed.

On motion of Senator Knoll, Senator Richards was excused.

Senator Fellows moved to amend by striking out of section one the words "eleven thousand two hundred" and inserting "two thousand five hundred," on which question the yeas and nays were demanded by Senator Hedges.

The yeas were Senators Casady, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Larimer, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Rice, Richards, Smith, Tuttle, Wolf—22.

The nays were Senators Bennett, Bulis, Chapin, Cones, Doud, Farwell, Hamilton, Hawley, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, Needham, Pierce, Reed, Robertson, Traverse, Walden, Woolson, Wright—23.

Absent but not excused, Senators Bill, Cattell and Newell.

So the motion did not prevail.

Senator Parvin asked that Senator Smyth be excused, which was agreed to.

Pending the further consideration of the bill, a special message was received from the Governor, at the hands of his private secretary, which was laid on the President's table.

On motion of Senator Reed, the special message of the Governor in relation to the passage of a law regulating the rates of tariff in freights and passengers of railroads, after their receipts shall reach ten per cent on the cost of building said roads, was taken up, and laid on the table.

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

HOUSE MESSAGES.

Resolved, by the General Assembly of the State of Iowa, That the Secretary of State is hereby authorized to subscribe for five hundred copies of the twenty-first volume of Iowa Reports, as authorized by law, upon receiving the certificate of Justice Wright, of the Supreme Court, that the volume complies with the requirements of the law.

Read first and second time.

Senator Powers moved to suspend the rule and read the resolution a third time now, which prevailed, and the resolution was read a third time.

On the question, "Shall the resolution pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Traverse, Tuttle, Walden, Wolf—39.

The nays were Senators Needham, Parvin, Smith, Woolson, Wright—5.

Absent but not excused, Senators Bill, Bulis, Dunham, and Newell.

So the resolution was adopted.

On motion of Senator Patterson, the Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

The Senate convened pursuant to adjournment, and was called to order by the President *pro tem*.

The consideration of Senate File No. 149 was resumed.

Senator Larrabee moved to amend section 1 by inserting after the seventh line, the words "for the purpose of additional accommodations for patients, fifty thousand dollars.

Pending which, the following message was received from the House:

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

House File No. 372, A bill for an act to provide the due reference and publication of a proposal to amend the constitution of the State of Iowa.

House File No. 374, A bill for an act fixing the time of holding court in the Fifth Judicial District.

House File No. 373, A bill for an act authorizing the Governor to appoint a board of commissioners to investigate as to whether railroad companies discriminate against the trade and commerce of the State in the adjustment of tariffs.

Substitute for House File No. 200, A bill for an act to regulate insurance companies.

I have also to inform the Senate that the House has concurred in the Senate amendment to substitute for House File No. 33, A bill changing the compensation of members of the boards of supervisors
M. C. WOODRUFF, Chief Clerk.

The question being on the amendment offered by Senator Larrabee, the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bulis, Chapin, Cones, Doud, Farwell, Hamilton, Hawley, Keller, Larrabee, Long, Matthies, Meyer, Needham, Newell, Pierce, Reed, Robertson, Traverse, Walden, Woolson, Wright—21.

The nays were Senators Bennett, Bill, Casady, Donnan, Dunham, Fairall, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Knoll, Larimer, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Rice, Richards, Tuttle, Wolf—25.

Absent, but not excused, Senators Cattell and Smith.

The motion did not prevail.

Senator Fellows moved to strike out the proviso of section 2, which was agreed to.

Senator Chapin moved to amend by striking out of sixth line, section 1, the words "eleven thousand and two," and inserting "two thousand and six," which was not agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson—44.

Absent, but not excused, Senators Cattell, Rice, and Smith.

The bill passed, and the title was agreed to.

Senate File No. 204, A bill for an act to authorize independent

school districts to borrow money, and issue bonds therefor, for the purpose of erecting and completing school-houses, legalizing bonds heretofore issued, and making school orders negotiable, with report of committee that the bill do pass, was considered.

Senator Wright moved to fill the blank in section 5 with the word "ten," which was not agreed to.

Senator Needham moved to fill the blank in section 5 by inserting the word "six," which prevailed.

Senator Parvin moved to strike out section 4, which was agreed to.

Senator Woolson moved to amend section 5 by striking out the words "which may be legally drawn are hereby declared to be negotiable and".

The motion prevailed.

Senator Woolson moved to amend section 8, seventh line, by striking out the words "make a levy," and inserting "vote a," and after the word "sufficient" inserting the words "per cent," which was agreed to.

Senator Woolson moved to amend section 8 by adding the words, "and shall cause the same to be certified and collected the same as other school taxes."

The amendment was adopted.

Senator Fellows offered the following as a substitute for section 5: "All school orders shall draw six per cent interest after having been presented to the treasurer of the district and not paid for want of funds, which shall be indorsed upon the order by the treasurer," which was agreed to.

Senator Walden moved to amend fourth line of section 1 by striking out the word "ten" and inserting "six," which was not agreed to.

Senator Fellows moved to amend section 1, seventh line, by striking out the words "shall permit a greater outstanding indebtedness than an amount equal to five," and inserting "shall issue bonds under the provisions of this act to a greater amount than three."

Senator Larimer moved to amend the amendment by striking out the proviso of the first section, which was not agreed to.

Senator Mitchel moved to amend the amendment by striking out "three" and inserting "four," which was not agreed to.

The question recurring on the motion of Senator Fellows, it was not agreed to.

Senator Richards moved to amend section 1, fourth line, by striking out "twenty" and inserting "three"; also, section 2, ninth line, by striking out "twenty" and inserting "three."

Senator Meyer moved to amend the amendment by striking out "three" in each section and inserting "ten."

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud,

Dunham, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Oliver, Patterson, Pierce, Powers, Reed, Tuttle, Walden Wolf, Woolson, Wright—31.

The nays were Senators Bulis, Casady, Chapin, Hedges, Hollman, Larimer, Newell, Parvin, Rice, Richards, Robertson, Smith, Traverse—12.

Absent but not excused, Senators Cones, Fairall and Farwell.

So the motion prevailed, and the amendment as amended was agreed to.

Senator Woolson moved to strike out of section one, eighth line, the word "taxable" and insert "last assessed," which was agreed to.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Donnan, Doud, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Pierce, Powers, Reed, Rice, Tuttle, Wolf, Woolson, Wright—30.

The nays were Senators Bulis, Casady, Chapin, Dunham, Hedges, Knoll, Larrabee, Newell, Parvin, Patterson, Richards, Robertson, Traverse, Walden—14.

Absent but not excused, Senators Cones, Fairall, Farwell and Smith.

So the bill passed and the title was amended by striking out the words "legalizing bonds heretofore issued" and inserting after "orders" the words "draw 6 per cent. interest in certain cases," and so amended the title was agreed to.

The resolution appointing trustees for the Blind Asylum was taken up and adopted.

House File No. 349, A bill for an act for the improvement of the Penitentiary, with report of committee recommending amendments, was considered and the report was adopted.

Senator Larimer moved to suspend the rule and read the bill a third time now.

Senator Larimer moved to amend section 8 by striking out the words "of the kind in use at the Hospital for the Insane," which was not agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham,

Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Bill, Dunham, Moore, Newell and Traverse.

So the bill passed, and the title was agreed to.

Senate File No. 197, A bill for an act for the improvement of the Penitentiary was taken up, and on motion of Senator Woolson was laid on the table.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval Senate File Nos. 3, 43, 84, 85, 107, 127, 143, 145, 152, 162, 196 and 210.

HAWLEY, Chairman.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 268, A bill for an act to authorize the correction of errors in the plat of Webster City, Hamilton county, Iowa.

House File No. 360, A bill for an act to amend the Circuit and General Term Court Bill, passed by the Twelfth General Assembly.

House File No. 204, A bill for an act to legalize the acts of the Council of the city of Clinton, Iowa.

Senate File No. 107, A bill for an act giving the consent of the Legislature of Iowa to the purchase by the United States of certain real estate.

Senate File No. 143, A bill for an act to repeal chapter 120 of the laws of the Ninth General Assembly, and to enact a substitute having for its object the better protection of fruit.

Senate File No. 145, A bill for an act to amend chapter 169 of the acts of the Ninth General Assembly, in relation to the duties of railroad companies.

Senate File No. 210, A bill for an act fixing the time of holding courts in the Fourth Judicial District, and attaching certain counties to others in said district for judicial purposes.

Senate File No. 196, A bill for an act relating to real estate sold for taxes and unredeemed, and providing that property so sold and unredeemed, shall be designated as such on the tax-lists.

Senate File No. 127, A bill for an act relating to towns incorporated under the provisions of chapter 42 of the Code of 1851.

Senate File No. 162, A bill for an act making appropriations for the State Agricultural College and Farm.

Senate File No. 84, A bill for an act to repeal section 898 of the

Revision of 1860, and to provide a substitute therefor, in relation to returning non-resident road tax.

Senate File No. 152, A bill for an act for the relief of Barton B. Dunning, of Ringgold county, Iowa.

Senate File No. 3, A bill for an act relative to the school fund and the school lands.

Senate File No. 43, A bill for an act to release to Alfred H. Reynolds, any and all right of the State of Iowa by way of escheat, to certain lands in Buchanan county, Iowa.

Senate File No. 85, A bill for an act establishing Circuit and General Term Courts, and to define the powers and jurisdiction thereof.

I am also directed to inform the Senate that the following joint resolution has been duly enrolled and signed by the Speaker:

That ratifying the amendment to the Constitution of the United States in regard to representation, reconstruction and the national debt.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 222, A bill for an act to encourage the investment of capital in railroads in Iowa, was considered.

Senator Woolson moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Reed.

The yeas were. Senators Bennett, Bill, Doud, Farwell, Hamilton, Johnson, Keller, Meyer, McMillan, Needham, Newell, Parvin, Pierce, Robertson, Wolf, Woolson—13.

The nays were, Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Fairall, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Larimer, Larrabee, Long, Matthies, Mitchell, Moore, Needham, Oliver, Patterson, Powers, Reed, Rice, Richards, Smith, Tuttle, Walden, Wright—30.

Absent but not excused, Senators Dunham and Traverse.

So the motion did not prevail.

Senator Patterson moved to suspend the rule and read the bill a third time now.

Senator Cones moved to amend section 1 by striking out "ten," and inserting "eight."

Senator Moore moved the previous question, which was seconded.

Senator Oliver moved a call of the Senate, which was sustained, and the roll was called with the following result:

Absent without excuse, Senator Dunham.

Senator Farwell moved that further proceedings under the call be dispensed with, which was agreed to.

The question being, "Shall the main question be now put?" it did not prevail.

Senator Woolson moved to amend section 1 by striking out "ten," and inserting "eight," on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Cattell, Chapin, Cones,

Donnan, Fellows, Grimes, Hawley, Keller, Knoll, Larimer, Larrabee, Meyer, Moore, Newell, Parvin, Pierce, Rice, Richards, Robertson, Smith, Traverse, Woolson—24.

The nays were Senators Bulis, Casady, Doud, Dunham, Fairall, Farwell, Griffith, Hamilton, Hedges, Hollman, Johnson, Long, Matthies, McMillan, Mitchel, Oliver, Patterson, Powers, Reed, Tuttle, Walden, Wolf, Wright—23.

Absent, but not excused, Senator Needham.

The motion prevailed.

Senator Richards moved to amend section 1 by striking out "eight per cent," and inserting "until the gross earnings shall equal \$6,000 per mile exclusive of freight for government.

Senator Patterson moved to amend the amendment by striking out "6,000" and inserting "12,000," which did not prevail.

The question recurring on the amendment offered by Senator Richards, the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bennett, Bill, Doud, Fairall, Grimes, Hamilton, Johnson, Keller, Knoll, Larimer, Larrabee, Meyer, McMillan, Needham, Newell, Parvin, Pierce, Richards, Robertson, Smith, Traverse, Wolf, Woolson—23.

The nays were, Senators Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Long, Matthies, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Rice, Tuttle, Walden, Wright—25.

So the motion did not prevail.

The question recurring on the motion to suspend the rule and read the bill a third time now, the yeas and nays were demanded by Senator Newell.

The yeas were Senators Bill, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Long, Matthies, McMillan, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Rice, Tuttle, Walden—27.

The nays were Senators Bennett, Doud, Farwell, Fellows, Hamilton, Johnson, Keller, Larimer, Larrabee, Meyer, Needham, Newell, Parvin, Pierce, Richards, Robertson, Smith, Wolf, Woolson, Wright—20.

Absent but not excused, Senator Traverse.

So the motion not having received a two-third majority, was lost.

The bill was then ordered engrossed and read a third time to-morrow.

Senate File No. 183, A bill for an act authorizing the Register of the State Land Office to issue a new deed for certain lands to James Bones, in lieu of one issued to him January 29, 1851, in the name of James Bowen, and to correct certain errors on the books of his office, was considered.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—41.

The nays were Senator Richards—1.

Absent but not excused, Senators Casady, Cattell, Cones, Hawley, Hedges, and Powers.

So the bill passed, and the title was agreed to.

By leave and on motion of Senator Knoll, Senate File No. 193, A bill for an act requiring the publication of legal notices in certain newspapers, was taken up and referred to a special committee of five, of which Senator Cones shall be chairman.

Senate File No. 198, A bill for an act supplemental to article 1, chapter 55, of the Revision of 1860, in relation to taking private property for public uses, with report of committee recommending that the bill do pass, was considered.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—36.

The nays were Senators Bulis, Cones, Hedges, Hollman, Knoll—5.

Absent but not excused, Senators Bill, Donnan, Fairall, Keller, Needham, Newell and Powers.

So the bill passed, and the title was agreed to.

The President announced as special committee on Senate File No. 193, Senators Cones, Knoll, Oliver, Fairall and Traverse.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform the Senate that the House has amended Senate File No. 204, A bill for an act to authorize independent school districts to borrow money and issue bonds therefor, by inserting the following:

"SEC. 5. All bonds of independent districts heretofore issued in a manner conforming substantially with the provisions of this act, are hereby declared to be legal and valid"—in which the concurrence of the Senate is respectfully asked.

Also, that the House has amended the title to the same bill by inserting after the word "houses" in the third line, the words "legalizing bonds heretofore issued.

M. C. WOODRUFF, Chief Clerk.

Senator Hawley moved to adjourn until seven o'clock this evening, which was not agreed to.

Senator Walden moved to adjourn.

The motion did not prevail.

Senate File No. 203, A bill for an act fixing compensation of future General Assemblies, with report of committee recommending amendments, was considered, and the report was not agreed to.

Senator Farwell moved to amend by striking out the words, "and each member shall be entitled to receive stationery furnished by the State to the value of not more than two dollars for each week of such session."

Senator Parvin moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Parvin.

The yeas were Senators Bennett, Casady, Doud, Fairall, Griffith, Johnson, Larimer, Larrabee, Matthies, McMillan, Needham, Parvin, Pierce, Reed, Smith—15.

The nays were Senators Bulis, Cattell, Chapin, Cones, Donnan, Dunham, Farwell, Fellows, Grimes, Hamilton, Hawley, Hollman, Keller, Knoll, Long, Meyer, Moore, Newell, Oliver, Patterson, Powers, Rice, Richards, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—30.

Absent but not excused, Senators Bill, Hedges and Mitchel.

So the motion did not prevail.

The question recurring on the motion of Senator Farwell to strike out, Senator Cattell moved to amend by striking out "two," and inserting "one," which was agreed to, and the amendment as amended, was agreed to.

Senator Doud moved to reconsider the vote just taken.

The motion prevailed.

The question being on the amendment offered by Senator Farwell as amended, it was lost.

Senator Farwell moved to strike out the following: "and each member shall be entitled to receive stationery furnished by the State to the value of not more than one dollar for each week of service, which was agreed to.

Senator Meyer moved to strike out "three," and insert "two," in mileage clause, which was not agreed to.

Senator Larrabee moved to strike out the *per diem* clause, the word "five," and insert "three."

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

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Cattell, Chapin, Parvin, Patterson, Reed, Tuttle, Woolson—7.

The nays were Senators Bennett, Bill, Bulis, Casady, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes,

Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Wright—39.

Absent, but not excused, Senators Mitchel and Needham.

The motion did not prevail.

The question recurring on the motion to strike out "five" and insert "three," the motion did not prevail.

Senator Fellows moved to strike out the words "by a direct line" and insert "by the nearest traveled route within the State," which was agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed, and the bill was read a third time.

Senator Parvin rose to the point of order that the Senators holding over have no right to vote on the passage of this bill, which point of order the President submitted to the Senate, and the point of order was decided not well taken.

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Bulis, Casady, Cattell, Chapin, Coes, Donnan, Dunham, Farwell, Fellows, Grimes, Hamilton, Hawley, Keller, Knoll, Long, Matthies, Moore, Newell, Oliver, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Wolf—28.

The nays were, Senators Bennett, Doud, Fairall, Griffith, Hollman, Johnson, Larimer, Larrabee, Meyer, McMillan, Parvin, Patterson, Pierce, Tuttle, Walden, Woolson, Wright—17.

Absent but not excused, Senator Hedges, Mitchel, and Needham.

So the bill passed, and the title was agreed to.

On motion of Senator Reed the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 4, 1868.

Senate convened at 9 o'clock, A. M., and was called to order by the President *pro tem*.

Prayer by Rev. Mr. Geiger.

On motion of Senator Bulis the reading of the journal was dispensed with.

HOUSE MESSAGES.

House File No. 373, A bill for an act to authorize the Governor to appoint a board of commissioners to investigate as to whether railroad

companies discriminate against the trade and commerce of the State in the adjustment of their tariffs for freight and passengers.

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

Substitute for House File No. 200, A bill for an act to regulate Life Insurance Companies.

Read first and second time, and referred to Committee on Arrangement of Business.

House File No. 374, A bill for an act fixing the time of holding District Courts in the Fifth Judicial District.

Read first and second time, and referred to same committee.

REPORTS OF COMMITTEES.

Senator Matthies, from Committee on Military Affairs, submitted the following reports :

The Committee on Military Affairs, to whom was referred the claim of J. W. Denison, for services rendered on the northern border against the Indians, in summer of 1863, has had the same under consideration, and instructed the undersigned to report that said claim, not being properly substantiated with the necessary vouchers, could not be considered at present.

C. L. MATTHIES, Chairmam.

Ordered, that the report pass on file.

The Committee on Military Affairs, to whom was referred Senate File No. 223, has had the same under consideration, and has instructed the undersigned to report to your Honorable Body that said bill should not pass.

C. L. MATTHIES, Chairman.

Ordered, that the report pass on file.

Senator Hamilton, from Committee on Incorporations, submitted the following report :

The Committee on Incorporations, to whom was referred House File No. 153, report the same back with the recommendation that it pass.

HAMILTON, Chairman.

Ordered, that the report pass on file.

Senator Reed, from Committee on Railroads, submitted the following report :

The Railroad Committee have considered House File No. 339, and a majority of the committee direct me to report the bill back, and recommend that it do not pass.

J. R. REED, Chairman.

Ordered, that the report pass on file.

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

A majority of your committee to whom was referred Senate File

No. 193, respectfully report the same back, with the following amendments, to-wit:

Strike out the title and section 1, and insert the accompanying substitute therefor.

Also, in last section, before word "Register," insert words "Daily State," and before "Statesman" the words "Iowa Evening," and as thus amended the bill do pass.

WM. W. CONES,
SAMUEL H. FAIRALL,
F. M. KNOLL.

Ordered, that the report pass on file.

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

The select committee of seven on arrangement of business, has performed the duty in accordance with the instructions of the Senate, and placed the same in classes, in the hands of the secretary.

CATTELL, for Committee.

BILLS ON THIRD READING.

Senate File No. 204, A bill for an act to authorize independent school districts to borrow money, and issue bonds therefor, for the purpose of erecting and completing school houses, and making school orders negotiable, with House amendments.

The question being on concurring in House amendments.

The yeas were Senators Bennett, Bill, Cattell, Cones, Donnan, Doud, Dunham, Fairall, Griffith, Grimes, Hamilton, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Moore, Needham, Patterson, Pierce, Reed, Rice, Smyth, Wright—27.

The nays were Senators Bulis, Casady, Chapin, Farwell, Fellows, Hedges, Hollman, Larrabee, Newell, Oliver, Parvin, Richards, Robertson, Traverse, Tuttle, Walden, Wolf, Woolson—19.

Absent but not excused, Senators Hawley, Mitchel, Powers, and Smith.

So the House amendments were concurred in.

Senator Meyer from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined Senate File No. 222, and report the same correctly engrossed.

-MEYER, for Committee.

Senate File No. 222, A bill for an act to encourage the investment of capital in railroads in Iowa, was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bulis, Casady, Cattell, Cones, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Moore, Powers, Reed, Tuttle, Walden—17.

The nays were, Senators Bennett, Bill, Chapin, Doud, Farwell,

Grimes, Hamilton, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Richards, Robertson, Smyth, Traverse, Wolf, Woolson, Wright—29.

Absent but not excused, Senators Mitchel, Rice and Smith.

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

Senator Newell moved to reconsider the vote just taken.

Senator Hawley moved to postpone the consideration of the motion until ten o'clock Monday morning.

Senator Patterson moved a call of the Senate which was sustained.

The roll was called and the following named Senators were found to be absent without excuse: Senators Mitchel and Smith.

Senator Parvin moved that further proceedings under the call be dispensed with.

The motion did not prevail.

The Sergeant-at-Arms was directed to bring the absentees to the bar of the Senate.

The Sergeant-at-Arms presented Senators Mitchel and Smith at the bar of the Senate.

On motion of Senator Hawley they were discharged from custody.

On motion of Senator Meyer further proceedings under the call were dispensed with.

The question recurring on the motion to reconsider the vote by which Senate File No. 222 was lost, Senator Parvin moved to lay the motion to reconsider on the table, on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Chapin, Doud, Farwell, Grimes, Hamilton, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Needham, Newell, Parvin, Pierce, Smith, Smyth, Traverse, Wolf, Woolson—24.

The nays were Senators Bulis, Casady, Cattell, Cones, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Knoll, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson. Tuttle, Walden, Wright—25

So the motion did not prevail.

The question recurring on the motion to postpone the consideration of the motion to reconsider until April sixth, at ten o'clock A. M., the motion prevailed.

By leave, Senator Cattell offered the following:

Resolved, That the Committee on Printing be instructed to examine the bills of the state printer for work done for the Senate, in manner as provided by section 143, of the revision of 1860, and if there are accounts for work done by joint orders of the two Houses, said committee be instructed to act jointly with the House committee on printing, in the examination of such joint orders.

The resolution was adopted.

The following message was received from the House :

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

House File No. 183, A bill for an act to relinquish and secure to the settlers upon the odd sections lying within five miles of the Des Moines river, a right to purchase the lands occupied by them.

House File No. 88, A bill for an act to authorize the board of supervisors of Van Buren county to appropriate money for the erection of a monument in memory of fallen soldiers.

House File No. 46, A bill for an act to legalize the acts of Samuel R. Coons, a notary public of Clayton county.

House File No. 162, A bill for an act relating to the acknowledgment and recording of deeds in certain cases, and rendering them valid.

House-File No. 185, A bill for an act making appropriations to pay sundry bills and accounts contracted by the commissioners in the erection of the buildings for adjutant-general and quartermaster-general's office.

House File No. 190, A bill for an act to legalize the acts of the board of supervisors of Ida county, in conveying certain lands to soldiers as bounties.

House File No. 213, A bill for an act legalizing the official acts of John R. Nisley, a notary public.

Substitute for House File No. 111, A bill for an act to make all streets in towns and villages, not incorporated, part of the public highways.

House File No. 309, A bill for an act to amend section 642, of the Revision of 1860.

House File No. 365, A bill for an act for the relief of Jacob Reichard.

Senate File No. 51, A bill for an act to amend section 2, chapter 114, of the acts of the Tenth General Assembly, with the following amendment: insert after the word "the," in the ninth line, as follows: word "member" in twentieth line, the words "and officers," and by inserting after the word "law," in the twenty-fourth line, the words "one hundred copies, or so many thereof as may be needed, to the Secretary of State, for exchange with other States, and for distribution to the public libraries of the State, as provided by law," in which the concurrence of the Senate is asked.

Senate File No. 228, A bill for an act to amend chapter 95, of the Eleventh General Assembly, amended by striking out the words "five dollars per pay," in the third and fourth lines of section 1, and inserting the word "compensation," in which the concurrence of the Senate is asked.

I have also to inform the Senate that the House has concurred in Senate amendments to House File No. 349, House File No. 279, and House File No. 152.

The House has also passed substitute for Senate File No. 100, A bill for an act to encourage the planting of timber, fruit and shade trees, and hedges, without amendment.

The House has also adopted Senate resolution instructing the trustees of the Agricultural College and Farm in relation to their next biennial report.

Also, Senate Resolution relative to the *per diem* of the post-master and assistant post-master, and mail carrier, of this General Assembly, with an amendment making the *per diem five dollars* instead of four, in which the concurrence of the Senate is asked.

That relative to the employment of assistant post-master, George, F. Works, after the final adjournment of the General Assembly, to remain for a week to forward mail matter to the members.

That relating to a more definite time for the final adjournment of the General Assembly.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 228, A bill for an act to amend chapter 95, acts of the Eleventh General Assembly, with House amendments, was taken up.

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

The yeas were Senators Bennett, Chapin, Doud, Dunham, Griffith, Grimes, Knoll, Larimer, Matthies, McMillan, Oliver, Patterson, Tuttle, Wolf, Woolson—15.

The nays were Senators Bill, Bulis, Casady, Cattell, Fairall, Farwell, Fellows, Hamilton, Hollman, Johnson, Keller, Larrabee, Long, Meyer, Mitchel, Moore, Needham, Newell, Parvin, Pierce, Richards, Robertson, Smyth, Traverse, Walden, Wright—26.

Absent but not excused, Senators Cones, Donnan, Hawley, Hedges, Powers, Reed, Rice, Smith.

So the House amendments were not concurred in.

Senate File No. 51, A bill for an act to amend section 2, chapter 114 of the acts of the Tenth General Assembly, with House amendments, was taken up.

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

The yeas were Senators Bennett, Bill, Bulis, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Patterson, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Wright—84.

The nays were Senators Chapin, Richards—2.

Absent but not excused, Senators Casady, Cattell, Donnan, Hamilton, Hawley, Larrabee, Needham, Oliver, Pierce, Powers, Rice, Smith, Woolson.

So the House amendments were concurred in.

Senate concurrent resolution fixing the *per diem* of post-master,

assistant post-master, and mail-carrier, with House amendments striking out "four" and inserting "five," was taken up, and House amendments were concurred in.

BILLS ON SECOND READING.

Substitute for Senate File No. 172, A bill for an act transferring the counties of Tama and Benton from the Eighth to the Eleventh Judicial District, and fixing the time of holding court therein, with report of committee that the bill do pass, was considered.

Senator Wolf moved to amend by adding an additional section, 4: "The said county of Tama shall belong to and form a part of the First Circuit in the Eleventh Judicial District, which was agreed to.

The substitute was then adopted.

Senator Wolf moved to suspend the rule and read the bill a third time, which was not agreed to.

The bill was then ordered engrossed and read a third time to-morrow.

Senate File No. 212, A bill for an act to regulate the planting of hedge fences and establishing lines thereto, with report of committee that the bill do pass, was taken up, considered and ordered read a third time to-morrow.

The following message was received from the House:

MR. PRESIDENT:—I am instructed by the House of Representatives to inform the Senate that the House has reconsidered the vote by which House File No. 373 was passed, and to ask that the Senate return the same to the House.

M. C. WOODRUFF, Chief Clerk.

House File No. 373 was ordered returned to the House.

Senate File No. 195, A bill for an act to amend chapter 12 of the Revision of 1860, and to regulate the price of the state printing, with report of committee that the bill do pass, was considered and ordered read a third time to-morrow.

Senate File No. 224, A bill for an act to amend chapter 79 of the acts of the Eleventh General Assembly, entitled "An act providing for the adjustment of certain land claims with the General Government," with report of committee that the bill do pass, was considered.

Senator Cattell moved to suspend the rule and read the bill a third time now.

Senator Parvin moved to strike out the first proviso of the bill.

On which question the yeas and nays were demanded by Senator Meyer.

The yeas were Senators Bennett, Bill, Doud, Fellows, Grimes, Hamilton, Hawley, Hollman, Keller, Knoll, Larimer, Meyer, Mitchel, Needham, Newell, Oliver, Parvin, Richards, Robertson, Smyth, Traverser, Walden, Woolson, Wright—24.

The nays were Senators Bulis, Cattell, Chapin, Dunham, Farwell,

Griffith, Hedges, Johnson, Long, McMillan, Moore, Reed, Smith, Wolf—14,

Absent, but not excused, Senators Casady, Cones, Donnan, Fairall, Larrabee, Matthies, Patterson, Pierce, Powers, Rice and Tuttle.

So the motion prevailed.

The question recurring on the motion to suspend the rule and read the bill a third time now, the motion prevailed and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Wolf, Woolson, Wright—39.

The nays were none.

Absent, but not excused, Senators Casady, Cones, Donnan, Hawley, Larrabee, Matthies, Meyer, Patterson, Powers and Tuttle.

So the bill passed, and the title was agreed to.

Senate File No. 234, A bill for an act to amend section 17 of chapter 172 of the laws of the Ninth General Assembly, was considered, and the bill was ordered read a third time to-morrow.

Senate File No. 233, A bill for an act to repeal section 16 of chapter 173, laws of the Ninth General Assembly, regulating the levy and collection of taxes on gross receipts of railroad companies, was considered.

Senator Oliver moved to amend by striking out of section 1 all relating to payment of one-half of tax to the counties through which said roads run, on which question the yeas and nays were demanded by Senator Smyth.

The yeas were Senators Bill, Bulis, Cattell, Fellows, Griffith, Grimes, Hedges, Johnson, Larrabee, Moore, Newell, Oliver, Reed, Tuttle, Walden—15.

The nays were Senators Bennett, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Hamilton, Hawley, Hollman, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Parvin, Patterson, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson, Wright—81.

Absent but not excused, Senators Casady, Donnan, and Powers.

The motion did not prevail.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin,

Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Casady, Donnan, Fairall, Hawley, Larrabee, Powers.

The bill passed, and the title was agreed to.

Senate File No. 169, A bill for an act to provide for the election of county auditors, and define their powers and duties, and making county judges, *ex officio*, county auditors, with report of committee recommending amendments, was considered, and the report of committee was adopted.

Senator Oliver moved to amend section 1 by inserting after the word "auditor," in the fifth line, the words, "after the 1st day of January, 1869," which was agreed to.

Senator Chapin moved to amend section 1 by striking out of second line the words, "county judge," and inserting "clerk of the District Court," which was lost.

Senator Woolson moved to amend section 2, in sixth lines, as follows: strike out in sixth line after words "the same as proceedings had before the board," and insert after "supervisors," in seventh line, the words, "within sixty days."

The amendment was agreed to.

Senator Smyth moved to strike out section 2.

The motion did not prevail.

Senator Oliver offered the following substitute for section 7:

"The clerks of the District Court and county recorder shall each be eligible to the office of county auditor, and may discharge the duties of both offices."

The substitute was adopted.

On motion of Senator Oliver, section 6 was stricken out.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Hawley, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—38.

The nays were Senators Chapin, Grimes, Hedges, Hollman, Johnson, Larimer, Meyer, Oliver, Pierce, Wright—10.

Absent but not excused, Senator Hamilton.

So the bill passed, and the title was agreed to.

Senator Walden moved to suspend the order of business, and take up the Senate concurrent resolution relating to the distribution of the geological-survey reports, which was agreed to.

The resolution with reports of committee recommending amendments was considered and the report was adopted.

Senator Cattell moved to amend by striking out the words " Auditor of State, Treasurer of State, Secretary of State, Register of the State Land Office and Lieutenant-Governor," and inserting "each state officer," which was agreed to.

The resolution as amended was adopted,

Senate File No. 199, A bill for an act granting the right of way for the construction of bridges, with report of committee that the bill do pass, was considered.

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

On the question, " Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Cattell, Chapin, Cones, Doud, Griffith, Hamilton, Hawley, Hedges, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—39.

The nays were Senators Farwell, Grimes, Hollman—3.

Absent but not excused, Senators Casady, Donnan, Dunham, Fairall, Fellows, Keller and Newell.

So the bill passed, and the title was agreed to.

House File No. 819, A bill for an act to provide for the relief of certain classes of indigent persons, was considered.

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

On the question, " Shall the bill pass?"

The yeas were Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Griffith, Hamilton, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—38.

The nays were Senators Grimes, Oliver, Traverse—3.

Absent but not excused, Senators Donnan, Dunham, Fellows, Hawley, Hedges, Mitchel, Needham, Powers.

So the bill passed, and the title was agreed to.

House File No. 343, A bill for an act to fix the price of state binding, was considered.

Senator Walden moved to suspend the rule and read the bill a third time, which was agreed to, and the bill was read a third time.

On the question " Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers,

Reed, Rice, Robertson, Smith, Snyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright — 40.

The nays were, Senator Richards — 1.

Absent but not excused, Senators Bulis, Casady, Donnan, Fellows, Hawley, Hedges, Mitchel, and Needham.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives refuses to recede from its amendments to Senate File 228, and asks committee of conference on the part of the Senate to confer with Messrs. Kasson and Burnett, committee on part of the House.

BENJ. VAN STEENBURG, Assistant Clerk.

Senator Chapin moved to reconsider the vote by which Senate File No. 149, was passed.

Senator Grimes moved to lay that motion on the table.

On which question the yeas and nays were demanded by Senator Chapin.

The yeas were, Senators Bennett, Bill, Cattell, Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Johnson, Larimer, McMillan, Mitchel, Moore, Oliver, Parvin, Rice, Robertson, Wolf — 20.

The nays were, Senators Bulis, Chapin, Cones, Doud, Hamilton, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, Needham, Newell, Patterson, Pierce, Powers, Reed, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Woolson, Wright — 26.

Absent but not excused, Senators Casady, Hawley and Hedges.

So the motion did not prevail.

The question recurring on the motion to reconsider the vote by which Senate File No. 149 was passed, Senator Patterson moved to postpone the further consideration of the motion until April 7th at 9 o'clock, and that the bill be recalled from the House, which was not agreed to.

The question recurring on the motion of Senator Chapin, the motion prevailed.

On motion of Senator Reed, the Senate adjourned until 2 o'clock P. M.

TWO O'CLOCK P. M.

Senate convened pursuant to adjournment, and was called to order by the President *pro tem*.

On motion of Senator Cattell, House message relating to appointment of a committee of conference on the disagreeing votes of the two Houses on Senate File No. 228, was taken up.

Senator Moore moved that a committee of two be appointed on

the part of the Senate, which was agreed to, and the President announced as such committee Senators Moore and Bulis.

BILLS ON SECOND READING.

Senate File No. 231, A bill for an act to provide for the compensation of clerks of the District and Circuit Court, and to allow deputies to act as clerk of the Circuit Court, with report of committee that the bill do pass, was considered.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Bulis, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Long, Matthews, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson—40.

The nays were, Senators Cones, Dunham, Parvin, Smyth—4.

Absent but not excused, Senators Larrabee and Needham.

So the bill passed, and the title was agreed to.

On motion of Senator Cones, Senator Larimer was excused for this afternoon.

Senator Hawley asked for leave of absence for Senator Keller, which was granted.

House File No. 271, A bill for an act to legalize, confirm and carry out a contract between the Dubuque and Sioux City Railroad Company, and the Iowa Falls and Sioux City Railroad Company, and to extend the time for completing said railroad from Dubuque to Sioux City; to grant certain lands to the Dubuque, Bellevue and Sabula Railroad Company, for the buliding of the Tete des Morts branch, and for other purposes, with report of committee recommending amendments, was considered and the amendments adopted.

Senator Oliver moved to amend as follows:

In the third line of section 4, after the word "company," insert the following: "And excepting one hundred sections of land, which is hereby reserved to the State for the purpose of securing the construction of a branch road from a point on the main line, not farther west than range 39, by way of the Maple Valley, to a connection with the Sioux City and Pacific Railroad in Onawa City, being substantially on the line on which the Dubuque and Sioux City Railroad was located under act of Congress of 1864; which lands shall be selected by the Governor from those lying in and east of range 39, and shall be held and disposed of by the State for the purpose aforesaid, subject to the approval of the United States."

On which question the yeas and nays were demanded by Senator Oliver.

The yeas were Senators Bennett, Oliver, Patterson, Pierce, Rice, Smith, Tuttle, Wolf—8.

The nays were Senators Bulis, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Powers, Richards, Robertson, Smyth, Traverse, Tuttle, Woolson—31.

Absent but not excused, Senators Bill, Casady, Cattell, Fairall, Hollman, Needham, Reed and Walden.

So the motion did not prevail.

On motion of Senator Farwell, Senator Wright was excused for to day.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Woolson—41.

The nays were Senator Rice—1.

Absent but not excused, Senators Bill, Needham and Walden.

So the bill passed, and the title was agreed to.

House File No. 247, A bill for an act to protect crops against the invasion of stock, was considered.

Senator Donnan moved to suspend the rule and read the bill a third time now.

Senator Patterson moved to amend by striking out all after the word "imprisonment" in section 9, and inserting "not exceeding thirty days."

Senator Smyth moved to lay the bill on the table, which was not agreed to.

The question recurring on the motion to suspend the rule, it was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Johnson, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Rice, Smith, Tuttle, Walden—23.

The nays were Senators Bennett, Bulis, Casady, Dunham, Hamilton, Hollman, Knoll, Larrabee, Needham, Oliver, Parvin, Pierce, Richards, Robertson, Smyth, Traverse, Wolf, Woolson—18.

Absent but not excused, Senators Bill, Cattell, Hawley, Hedges and Reed.

So the bill not having received a constitutional majority, was lost.

Substitute for House File No. 60, A bill for an act to provide for the payment of witness fees and jurors fees in State cases, with report of committee recommending amendments, was considered, and the report was adopted.

Senator Fellows moved to strike out publication clause, which was agreed to.

The bill was then ordered read a third time to-morrow.

House File No. 297, A bill for an act for the relief of Wm. Binna-man, with report of committee that the bill do pass, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawlmy, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—40.

The nays were Senators Parvin, Patterson, Woolson—3.

Absent but not excused, Senators Bill, Hedges, Moore.

The bill passed, and the title was agreed to.

House File No. 156, A bill for an act to amend article 2, chapter 64 of the Revision of 1860, relating to the sale of intoxicating liquors, with Senate substitute therefor, was considered.

Senator Oliver moved to fill the blank with the word "five," which was not agreed to.

Senator Parvin moved to fill the blank with the word "two."

The motion prevailed.

Senator Newell moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Richards.

The yeas were, Senators Bulis, Casady, Cones, Dunham, Fairall, Farwell, Fellows, Hawley, Hedges, Hollman, Knoll, Larrabee, Matthies, Newell, Patterson, Rice, Richards, Smith—18.

The nays were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Johnson, Long, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Pierce, Powers, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—27.

Absent but not excused, Senator Hamilton.

So the motion did not prevail.

Senator Hollman moved to amend publication clause by striking out "Homestead," and inserting "Evening Statesman," which was agreed to.

Senator Patterson moved to strike out section 3

Senator Hollman moved that the bill be indefinitely postponed, on which question the yeas and nays were demanded by Senator Hollman.

The yeas were Senators Bulis, Casady, Cones, Dunham, Fairall, Farwell, Fellows, Hawley, Hedges, Hollman, Knoll, Larrabee, Matthies, Newell, Rice, Richards, Smith—15.

The nays were Senators Bennett, Cattell, Chapin, Donnan, Doud, Griffith, Grimes, Hamilton, Johnson, Long, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—29.

Absent but not excused, Senator Bill.

So the motion did not prevail.

The question recurring on the motion to strike out section 3, the motion prevailed.

Senator Fairall moved to amend as follows: add to section 1: "and if granted the costs of hearing shall be taxed to the person opposing the issuing of license," which was not adopted.

The substitute was then adopted, and the bill was ordered read a third time to-morrow.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, without amendment:

Senate File No. 139, A bill for an act to enlarge and furnish the buildings for the blind, and the support of that institution.

Senate File No 13, A bill for an act providing the erection of buildings for a deaf and dumb asylum.

The House has adopted Senate resolution relative to the distribution of the report of the State Geologist; all of which I herewith return to the Senate.

Also, that the House has concurred in the report of the Committee of Conference, appointed by the two Houses to consider the disagreement of the Houses on Senate File No. 228, and I herewith return the bill to the Senate.

M. C. WOODRUFF, Chief Clerk.

Substitute for House File Nos. 110 and 149, A bill for an act to protect game, was considered.

Senator Newell moved to suspend the rule, and read the bill a third time now.

Senator Wolf moved to amend 5th section by striking out the words "one moiety to go to the informer, and one moiety," which was agreed to.

Senator Farwell moved to strike out publication clause, which was agreed to.

The question recurring on the motion to suspend the rule and read the bill a third time, the motion prevailed.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Dunham, Fairall, Farwell, Grimes, Hawley, Hedges, Johnson, Knoll, Larrabee, Long, Matthies, Moore, Needham, Newell Parvin, Pierce,

Powers, Rice, Richards, Robertson, Smith, Smyth, Wolf, Woolson—28.

The nays were Senators Bulis, Casady, Fellows, Griffith, Hamilton, Hollman, Meyer, McMillan, Mitchel, Oliver, Patterson, Traverse, Tuttle, Walden, Wright—15.

Absent but not excused, Senators Bill, Cones and Reed.

So the bill passed, and the title was agreed to.

Senator Long moved to adjourn, which was not agreed to.

House File No 49, A bill for an act to amend an act entitled an act to prevent the driving away of cattle and other stock, with report of committee recommending a substitute, was considered and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthes, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Powers, Richards, Robertson, Tuttle, Walden, Wolf, Woolson, Wright—36.

The nays were Senators Bennett, Casady, Needham, Patterson, Pierce, Smyth—6.

Absent but not excused, Senators Bill, Larrabee, Reed, Rice, Smith, Traverse.

So the bill passed, and the title was amended so as to read, "A bill for an act to repeal section 1, chapter 34, of the acts of the Ninth General Assembly, and to enact a substitute therefor, in relation to driving away stock," and so amended the title was agreed to.

By leave, Senator Moore, from committee of conference, submitted the following report:

The committee of conference upon the disagreeing votes of the two Houses upon the amendments made by the House of Representatives to Senate File No. 228, A bill for an act to amend chapter 95 of the Acts of the Eleventh General Assembly, entitled an act to provide for the settlement of certain claims against the General Government, have met, and after full and free conference, have agreed to recommend to their respective Houses as follows: That the Senate recede from its disagreement to the House amendment, and agree to the same, with an amendment as follows: Strike out all after the word "Iowa" in the twelfth line of the first section, down to and including the word "repealed" in the seventeenth line thereof, and that the House agree to the same.

N. B. MOORE,	}	On the part
H. C. BULIS,		of the Senate.
JOHN A. KASSON,	}	On the part
R. M. BURNETT,		of the House.

Ordered, that the report pass on file.

Senate File No. 112, A bill for an act to provide for the taking of lands for school-house purposes, with report of committee recommending an amendment, was considered, and report of committee was adopted.

Senator Richards moved to amend section 8 by striking out "ten" and inserting "forty."

Senator Bulis moved to amend the amendment by striking out "forty" and inserting "twenty," which was agreed to, and the amendment as amended was adopted.

Senator Patterson moved to suspend the rule and read the bill a third time now.

Senator Cattell moved to amend section 8 by striking out the word "the" before the word "real," and inserting "any;" and strike out after the word "estate" the words "so appropriated." Adopted.

The rule was then suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Hamilton, Hedges, Hollman, Johnson, Long, Matthies, Meyer, McMillan, Moore; Needham, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Wolf, Woolson, Wright—33.

The nays were Senators Dunham, Grimes, Hawley, Keller, Knoll, Mitchel, Oliver, Traverse, Walden—9.

Absent, but not excused, Senators Bill, Griffith, Larrabee, Newell, Rice, Smith.

So the bill passed, and the title was agreed to.

Senate File No. 165, A bill for an act to amend section 3851 of the Revision of 1860, allowing suits to be brought in the township where the plaintiff or defendant, or one of such defendants shall reside, with report of committee recommending that the bill do pass, was considered.

Senator Meyer moved to lay the bill on the table, which was not agreed to.

Senator Smyth moved to strike out publication clause, which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bulis, Casady, Cattell, Chapin, Cones, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Matthies, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—33.

The nays were Senators Bennett, Donnan, Doud, Hamilton, Keller, Long, Meyer, McMillan, Needham, Pierce, Reed, Smyth—12.

Absent but not excused, Senators Bill, Larrabee and Newell.

So the bill passed, and the title was agreed to.

Senator Reed moved to suspend the order of business and take up House messages, which was not agreed to.

Senate File No. 219, A bill for an act relating to the dissolution or modification of injunction and other orders, with report of committee recommending that the bill do pass, was considered, and the bill was ordered engrossed and read a third time to-morrow.

Senator Wright moved to suspend the order of business and take up House messages, which was not agreed to.

Senator Walden moved to adjourn, which was not agreed to.

Senate File No. 164, A bill for an act authorizing County Courts to render judgments in certain cases, with report of committee recommending that the bill do pass, was considered.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Robertson, Smith, Smyth, Tuttle, Wolf, Woolson, Wright—40.

The nays were Senators Bulis, Dunham, Larrabee, Newell, Richards, Traverse, Walden—7.

Absent but not excused, Senators Bill and Powers.

So the bill passed, and the title was agreed to.

Senator Casady moved to adjourn which was not agreed to.

Senate File No. 211, A bill for an act to authorize the Sioux City and Saint Paul Rail Road Company to transfer their rights and privileges to the Sioux City and Pacific Rail Road Company; and to facilitate the construction of said road, with report of committee recommending amendments, was considered, and the report was adopted.

Senator Doud moved to amend section 5 by striking out all after the word "company," and inserting "providing that such railroad company, or companies, accepting the provisions of this act shall at all times be subject to such rules, regulations, and rates of tariff for the transportation of freight and passengers as may from time to time be enacted and provided for by the General Assembly of the State of Iowa, and further subject to the conditions, limitations, restrictions and provisions contained in this act, and the acts of Congress granting said lands to the State of Iowa."

On which question the yeas and nays were demanded by Senator Doud.

The yeas were Senators Bennett, Cones, Donnan, Doud, Farwell, Fellows, Grimes, Hamilton, Johnson, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Parvin, Patterson, Pierce, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Woolson, Wright—28.

The nays were Senators Bulis, Casady, Cattell, Chapin, Fairall, Griffith, Hawley, Hedges, Hollman, Long, Moore, Oliver, Powers, Rice, Tuttle—15.

Absent but not excused, Senators Bill, Dunham, Larrabee, Reed.

So the motion prevailed.

Senator Walden was excused.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bulis, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Oliver, Parvin, Pierce, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright—35.

The nays were Senators Hamilton, Newell, Patterson, Richards, Woolson—5.

Absent, but not excused, Senators Bill, Dunham, Meyer, Needham, Powers, Reed, and Rice.

The bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills without amendment.

Senate File No. 230, A bill for an act to legalize the acts of certain cities and towns in their attempts to amend and abandon their special charters.

Senate File No. 215, A bill for an act to permanently locate and to provide for the erection of an additional institution for the insane.

The House has also adopted the following joint resolution in which the concurrence of the Senate is asked.

That giving a set of the adjutant-general's reports, and a copy of the journals to the post-master, assistant post-master, and door-keeper.

I have also to inform the Senate that the House has refused to adopt the Senate joint resolution recommending certain changes in the act of Congress approved July 1, 1862, establishing a Pacific Railroad and branches.

M. C. WOODRUFF, Chief Clerk.

On motion of Senator Newell, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 6, 1868.

Senate convened pursuant to adjournment.

The President *pro tem* in the chair.

Prayer by Rev. Mr. Turnbull.

On motion of Senator Powers the reading of the journal of Saturday was dispensed with.

HOUSE MESSAGES.

Senate File No. 228, A bill for an act to amend chapter 95 of the acts of the Eleventh General Assembly, with report of committee of conference, was considered.

The question being, "Shall the report of the committee be adopted?"

The yeas were Senators Casady, Cattell, Chapin, Fairall, Farwell, Griffith, Hawley, Hedges, Larimer, Long, Matthies, Meyer, McMillan, Moore, Oliver, Powers, Reed, Rice, Walden, Wolf, Woolson—21.

The nays were Senators Bennett, Cones, Doud, Dunham, Fellows, Hamilton, Hollman, Johnson, Keller, Knoll, Mitchel, Patterson, Pierce, Robertson, Smith, Smyth, Traverse, Tuttle, Wright—19.

Absent but not excused, Senators Bill, Grimes, Larrabee, Needham, Newell, Parvin and Richards.

So the report, not having received a constitutional majority, was not concurred in.

Senator Fellows moved to reconsider the vote just taken, which was agreed to.

The question being on the adoption of the report of committee.

The yeas were, Senators Bill, Casady, Cattell, Chapin, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Larimer, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Powers, Rice, Robertson, Traverse, Walden, Wolf, Woolson—27.

The nays were Senators Bennett, Cones, Doud, Dunham, Grimes, Hamilton, Johnson, Keller, Knoll, Mitchel, Patterson, Richards, Smith, Smyth, Tuttle, Wright—16.

Absent but not excused, Senators Larrabee, Parvin, Pierce and Reed.

The report was concurred in.

The following message was received from the House.

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

House File No. 131, A bill for an act in addition to an act entitled an act for the incorporation and government of the Hospital for the Insane.

House File No. 287, A bill for an act making appropriations for the improvement of the State Arsenal.

House File No. 95, A bill for an act to legalize the election in Burlington township, Des Moines county, to form an independent school district.

House File No. 194, A bill for an act to legalize the acts of Wm. Van Asch and Koenraad De Yong, of Marion county.

House File No. 208, A bill for an act legalizing the organization of the independent district of Montezuma.

M. C. WOODRUFF, Chief Clerk.

Substitute for House File No. 211, A bill for an act making all public streets in towns and villages not incorporated a part of the public highway.

Read first and second time, and referred to Committee on Arrangement of Business.

House File No. 213, A bill for an act to legalize the official acts of John R. Nisely, a notary public of Muscatine county, Iowa.

Read first and second time, and referred to same committee.

House File No. 365, A bill for an act for the relief of Jacob Reichard, and to enable him to complete the construction of the Iowa State Agricultural College building.

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

House File No 372, A bill for an act to provide for due reference and publication of a proposal to amend the constitution of the State of Iowa.

Read first and second time, and referred to Committee on Constitutional Amendments.

House File No. 309, A bill for an act to amend section 642 of the Revision of 1860.

Read first and second time, and referred to Committee on Arrangement of Business.

Substitute for House File No. 183, A bill for an act to be entitled an act to relinquish and secure to the settlers upon odd sections of land lying along, and within five miles of the Des Moines river, a right to purchase the lands occupied by them.

Read first and second time, and referred to Judiciary Committee with instructions to report at 2 o'clock P. M.

House File No. 88, A bill for an act to authorize the board of supervisors of Van Buren county to appropriate money for the erection of a monument in memory of fallen soldiers.

Read first and second time, and referred to Committee on Arrangement of Business.

House File No. 190, A bill for an act to legalize the acts of the board of supervisors of Ida county, in conveying certain swamp lands to soldiers as bounty.

Read first and second time, and referred to same committee.

House File No. 46, A bill for an act to legalize the official acts of S. R. Coons, a notary public in Clayton county.

Read first and second time, and referred to same committee.

House File No. 131, A bill for an act in addition to an act entitled an act for the incorporation and government of the Hospital of the Insane.

Read first and second time, and referred to same committee.

House File No. 287, A bill for an act making appropriation for the improvements of the State Arsenal and adjutant-general office, and for a new building in connection therewith.

Read first and second time, and referred to same committee.

House File No. 185, A bill for an act making appropriations for payment of sundry bills and accounts contracted by the commissioners in the erection of the building for adjutant-general's and quarter-master-general's office, and for storage of arms.

Read first and second time, and referred to same committee.

House File No. 162, A bill for an act relating to the acknowledgment and recording of deeds in certain cases, and rendering them valid.

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

The following concurrent resolution,

Resolved, by the House of Representatives, the Senate concurring, That the post-master, assistant post-master, and door-keeper be allowed a complete set of the reports of the adjutant-general, and also a copy of the journal, was considered.

Senator Bill moved to amend by adding each of the employes of both Houses.

Referred to Committee on Printing.

The following House concurrent resolution was taken up :

Resolved, by the House of Representatives, the Senate concurring, That George F. Work, assistant post-master, be employed to remain one week after the close of the session, in order to re-mail all matter desired by the members, and that the sum of _____ dollars be allowed him for this service.

Senator Patterson moved to fill the blank with thirty-five dollars, which was agreed to, and the resolution as amended was adopted.

The following House concurrent resolution was taken up and adopted :

Resolved, by the House of Representatives, the Senate concurring, That both Houses of the General Assembly adjourn *sine die* on the morning of Wednesday, April 8th inst.

REPORTS OF COMMITTEES.

Senator Mitchel from Committee on Printing, submitted the following report :

The Committee on Printing to whom was referred House File No. 369, have had the same under consideration, and have instructed me to report said bill back to the Senate with the recommendation that the same do pass.

MITCHEL, Chairman.

Ordered, that the report pass on file.

Senator Oliver from Committee on Railroads, submitted the following minority report:

The undersigned, members of that committee, are of the opinion that, as provided in that bill, 40,000 acres of land granted to the State of Iowa by act of Congress of May 15, 1856, should be resumed from the Cedar Rapids and Missouri River Railroad Company, on account of the failure of that company to build the road from Clinton to Lyons, as required by section 6, chapter 37, acts of Eighth General Assembly, for the following reasons:

1. The title to all the lands granted to that company by this State is withheld from the company until that road is built. The State can not be required to pass the title to any of said lands to that company until that section is complied with; 14 Iowa, 162. The law required this road to be built before January 1, 1861. The company failed in this regard to perform the contract between it and the State. The company can not, after it has broken the contract, claim the right to perform, nor the consideration to which it would have been entitled for performance of the contract, and the State would now have the right to contract with some other party to build that road, and pay such other party from these lands, or withhold from said company so much of the lands as would be the just measure of damages for the breach of the contract, and dispose of the same in the discretion of the General Assembly.

This bill proposes the adoption of the latter course, and the taking of 40,000 acres as the measure of damages.

This quantity is not taken from the same sections granted to the company by act of Congress of 1864, neither are the 40,000 acres taken because 40,000 acres of the lands granted to the company by that act have been understood as reserved until that road should be built, but they are taken from the odd sections included in act of May 15, 1856, and 40,000 acres are taken for the reason that the Governor, when called upon by the company to determine the quantity which would insure the construction of this road, certified it would require 40,000 acres, if taken west of the east line of Carroll county.

Then the undersigned concluded that the State may claim and dispose of some of these lands on account of the default of the company, and that the quantity proposed to be taken is not an unreasonable quantity.

It has been suggested that there is no express power of resumption in the act of 1860 consequent upon default in building this road, and

that the State is powerless in this respect until Congress resumes their lands. If this position is correct, the clause in act of 1860 which withholds the title from this company would be of no avail. The company can upon this theory continue its default with the State, and all the State can do is to wait until the title is taken from the State by act of Congress, before it can be extricated from the power of this company. The State intended to keep these lands within its own control as a means of compelling the execution by the company of the conditions of the grant, but if all that the State can do is to delay until the time arrives for Congress to resume these lands or sue the company for non-performance, then the law reserving the title is of no benefit, as the State could have sued the company to compel performance, even had the lands been granted to the company without any reservation. But the correct position is that the act of Congress and time of completion of the road therein limited, is a matter between the State and Congress as to the lands in grant of 1866, but as between the State and company, the State reserves the title to these lands, so that if the company becomes in default, the State may control and make disposition of them before the time has come for the State to forfeit them. This company having failed to perform, the State need not insist on performance by the construction of the road from Lyons to Clinton, but may assert its right to an equivalent of the lands, and dispose of the same.

2. The Act of Congress of May 15, 1856, contemplated that the company on which these lands were conferred should construct a road the entire distance from Lyons, on the Mississippi river by the way of Maquoketa, to the Missouri river, while this company has only constructed a road from Cedar Rapids west, and is claiming all the lands embraced in Act of May 15, 1856, (except the *pro rata* of lands for 20 miles, disposed of by the Iowa Central company) and has received additional lands under act of Congress of 1864. The distance from Lyons to Cedar Rapids is 80 miles. The road under the act of 1856, was to have commenced at Lyons, and (deducting the 20 miles the land for which was disposed of by the Iowa Central company) there remains 60 miles of unconstructed road between Lyons and Cedar Rapids, which it was intended should be constructed under the grant, while the 40,000 acres would only be the *pro rata* for a fraction over 10 miles. The distance from Lyons to Maquoketa is 32 miles. This law therefore in their view is not unjust or unreasonable.

3. Under the Act of 1860, so long as the road from Lyons to Clinton is not constructed the company can not have title to any of the lands under grant by Congress of 1856, and consequently can not give title, and this will retard settlement on these lands. Now this bill proposes an adjustment of this matter, and that upon the company's signifying its assent to this act, its title to the remaining lands shall be perfected by patent, and the company will no doubt find it

to its interest to assent to the proposed disposition of the lands made by this bill, and thus perfect its title.

In reference to so much of said bill as provides for the completion of the Cedar Rapids and Missouri River Railroad, and reserves a *pro rata* of the lands for that purpose, the undersigned find the following to be the facts: The act of Congress of 1856 and of the General Assembly of 1860 (which by the company's acceptance of it became a contract between the State and the company), required that the road should be constructed as near as practicable to the forty-second parallel, across the State of Iowa to the Missouri river. The road as in fact constructed, diverges from the forty-second parallel at or near Denison, in Crawford county, running thence in a southerly direction to the Missouri river, at or near Council Bluffs—being at said terminal point about fifty miles south of said parallel, all of which divergence is made in about seventy miles of road. We think it entirely unnecessary to make any extended argument to show that a practicable route exists nearer the forty-second parallel than the one above specified, and will simply state that the present route reaches the Missouri river bottom near St. Johns, twenty-three miles northerly from its terminus at Council Bluffs. From St. Johns to the river eight miles west, is a level bottom or plain exceedingly favorable for the construction of a road, and over which a road has in fact been constructed by the Sioux City and Pacific Railroad Company.

The undersigned are of opinion that a practicable route can be found west from Denison to the Missouri river, substantially on the forty-second parallel; yet if this were not the case there can, in the face of the foregoing facts, be no denial that such a route exists substantially west from St. Johns, terminating on the Missouri river at least twenty miles nearer the forty-second parallel than the present terminus.

The undersigned believe that said company never sought to construct its road from Denison west as near as practicable to the forty-second parallel, and are satisfied that that portion of said company's road between Denison and Council Bluffs was constructed, not for the purpose nor with the idea or intention of complying with the provisions of the act of Congress of 1856, and of the contract between the company and the State, contained in the act of the General Assembly of 1860, but for the purpose of making the most direct and practical connection with the Union Pacific Railroad. The company, by locating and constructing this part of the road, as shown by the maps on file in the Interior Department, under the act of Congress of 1864, which gave it an additional grant for the purpose of making such a connection, fully and expressly confessed and avowed that such was its intention, thus openly repudiating its obligations to perform its contract with the State. In fact, the company claims that by such act of Congress it was released from its obliga-

tions to perform its contract with the State, and certainly to set up a release from a performance does not show a *bona fide* intention of performance.

But if this claim of the company that the act of 1864 was a new contract which modified the contract of 1860 were correct, then we answer that said act of 1864 expressly provides that if said company's road does not reach the Missouri river at or near the forty-second parallel, then said company shall construct a road to a point at or near Onawa City.

We are satisfied from evidence as to the construction put upon this proviso at the time of the passage of the act, as well as for the reasons hereafter set forth, that this proviso was inserted with the intention and for the purpose of securing the building of a road through to Onawa, substantially on the forty-second parallel, thus providing for the building of a road substantially where the faith of Congress had been long pledged that one should be constructed. To assert otherwise is to affirm that it was the intention of Congress to disregard the rights and interests of all that region lying west of Denison, and remember those of Onawa only. If Congress sought to break its faith with all else, why should it keep faith with Onawa? But whether this position as to the intention of the proviso is or is not correct, there can be no plausible pretense that the road provided for has been constructed on any route. The road now running from near St. Johns through Onawa was located and constructed by a different company (the Sioux City and Pacific) and under a different grant of Congress, and the United States pays bonds for it (in addition to lands) to the amount of \$16,000 per mile.

Nor is there any pretense that the Cedar Rapids and Missouri River railroad company intend to construct such road, but on the contrary said company declares that it does not intend to construct, and never will construct it. The company thus repudiates both contracts. First it affirms that it will not perform the contracts of 1860 because it made a new contract in 1864, and next it affirms that it will not perform the contract of 1864. Under these circumstances is it not the duty of the State to insist on a performance by the company? We think it is. Both contracts, we think, are substantially, so far as unperformed, the same, as both require the building of a road substantially on the forty-second parallel, to Onawa, on the Missouri river, and we believe that whether the company be bound by the one contract or the other, it is equally the right and duty of the State to require the construction of the road designated alike in both contracts, before it turns over to the company the lands which it holds for that purpose. We are satisfied therefore, that by retaining, as proposed in the bill, the *pro rata* of lands applicable to this road until it is constructed, the State will be doing certainly no more than equity and good conscience require.

As to the effect of the act of 1864 on the contract of 1860, you have the opinion of the Attorney-General of the State in answer to your own inquiry as follows :

"But the question recurs, how far does the act of Congress of June 2, 1864, operate to release the company from the obligations to construct the main line on or near the forty-second parallel, as imposed by the act of the Eighth General Assembly in accordance with the original grant made by Congress in 1856 ?

"I do not think the act of 1864 had the effect in any way to release the company from these obligations. Congress had, by the grant of 1856, parted with all the title of the United States to the lands embraced in that grant, subject to the ten year's limitation, which is not a question here, as there is no *laches* on the part of the State. The original main line would have taken the road through Onawa City, which is on the forty-second parallel."

In reference to the right of the State to control these lands for the purposes proposed in the bill, you have also his opinion as follows :

"Section 6 of the act of the General Assembly of Iowa, 1860, provides that no lands shall be certified to the company until the road from Lyons to Clinton is constructed. There is no pretense that this branch is constructed, neither can it be contended that the branch to Onawa City is constructed.

"Has the General Assembly then such control over the lands, viz: those granted for the construction of the main line, as to compel the construction of these branches, or enforce the forfeiture by resumption, provided for in the act of the Eighth General Assembly? I think it has that power clearly over all the lands embraced in the original grant of 1856, and to which the company have not perfected their title.

"And I do not consider that any certificate of the Governor of Iowa as to any of these lands would give any additional rights to the company under the act of the General Assembly above cited. The Governor had no authority to certify to any lands until the Lyons branch was constructed, and of course while that condition remained uncomplied with, any such certificate would be a mere nullity, and as it seems to me, without any binding force whatever."

These opinions commend themselves so forcibly to the good sense of every one, that we deem it unnecessary to add anything further on these points.

We conclude then that it is clearly established,

1st. That the company has failed and refused to perform either the contract of 1860 or that of 1864.

2. That the State possesses such control over the lands as to compel such performance by the company.

3. That a due regard of the trusts imposed upon the State, of its best interests, and of the rights of that region of country to be benefited, requires that the State should exercise such control, by with-

holding until such road is completed the *pro rata* of lands applicable thereto.

The undersigned therefore, recommend the passage of the bill.

ADDISON OLIVER,
E. M. BILL,
J. HENRY SMITH.

Ordered, that the report pass on file.

Senator Walden from Committee on Printing, submitted the following report :

Your Committee on Printing to whom was assigned the duty of examining the accounts of the State Printer, in accordance with section 143 of the Revision, have performed that duty, and beg leave to report that they find the same correct.

WALDEN, for Committee.

Ordered, that the report pass on file.

Senator Farwell from Committee on Public Lands, introduced Senate File No. 337, A bill for an act in relation to the salary of the Register of the State Land Office, and authorizing the employment of a clerk in said office.

Read first and second time, and referred to Committee on Arrangement of Business.

Senator Wright from Committee on Agriculture reported back House File No. 242, with recommendation that it do pass.

Senator Newell from Committee on Commerce, submitted the following resolution :

WHEREAS, The General Assembly of the State of Iowa, did, on the 26th day of March, 1868, pass an act entitled "A bill for an act making a grant of land to the Sioux City and McGregor Railway Company, or in case of their failure to accept the same, to the Forty-Third Parallel Railroad Company, and to execute the trust conferred by an act of Congress entitled 'An act for a grant of land to the State of Iowa in alternate sections, to aid in the construction of a railroad in said State,' approved May 12th, 1864," which was approved by the Governor on the 31st day of March, A. D., 1868, and has taken effect by the publication thereof as its terms provided, and

WHEREAS, Grave doubts exist as to the good faith and intentions of the McGregor and Sioux City Railroad Company, said company claiming title to and vested rights in said grant of land, for railroad constructed between North McGregor and Calma, Iowa, being part of said road running from North McGregor, Iowa, to Austin, Minnesota, and

WHEREAS, It is believed that said McGregor and Sioux City Railway Company do not intend to accept said grant of land as provided in said act before mentioned, but are taking steps and preparing to commence action against the State of Iowa, as trustee for said grant

of land, for the purpose of establishing a claim to said grant of land for road previously built, which road has been by this General Assembly, declared to be no part of said land-grant road.

Therefore, be it Resolved, That the attorney-general of the State is hereby authorized, empowered, and instructed to defend said State, should such action be commenced, and that the Governor is requested to employ such associate counsel as in the opinion of the attorney-general might be required to protect the best interests of such State, and its people.

Referred to Committee on Railroads.

Senator Richards moved to reconsider the vote by which House File No. 247, A bill for an act to protect crops against the invasion of stock, was lost.

Senator Oliver moved to lay that motion on the table.

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Casady, Farwell, Grimes, Larimer, Larrabee, Mitchel, Needham, Newell, Oliver, Parvin, Pierce, Robertson, Smyth, Traverse, Wolf—16.

The nays were Senators Bill, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Moore, Patterson, Powers, Reed, Rice, Richards, Tuttle, Walden, Wright 29.

Absent but not excused, Senators Smith and Woolson.

So the motion did not prevail.

On motion of Senator Bill, Senator Donnan was excused.

On motion of Senator Powers, Senator Bulis was excused for the balance of the session.

The question recurring on the motion to reconsider, the motion prevailed.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Reed, Rice, Richards, Smith, Tuttle, Walden, Wolf, Wright—33.

The nays were Senators Bennett, Casady, Dunham, Hamilton, Hawley, Knoll, Needham, Oliver, Parvin, Pierce, Robertson, Smyth, Traverse, Woolson—14.

So the bill passed, and the title was agreed to.

Senator Meyer, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills have examined Senate File Nos. 172, 195, 212, 219½, and 234, and report the same correctly engrossed.

MEYER, for Committee.

BILLS ON THIRD READING.

Substitute for House File No. 60, A bill for an act to provide for the payment of witness fees and jurors fees in State cases, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Hamilton, Hawley, Johnson, Keller, Long, Matthies, McMillan, Moore, Oliver, Patterson, Pierce, Powers, Reed, Smyth, Tuttle, Wolf, Woolson, Wright—27.

The nays were Senators Casady, Griffith, Grimes, Hedges, Hollman, Knoll, Larimer, Larrabee, Meyer, Mitchel, Newell, Parvin, Richards, Robertson, Smith, Traverse, Walden—17.

Absent but not excused, Senators Bill, Needham, Rice.

So the bill passed, and the title was agreed to.

Senate substitute for House File No. 75, A bill for an act to amend sections 1575 and 1576, of the revision of 1860, in relation to permits for the sale of intoxicating liquors, was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Doud, Griffith, Grimes, Hamilton, Johnson, Keller, Long, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—31.

The nays were Senators Casady, Cones, Dunham, Fairall, Farwell, Fellows, Hawley, Hedges, Hollman, Knoll, Larimer, Larrabee, Matthies, Newell, Richards, Smith—16.

The bill passed, and the title was agreed to.

Senate File No. 212, A bill for an act to regulate the planting of hedge fences, and establishing lines thereto, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Parvin, Patterson, Pierce, Powers, Rice, Robertson, Smith, Smyth, Tuttle, Wolf, Wright—35.

The nays were Senators Knoll, Mitchel, Reed, Richards, Traverse, Walden, Woolson—8.

Absent, but not excused, Senators Fairall, Hawley, Larrabee, and Larimer.

The bill passed, and the title was agreed to.

Senate File No. 219½, A bill for an act relating to the dissolution or modification of injunctions or other orders, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Chapin, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Hollman, Johnson, Long, Meyer, McMillan, Moore, Powers, Wolf, Woolson—18.

The nays were Senators Cones, Dunham, Hamilton, Hawley, Keller, Knoll, Larimer, Larrabee, Matthies, Mitchel, Needham, Newell, Oliver, Parvin, Patterson, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright—24.

Absent but not excused, Senators Bill, Casady, Cattell, Pierce, and Rice.

The bill not having received a constitutional majority was rejected.

Senate File No. 195, A bill for an act to regulate the price of State printing, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—40.

The nays were Senators Cattell, Fellows, Hollman, Meyer, Pierce, —5.

Absent but not excused, Senators Powers and Rice.

The bill passed, and the title was agreed to.

Substitute for Senate File No. 172, A bill for an act transferring the county of Tama from the Eighth Judicial District to the Eleventh Judicial District, assigning the same to a circuit therein, and fixing the time of holding courts therein, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Cones, Dunham, Fairall, Farwell, Griffith, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Patterson, Reed, Robertson, Smyth, Tuttle, Wolf, Woolson, Wright, —28.

The nays were Senators Bill, Chapin, Doud, Fellows, Hedges, Hollman, Knoll, Mitchel, Oliver, Parvin, Richards, Smith, Traverse, —13.

Absent but not excused, Senators Grimes, Hamilton, Pierce, Powers, Rice, Walden.

So the bill passed, and the title was agreed to.

Senate File No. 234, A bill for an act to amend section 17, chapter 172, of the laws of the Ninth General Assembly, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Chapin, Cones, Doud, Hamilton, Hedges, Hollman, Johnson, Long, Matthies, Meyer, McMillan, Moore, Needham, Parvin, Patterson, Reed, Robertson, Smyth, Tuttle, Woolson, Wright—23.

The nays were Senators Bennett, Bill, Dunham, Farwell, Fellows, Grimes, Keller, Knoll, Newell, Oliver, Richards, Smith, Traverse —13.

Absent but not excused, Senators Fairall, Griffith, Hawley, Larimer, Larrabee, Mitchel, Pierce, Powers, Rice, Walden, Wolf.

So the bill not having received a constitutional majority, was rejected.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bill:

Senate File No. 169, A bill for an act to provide for the election of county auditors, with an amendment which is herewith submitted, and in which the concurrence of the Senate is asked.

Senate File No. 220, A bill for an act to repeal chapter 163 of the laws of the Ninth General Assembly, and chapter 76 of the laws of the Tenth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors in certain cases, without amendment.

I am also directed to inform the Senate that the House has adopted the accompanying resolution, in which the concurrence of the Senate is asked.

M. C. WOODRUFF, Chief Clerk.

BILLS ON SECOND READING.

Senate File No. 138, A bill for an act to enable railroad corporations to take and hold real estate for the purpose of constructing and maintaining dams and reservoirs to hold and accumulate water to supply engines, and for the purpose of laying down pipes to supply water for the use of engines used in operating the road, with report of committee that the bill do pass, was considered.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf
—44.

The nays were none.

Absent, but not excused, Senators Larrabee, Woolson, and Wright.

The bill passed, and the title was agreed to.

Senate File No. 226, A bill for an act to amend chapter 160, of the acts of the General Assembly in relation to damage to stock by railways, with report of committee recommending a substitute, was considered and the substitute was adopted.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—41.

The nays were, Senators Griffith, McMillan—2.

Absent but not excused, Senators Bill, Larimer, Larrabee and Rice.

The bill passed, and the title was agreed to.

Senate File No. 115, A bill for an act to amend section 3325 of the Revision of 1860, in relation to sale of an execution of decedent's real estate, with report of committee recommending a substitute, was adopted.

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

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—42.

The nays were none.

Absent but not excused, Senators Bill, Follows, Larrabee, Needham and Rice.

So the bill passed, and the title was agreed to.

House File No. 374, A bill for an act fixing the time of holding District Courts in the Fifth Judicial District, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—43.

The nays were none.

Absent but not excused, Senators Bill, Larimer, Rice, Smith.

So the bill passed, and the title was agreed to.

Senate File No. 117, A bill for an act to abolish capital punishment, and providing for solitary imprisonment in the penitentiary for certain crimes, was considered.

Senator Richards moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Oliver.

The yeas were Senators Bill, Casady, Doud, Farwell, Griffith, Hamilton, Hawley, Hollman, Johnson, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Woolson—25.

The nays were Senators Bennett, Cattell, Chapin, Cones, Dunham, Fairall, Fellows, Grimes, Hedges, Keller, Knoll, Matthies, Needham, Oliver, Patterson, Smith, Traverse, Walden, Wolf, Wright—20.

Absent but not excused, Senators Larimer and Rice.

So the motion prevailed.

Senate File No. 122, A bill for an act to provide for the recovery of taxes paid on real estate by persons claiming title thereto in certain cases, was considered.

Senator Chapin offered the following amendment :

“SECTION 3. Nothing in this act contained shall in any manner effect the rights of minors or insane persons in land sold for taxes,” which was agreed to.

Senator Cattell moved to amend section 1, thirteenth line, by striking out “twenty-five,” and inserting “ten,” which was agreed to.

Senator Patterson offered the following additional section :

SEC. 5. Whenever it shall be ascertained by the decision of any court, or agreement between the board of supervisors of any county, and the holder of a tax title to any real estate, that real estate has been wrongfully sold for taxes, and it shall be so determined in court or agreed by the board of supervisors that the county in which such real estate is situated, shall be refunded to the holder of such wrongfully tax title, such court or board of supervisors shall order such money to be refunded, on the holder of such tax title executing and acknowledging and depositing with the clerk of the board of supervisors of such county, a quit claim deed of all interest held by him in such real estate by virtue of such tax deed, such deed to enure to the county, and the clerk of the board of supervisors shall file the same with the recorder for record, on any person paying the recording fee.

The amendment was not adopted.

Senator Chapin moved to suspend the rule and read the bill a third time now, which was agreed to.

On the question “Shall the bill pass?”

The yeas were, Senators Cattell, Chapin, Dunham, Grimes, Hamilton, Hawley, Hollman, Johnson, Keller, Knoll, Larrabee, Mitchel, Moore, Pierce, Powers, Reed, Smyth, Tuttle, Walden, Wolf—20.

The nays were, Senators Bennett, Bill, Casady, Doud, Fairall, Farwell, Griffith, Hedges, Long, Meyer, McMillan, Newell, Parvin, Patterson, Richards, Robertson, Traverse, Woolson, Wright—19.

Absent but not excused, Senators Cones, Fellows, Larimer, Matthies, Needham, Oliver, Rice and Smith.

The bill not having received a constitutional majority was rejected.

Senate File No. 171, A bill for an act to amend section 2740 of the

Revision of 1860, relating to the limitation of actions against public officers, was considered.

Senator Fairall moved to suspend the rule and read the bill a third time now, which was agreed to.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson—41.

The nays were Senators Dunham, Traverse, Wright—3.

Absent but not excused, Senators Cones, Mitchel and Rice.

So the bill passed, and the title was agreed to.

Senator Fellows moved to reconsider the vote by which Senate File No. 234 was rejected, which was agreed to.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Fellows, Griffith, Hamilton, Hedges, Keller, Larimer, Long, Matthies, Meyer, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—30.

The nays were Senators Doud, Dunham, Farwell, Grimes, Johnson, Knoll, Larrabee, McMillan, Moore, Pierce, Rice, Smith, Walden—13.

Absent but not excused, Senators Fairall, Hawley, Hollman and Mitchel.

So the bill passed, and the title was agreed to.

House File No. 4, A bill for an act for the further prosecution of the geological survey of the State of Iowa, was considered, and referred to Committee on Agriculture, with instructions to report at 2 o'clock P. M.

House File No. 262, A bill for an act to amend section 430 of the Revision of 1860, with report of committee that the bill do pass, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—38.

The nays were Senators Moore and Robertson—2.

Absent but not excused, Senators Cattell, Keller, Larimer, Larrabee, Parvin, Pierce, Wright.

So the bill passed, and the title was agreed to.

House File No. 112, A bill for an act to amend section 58 of chapter 172 of the laws of the Ninth General Assembly, with report of committee that the bill do pass, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Farwell, Griffith, Grimes, Hawley, Hollman, Johnson, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson—34.

The nays were Senators Oliver, Patterson, Traverse—3.

Absent but not excused, Senators Cones, Fairall, Fellows, Hamilton, Hedges, Keller, Larrabee, Newell, Parvin, Pierce, Wright.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate amendments to substitute for House File Nos. 110 and 149, A bill for an act to protect game.

Senate File No. 203, A bill for an act fixing the compensation of members of future General Assemblies, and to restrict the contingent expenses thereof, with the following amendments, in which the concurrence of the Senate is asked :

Add at the end of section 1 as follows: "Provided that the amount allowed to each member for postage shall not exceed three dollars per week, and for stationery two dollars per week."

Add the following to the end of the title: "and to restrict the contingent expenses thereof," which I herewith return to the Senate.

M. C. WOODRUFF, Chief Clerk.

House File No. 300, A bill for an act requiring county treasurers to insert in each receipt the value of each piece of real estate, with report of committee that the bill do pass, was considered.

On motion of Senator Patterson publication clause was stricken out.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—38.

The nays were Senators Casady, Farwell, Griffith, Oliver, Patterson, Reed—6.

Absent but not excused, Senators Hamilton, Hedges, Keller and Needham.

So the bill passed, and the title was agreed to.

On motion of Senator Cattell the Senate adjourned until half-past two o'clock P. M.

TWO AND ONE-HALF O'CLOCK P. M.

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

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills without amendment:

Senate File No. 148, A bill for an act to provide for the education and support of the deaf and dumb.

Senate File No. 149, A bill for an act making further appropriation for the Hospital for the Insane.

I have also to inform the Senate that the House has adopted the accompanying joint resolution.

I also present herewith for your signature the joint resolution asking increased mail facilities in Iowa, which has been adopted by both branches of the General Assembly, and signed by the Speaker of the House.

M. C. WOODRUFF, Chief Clerk.

BILLS ON SECOND READING.

House File No. 185, A bill for an act making appropriation for sundry bills and accounts contracted by the commissioner in the the erection of the buildings for adjutant-general and quartermaster-general's office, and for storage of arms, was considered, and on motion of Senator Bennett, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Doud, Dunham, Farwell, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden—33.

The nays were none.

Absent, but not excused, Senators Bill, Donnan, Fairall, Fellows, Griffith, Hamilton, Larimer, Meyer, McMillan, Mitchel, Patterson, Richards, Wolf, Woolson, Wright.

The bill passed, and the title was agreed to.

Substitute for House File No. 111, A bill for an act to make all streets in towns and villages not incorporated, a part of public highways, was considered, and ordered to be read a third time to-morrow.

Senator Hawley from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 51, 100, 139, 207, 215, and 230 : Also, joint resolution instructing trustees of Agricultural College and Farm as to their biennial report, and find the same correctly enrolled.

HAWLEY, Chairman.

Senate File No. 193, A bill for an act requiring the publication of certain legal notices in newspapers published in foreign languages, with report of committee recommending a substitute, was considered and the substitute was adopted.

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

On the question, " Shall the bill pass ? "

The yeas were, Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, McMillan, Mitchel, Moore, Newell, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wright—36.

The nays were Senators Farwell, Needham, Wolf—3.

Absent but not excused, Senators Cattell, Larimer, Larrabee, Meyer, Oliver, Parvin, Patterson, Traverse, Woolson.

So the bill passed, and the title was agreed to.

Senator Powers, from Committee on Judiciary, submitted the following report :

The Judiciary Committee have had under consideration substitute for House File No. 183, and a majority of the committee recommend that the same be indefinitely postponed.

J. B. POWERS, Chairman.

Ordered, that the report pass on file.

House File No. 252, A bill for an act to authorize counties to fund their indebtedness, and to provide for the payment thereof, was considered.

Senator Oliver moved to lay the bill on the table, which was agreed to.

Senate File No. 216, A bill for an act to annex certain lands to sub-district No. 1 in Center township, Wapello county, Iowa, for all school and school house purposes, was considered.

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

On the question, " Shall the bill pass ? "

The yeas were, Senators Bill, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Griffith, Hamilton, Hedges, Hollman, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Patterson,

Pierce, Powers, Robertson, Smith, Traverse, Wolf, Woolson, Wright—28.

The nays were, Senators Cones, Donnan, Fellows, Grimes, Hawley, Knoll, Reed, Richards, Smyth, Tuttle, Walden—11.

Absent but not excused, Senators Bennett, Casady, Larimer, Mitchel, Needham, Newell, Oliver, Parvin and Rice.

So the bill passed, and the title was agreed to.

House File No. 287, A bill for an act making appropriations for the improvement for the state arsenal and adjutant-general's office, and for the erection of a new building in connection therewith, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Robertson, Smith, Traverse, Tuttle, Walden, Wolf—39.

The nays were Senators Bill, Needham, Parvin, Richards, Smyth, Woolson, Wright—7.

Absent but not excused, Senators Larrabee and Pierce.

So the bill passed, and the title was agreed to.

House File No. 131, A bill for an act in addition to an act entitled an act for the incorporation and government of the Hospital for the Insane, was considered.

Senator Woolson moved to amend by adding to section 9: "Provided, that in the interim between the meetings of the board, the superintendent, in conjunction with the trustees, shall have and exercise the power granted in this section."

The amendment was adopted.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—44.

The nays were Senator Patterson.

Absent but not excused, Senators Larrabee, Parvin and Rice.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT: I herewith present for your signature the follow-

ing bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 152, A bill for an act authorizing the census board to procure plans and specifications for a State House, and making appropriation for repairs on the capitol building.

House File No. 319, A bill for an act to provide for the relief of certain classes of indigent persons.

House File No. 343, A bill for an act fixing the price of state binding.

Senate File No. 51, A bill for an act to amend section 2, chapter 114 of the acts of the Tenth General Assembly of Iowa.

Senate File No. 100, A bill for an act to encourage the planting and growing of timber, fruit trees, shade trees, and hedges.

Senate File No. 230, A bill for an act to legalize the acts of certain cities and towns in their attempts to amend and abandon their special charters, and to legalize elections, ordinances, &c.

Senate File No. 215, A bill for an act to permanently locate and to provide for the erection of an additional Institution for the Insane.

Senate File No. 139, A bill for an act to constitute the principal a member of the board of trustees, enlarge and furnish the building, and support the Institution for the Education of the Blind.

Senate File No. 207, A bill for an act to authorize independent school districts to borrow money, and issue bonds for the erection of school houses, etc.

Also, Senate joint resolution relating to the next biennial report of the trustees of the State Agricultural College and Farm.

M. C. WOODRUFF, Chief Clerk.

Senate File No. 218, A bill for an act for the relief of John Garrahty, was considered.

Senator Hawley moved to suspend the rule and read the bill a third time now, which was agreed to.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Casady, Cattell, Chapin, Fairall, Griffith, Hawley, Hedges, Hollman, Johnson, Keller, Long, Matthies, Mitchel, Patterson, Reed, Richards, Robertson, Smyth, Tuttle—20.

The nays were, Senators Bill, Doud, Dunham, Farwell, Knoll, Larimer, Larrabee, Meyer, McMillan, Needham, Newell, Oliver, Parvin, Pierce, Smith, Walden, Wolf, Woolson, Wright—19.

Absent but not excused, Senators Cones, Donnan, Fellows, Grimes, Hamilton, Moore, Powers, Rice and Traverse.

The bill not receiving a constitutional majority, was lost.

Senator Oliver moved that when the Senate adjourn, it adjourn until seven o'clock this P. M., which was agreed to.

House File No. 309, A bill for an act to amend section 642 of the Revision of 1860, was considered.

Senator Reed moved that the rule be suspended and the bill be

read a third time now, which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—44.

The nays were, Senator Hollman—1.

Absent but not excused, Senators Hawley, Larrabee and Moore.

The bill passed, and the title was agreed to.

The following message was received from the House:

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

House File No. 306, A bill for an act apportioning the State into representative districts, and declaring the ratio of representation.

House File No. 368, A bill for an act to legalize the proceedings had to incorporate the town of Toledo, Tama county, Iowa.

House File No. 340, A bill for an act to amend chapter 172, section 78, of the laws of the Ninth General Assembly.

The House has passed the following bill without amendment:

Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties.

M. C. WOODRUFF, Chief Clerk.

House File No. 162, A bill for an act relating to the acknowledgment and recording of deeds in certain cases, and rendering them valid, with report of committee that the bill do pass, was considered.

By consent, and on motion of Senator Woolson, section 2 was amended by striking out "taking effect," and inserting "passage."

Senator Oliver moved to strike out fourth section, which was agreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—47.

The nays were none.

Absent but not excused, Senator Larrabee.

So the bill passed, and the title was agreed to.

House File No. 176, A bill for an act to protect fish, with report of committee that the bill do pass, was considered.

Senator Robertson moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Casady, Chapin, Donnan, Doud, Farwell, Fellows, Griffith, Hollman, Johnson, Keller, Larimer, Larrabee, Long, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smyth, Traverse, Walden, Woolson, Wright—29.

The nays were Senators Bennett, Bill, Cattell, Cones, Dunham, Fairall, Grimes, Hamilton, Hawley, Hedges, Knoll, Matthies, Meyer, Needham, Patterson, Richards, Smith, Tuttle, Wolf—19.

So the motion prevailed.

A communication was received from the Governor at the hands of his private secretary, which was laid on the President's table.

The following message was received from the House :

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

House File No. 378, A bill for an act making appropriations for the payment of the salaries of the state and judicial officers, interest on state bonds, and for other purposes therein designated.

The House has also passed Senate File No. 199, A bill for an act granting the right of way for the construction of bridges, without amendment.

M. C. WOODRUFF, Chief Clerk.

Substitute for Senate File Nos. 55, 113 and 125, A bill for an act to legalize the acts of W. Moershal and others, notaries public, in the State of Iowa, with report of committee that the bill do pass, was considered, and the substitute was adopted.

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

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright—40.

The nays were Senators Knoll, Patterson, Richards, Wolf—4.

Absent, but not excused, Senators Casady, Cones, Moore, and Woolson.

The bill passed, and the title was agreed to.

Substitute for House File No. 14, with report of committee recommending amendments, was considered, and the report of committee was adopted.

Senator Meyer moved to suspend the rule, and read the bill a third time now.

On this question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bill, Chapin, Donnan, Fellows, Grimes, Hamilton, Johnson, Keller, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Pierce, Powers, Rice, Smyth, Traverse, Tuttle—23.

The nays were Senators Bennett, Cattell, Cones, Doud, Farwell, Griffith, Hawley, Hedges, Hollman, Knoll, Larimer Newell, Parvin, Reed, Richards, Robertson, Walden, Wolf, Wright—19.

Absent, but not excused, Senators Casady, Dunham, Fairall, Larabee, Smith, and Woolson.

The motion not having received a two-third vote, did not prevail.

Senator Patterson moved to amend by adding to sections 1 and 2 the following: "Provided no bounty to any one soldier shall exceed the sum of four hundred dollars."

Senator Hawley moved to refer the bill to the Senators from Mitchell and Story counties.

Senators Farwell moved to lay the bill on the table, which was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval, Senate File Nos. 51, 100, 139, 207, 215 and 230.

Also, joint resolution instructing the trustees of the Agricultural College and Farm as to their biennial report.

HAWLEY, Chairman.

On motion of Senator Reed, the Senate went into executive session.

Upon the opening of the doors, Senator Reed moved to adjourn, which motion prevailed, and the Senate adjourned.

SEVEN O'CLOCK P. M.

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

BILLS ON THIRD READING.

Senate File No. 231, A bill for an act to legalize the acts of Charles Hall, a justice of the peace of Webster county, Iowa, was considered.

Senator Bennett moved that the eleventh rule be suspended for this evening, for the purpose of passing legalizing acts, which was agreed to, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Wright—34.

The nays were Senators Casady, Knoll, Parvin, Woolson—4.

Absent but not excused, Senators Dunham, Hawley, Meyer, Moore, Needham, Smith, Walden and Wolf.

So the bill passed, and the title was agreed to.

Senator Reed asked leave of absence for Senator Cones, which was granted.

Senator Doud asked leave of absence for Senator Griffith, which was granted.

House File No. 323, A bill for an act to legalize the acts of the Northwestern Mining Company, with report of committee recommending amendments, was considered and the report was adopted.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Snyth, Traverse, Tuttle, Wright—88.

The nays were Senators Reed, Wolf, Woolson—8.

Absent but not excused, Senators Meyer, Moore, Needham, Parvin, and Walden.

So the bill passed, and the title was agreed to.

House File No. 241, A bill for an act to legalize certain official acts of Jonathan Oglesbee, recorder of Clayton county, Iowa, was considered and read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Rice, Robertson, Smyth, Traverse, Tuttle, Woolson, Wright—86.

The nays were Senators Parvin, Reed, Richards, Smith, Wolf—5.

Absent but not excused, Senators Bill, Meyer, Moore, Needham and Walden.

The bill passed, and the title was agreed to.

House File No. 198, A bill for an act to legalize the acts of D. D.

Miracle, a notary public in and for Hamilton county, Iowa, was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, McMillan, Newell, Oliver, Patterson, Pierce, Powers, Rice, Smyth, Traverse, Tuttle, Wright—27.

The nays were, Senator Bennett, Bill, Hamilton, Keller, Mitchel, Moore, Reed, Richards, Robertson, Smith, Wolf, Woolson—12.

Absent but not excused, Senators Casady, Cattell, Larimer, Meyer, Needham, Parvin and Walden.

The bill passed, and the title was agreed to.

House File No. 239, A bill for an act providing for the legalization of certain acts of Wm. Tiede, notary public of Clayton county. Read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Fellows, Grimes, Hedges, Hollman, Johnson, Keller, Larrabee, Long, Matthies, McMillan, Mitchel, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wright—33.

The nays were, Senators Bennett, Farwell, Knoll, Moore, Wolf, Woolson—6.

Absent, but not excused, Senators Hamilton, Hawley, Larimer, Meyer, Needham, Parvin, and Walden.

So the bill passed, and the title was agreed to.

House File No. 3, A bill for an act to legalize the official acts of Wilson Throckmorton, a justice of the peace of Clarke county, Iowa, was read a third time.

On the question "Shall the bill pass?"

The yeas were, Senators Bennett, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, McMillan, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Woolson, Wright—38.

The nays were, Senators Bill, Knoll, Moore, Wolf—4.

Absent but not excused, Senators Meyer, Mitchel and Walden.

So the bill passed, and the title was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 13, 148, 149, 220 and 228. Also, joint resolution appointing trustees of the Institution for the Blind.

HAWLEY, Chairman.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body

that the House of Representatives has passed the following bill, in which the concurrence of the Senate is asked:

House File No. 345, A bill for an act in relation to the State Historical Society.

I herewith return the following bill, which has passed the House without amendment:

Senate File No. 224, A bill for an act to amend chapter 79 of the acts of the Eleventh General Assembly, entitled an act to provide for the adjustment of certain land-claims with the General Government.

Also, to present for your signature, the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 185, A bill for an act making appropriations for the payment of sundry bills and accounts contracted by the commissioners, in the erection of the building for the adjutant-general's office.

House File No. 287, A bill for an act making appropriations for the improvement of the state arsenal and adjutant-general's office, and for a new building in connection therewith.

M. C. WOODRUFF, Chief Clerk.

House File No. 260, A bill for an act to legalize the notarial acts of Josephus Eastman, notary public of Poweshiek county, Iowa, was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattoll, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Woolson, Wright—38.

The nays were Senators Bennett, Knoll, Moore—3.

Absent but not excused, Senators Mitchel, Needham, Parvin, Walden, and Wolf.

So the bill passed, and the title was agreed to.

House File No. 353, A bill for an act to legalize certain acts of the council of the town of Corydon, Wayne county, Iowa, in the levy of a town tax on the property in said town.

Read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—41.

The nays were none.

Absent but not excused, Senators Larimer, Needham, Parvin, Smith and Walden.

The bill passed, and the title was agreed to.

Joint resolution in regard to notaries public was considered, and read a third time.

On the question, "Shall the joint resolution be adopted?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson—42.

The nays were none.

Absent, but not excused, Senators Needham, Parvin, Walden, and Wright.

The joint resolution was adopted.

House File No. 198, A bill for an act to legalize the acts of the board of supervisors of Ida county, in conveying certain lands to soldiers as bounties, was considered.

Senator Fairall offered the following amendment:

Add to section 1, "Provided, that the quantity of land, the conveyance of which is hereby legalized, shall not exceed four hundred and eighty acres."

On which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Doud, Dunham, Fairall, Farwell, Larrabee, Matthies, Meyer, Mitchel, Newell, Richards, Robertson, Smyth, Tuttle, Woolson—14.

The nays were Senators Casady, Cattell, Chapin, Donnan, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Long, McMillan, Moore, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Smith, Traverse, Wolf—25.

Absent, but not excused, Senators Bennett, Bill, Needham, Powers, Walden.

So the amendment was not adopted.

On the question "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle—33.

The nays were Senators Bill, Knoll, Meyer, Newell, Smyth, Wolf, Woolson—7.

Absent but not excused, Senators Bennett, Chapin, Needham, Powers and Walden.

So the bill passed, and the title was agreed to.

Senator Cattell asked leave of absence for Senator Wright, for this evening, which was granted.

House File No. 263, A bill for an act to legalize the official acts of James Hagerman, notary public, Lee county, Iowa, was considered and a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Fellows, Grimes, Hedges, Hollman, Johnson, Keller, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf—33.

The nays were Senators Bill, Farwell, Knoll, Meyer—4.

Absent but not excused, Senators Bennett, Hamilton, Hawley, Larrabee, Needham, Parvin, Walden, Woolson.

So the bill passed, and the title was agreed to.

Senate File No. 185, A bill for an act to provide for the taxation of certain indemnity swamp lands, was considered, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Casady, Chapin, Donnan, Doud, Farwell, Hawley, Hedges, Hollman, Johnson, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Pierce, Powers, Rice, Robertson, Smyth, Tuttle, Wolf—27.

The nays were Senators Bennett, Dunham, Fairall, Fellows, Grimes, Knoll, Matthies, Mitchel, Patterson, Reed, Richards, Smith, Traverse, Woolson—14.

Absent but not excused, Senators Cattell, Hamilton, Needham, Walden.

So the bill passed, and the title was agreed to.

Senate File No. 208, A bill for an act to legalize deeds and acknowledgments thereof, executed and acknowledged in other states and countries, was considered, and on motion of Senator Powers was indefinitely postponed.

The following message was received from the House.

MR. PRESIDENT: I herewith present for your signature the following bills and joint resolutions which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 13, A bill for an act providing for the erection of buildings for a Deaf and Dumb Asylum.

Senate File No. 220, A bill for an act to repeal chapter 163 of the laws of the Ninth General Assembly; also, chapter 76 of the laws of the Tenth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors.

Senate File No. 148, A bill for an act to provide for the education and support of the deaf and dumb.

Senate File No. 149, A bill for an act making further appropriations for the Hospital of the Insane.

Senate File No. 228, A bill for an act to amend chapter 95 of the acts of the Eleventh General Assembly, entitled an act to provide for the settlement of certain claims against the General Government.

Joint resolution appointing trustees for the Institution for the Blind.

M. C. WOODRUFF, Chief Clerk.

House File No. 361, A bill for an act supplemental to an act entitled an act for establishing Circuit and General Term Courts, and to define the power and jurisdiction thereof, was considered and read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Hamilton, Hedges, Hollman, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Woolson—33.

The nays were Senators Bennett, Dunham, Grimes, Keller, Meyer, McMillan, Parvin, Smith, Wolf—9.

Absent but not excused, Senators Hawley, Needham and Walden. So the bill passed, and the title was agreed to.

Senator Hollman moved to reconsider the vote by which Senate File No. 185 was passed, which was agreed to.

Senator Richards moved to refer the bill to a select committee of three, consisting of Senators Hawley, Patterson and Fairall, with instructions to report to-morrow, which was agreed to.

The following message was received from the House:

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

House File No. 312, A bill for an act for the relief of Silas Perkins.

I herewith return to the Senate the following bills, which have passed the House, without amendment:

Senate File No. 52, A bill for an act for the encouragement of agriculture, and to provide for the distribution of the reports of the State Agricultural Society.

Substitute for Senate File No. 186, A bill for an act in relation to the sale of intoxicating liquors in incorporated towns and cities.

I also herewith present for your signature the following bills and joint resolution which have passed both branches of the General Assembly, and been enrolled and signed by the Speaker of the House.

Senate File No. 220, A bill for an act to repeal chapter 163 of the laws of the Ninth General Assembly. Also chapter 76 of the laws

of the Tenth General Assembly, and to enact a law prescribing the duties of township trustees and road supervisors in certain cases.

Senate File No. 13, A bill for an act providing for the erection of buildings for the Deaf and Dumb Asylum.

Senate File No. 148, A bill for an act to provide for the education and support of the deaf and dumb.

Senate File No. 149, A bill for an act making further appropriation for the Hospital for the Insane.

Senate File No. 228, A bill for an act to annul chapter 95 of the acts of the Eleventh General Assembly, entitled an act to provide for the settlement of certain claims against the General Government.

Joint resolution appointing trustees for the government of the Institution for the Blind.

M. C. WOODRUFF, Chief Clerk.

House File No. 225, A bill for an act to legalize the notarial acts of certain notaries public of Polk county, Iowa, was considered and read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Reed, Rice, Richards, Robertson, Smyth, Traverse, Tuttle, Walden—33.

The nays were, Senators Knoll, Wolf—2.

Absent but not excused, Senators Dunham, Fellows, Larimer, Larrabee, Long, Needham, Parvin, Powers, Smith and Woolson.

So the bill passed, and the title was agreed to.

Senate File No. 174, A bill for an act to legalize the action of Mitchell county providing for equalizing the bounty of soldiers in said county, and authorizing the levying of a tax to pay the same, was considered and read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Chapin, Donnan, Doud, Fairall, Grimes, Hamilton, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Rice, Robertson, Smyth, Traverse, Tuttle, Walden—30.

The nays were Senators Bill, Farwell, Meyer, Richards, Smith, Wolf, Woolson—7.

Absent but not excused, Senators Bennett, Dunham, Fellows, Hawley, Larimer, Larrabee and Powers.

So the bill passed, and the title was agreed to.

House File No. 20, A bill for an act to legalize certain acts of James Foster, justice of the peace of Orange township, Guthrie county, Iowa, with report of committee recommending a substitute, was considered and the substitute was adopted.

The bill was then read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Hedges, Hollman, Johnson, Keller, Larrabee, Long, Matthies, McMillan, Moore, Newell, Parvin, Pierce, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Walden, Woolson—27.

The nays were Senators Bennett, Farwell, Fellows, Grimes, Knoll, Larimer, Oliver, Powers, Rice, Smith, Wolf—11

Absent but not excused, Senators Dunham, Hamilton, Hawley, Meyer and Patterson.

The bill passed, and the title was agreed to.

House File No. 248, A bill for an act vacating a grave-yard in Jefferson county, was considered.

Senator Woolson moved to amend by adding at the end of the bill the following :

So far as the same has not already been used for places of burials, or if any portion thereof has been used as such places of burials, then in case the bodies shall have been removed by competent authority, so much thereof thus rendered vacant shall be also vacated.

The bill was then read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hollman, Johnson, Keller, Knoll, Larimer, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson—36.

The nays were, Senators Casady, Hedges, Patterson, Reed, Wolf—5.

Absent but not excused, Senators Dunham, Hawley and Mitchel.

The bill passed, and the title was agreed to.

House File No. 28, A bill for an act to legalize the acts of E. Kinley, a notary public in and for Lee county, was considered, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle—39.

The nays were none.

Absent but not excused, Senators Dunham, Hamilton, Patterson, Wolf, Walden and Woolson.

So the bill passed, and the title was agreed to.

House File No. 359, A bill for an act to legalize the acts of Thomas Cavanaugh, a notary public in and for Polk county, was considered, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hawley, Hedges, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle—33.

The nays were Senator Knoll—1.

Absent but not excused, Senators Bill, Dunham, Hamilton, Hollman, Larimer, Patterson, Rice, Walden, Wolf, Woolson.

So the bill passed, and the title was agreed to.

House File 46, A bill for an act to legalize the official acts of S. R. Coons, a notary public in and for Clayton county, was considered and read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Johnson, Keller, Knoll, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle—36.

The nays were Senators Larimer, Patterson, Wolf—3.

Absent but not excused, Senators Dunham, Larrabee, Mitchel, Patterson, Walden and Woolson.

So the bill passed, and the title was agreed to.

House File No. 213, A bill for an act to legalize the official acts of John R. Nisley, a notary public of Muscatine county, Iowa, was considered, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle—34.

The nays were Senators Fellows, Hollman, Knoll, Walden, Wolf—5.

Absent but not excused, Senators Dunham, Mitchel, Reed, Woolson.

So the bill passed, and the title was agreed to.

On motion of Senator Farwell, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA,
April 7, 1868.

Senate convened at 9 o'clock A. M., the President in the chair.

Prayer by Rev. Mr. Ingalls.

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

INTRODUCTION OF BILLS.

Senator Cattell from Committee on Ways and Means introduced Senate File No. 239, A bill for an act making appropriation for the *per diem* of members, officers, and employes of the Twelfth General Assembly, and for other purposes.

Read first and second time.

Senator Parvin moved to amend as follows :

SEC. —. To Evans & Shellerbarger for damages done to their printing press and materials, by the State troops, at Sigourney, in 1863, the sum of two hundred dollars in full, for all demands against the State for damages by said troops, which was agreed to.

Also, the following :

SEC. —. To Townsend Hall for arrest of Wm. Thomas *alias* Cumquick, in pursuance of a proclamation of Gov. Grimes, offering a reward of \$1,000 for the arrest of said Cumquick, the sum of two hundred and fifty dollars in full for all demands against the State for his services in the premises, which was agreed to.

Senator Richards moved to refer the bill and amendments to select committee of five, on which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Cones, Doud, Fairall, Hollman, Keller, Knoll, Long, Newell, Parvin, Pierce, Richards, Smyth, Tuttle, Woolson—14.

The nays were, Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Larimer, Larrabee, Matthies, Meyer, McMillan, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Robertson, Smith, Traverse, Walden, Wolf, Wright—31.

Absent but not excused, Senators Dunham, Needham and Rice.

So the motion did not prevail.

Senator Patterson moved to consider the bill by sections, which was agreed to.

Senator Cattell moved to amend section 2 by striking out \$31,900 and inserting \$32,000, which was agreed to.

Senator Smyth moved to amend section 3 by striking out \$17,850 and inserting \$17,950, which was agreed to.

Senator Cones moved to amend section 5 by striking out sixty dollars and inserting ten dollars, and strike out one hundred and eighty dollars and insert thirty dollars.

The amendment prevailed.

Senator Cones moved to amend section 9 by striking out sixty-two dollars and inserting forty dollars, and strike out one hundred and eighty six dollars and insert one hundred and twenty dollars, which was agreed to.

Senator Cones moved to amend section 8 by striking out sixty-six dollars and inserting thirty dollars, and strike out one hundred and ninety eight dollars and insert ninety dollars.

The amendment prevailed.

Senator Cones moved to amend section 9 by striking out eight hundred dollars and inserting five hundred dollars, and strike out two hundred and forty dollars and insert one hundred and fifty dollars.

The amendment prevailed.

Senator Cones moved to amend section 10 by striking out forty-eight dollars and inserting thirty dollars to J. W. Traer, which was agreed to.

Senator Cones moved to amend section 11 by striking out forty-three dollars and inserting twenty dollars, and strike out one hundred and twenty-nine dollars, and insert sixty dollars.

The amendment prevailed.

Senator Cones moved to strike out thirty-nine dollars and inserting twenty dollars.

Senator Doud moved to amend the amendment by striking out twenty dollars and inserting ten dollars.

The amendment to the amendment prevailed, and the amendment as amended was adopted.

By consent "\$117,00" was stricken out, and "\$80,00" was inserted.

Senator Fairall moved to strike out section 15.

The motion prevailed.

Senator Hollman moved to strike out section 44.

Senator Griffith moved to amend section 44 by striking out "\$80,000" and inserting "\$20,000," on which question the yeas and nays were demanded by Senator Richards.

The yeas were Senators Bennett, Bill, Casady, Doud, Griffith, Hedges, Johnson, McMillan, Oliver, Parvin, Powers, Rice, Smith, Traverse, Walden, Wolf—16.

The nays were Senators Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Patterson, Pierce, Reed, Richards, Robertson, Smyth, Tuttle, Woolson, Wright—30.

Absent but not excused, Senators Hawley and Needham.

So the motion did not prevail.

The question being on the motion to strike out section 44, the yeas and nays were demanded by Senator Hollman.

The yeas were Senators Bennett, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Grimes, Hamilton, Hollman, Johnson, Keller, Knoll, Larrabee, Mitchel, Newell, Parvin, Patterson, Pierce, Rice, Richards, Robertson, Smith, Smyth, Traverse, Walden, Woolson, Wright—28.

The nays were Senators Bill, Casady, Cattell, Donnan, Dunham,

Griffith, Hedges, Larimer, Long, Matthies, Meyer, McMillan, Moore, Oliver, Powers, Reed, Tuttle, Wolf—18.

Absent, but not excused, Senators Hawley and Needham.

So the motion prevailed.

Senator Smyth offered the following as an additional section :

SEC. 44. That one thousand dollars per annum for two years is hereby appropriated to the Governor for the purpose of renting a suitable house at the capital of the State, provided he shall reside there.

The amendment was not adopted.

Senator Parvin moved to strike out section 48, which was agreed to.

Senator Hawley moved to strike out section 49, which was agreed to.

Senator Richards moved to strike out section 50, which was agreed to.

Senator Fairall moved to reconsider the vote by which section 15 was stricken out, which was not agreed to.

Senator Smyth moved to suspend the rule and read the bill a third time now.

Senator Richards moved to strike out section 16, on which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bennett, Casady, Chapin, Jones, Donnan, Dunham, Fellows, Griffith, Grimes, Hawley, Hollman, Keller, Knoll, Larrabee, Moore, Needham, Oliver, Parvin, Patterson, Pierce, Powers, Richards, Smyth, Traverse, Tuttle, Walden, Woolson, Wright—28.

The nays were Senators Bill, Cattell, Doud, Fairall, Farwell, Hamilton, Hedges, Johnson, Larimer, Long, Matthies, Meyer, McMillan, Newell, Reed, Rice, Smith, Wolf—13.

Absent but not excused, Senators Mitchel and Robertson.

So the motion prevailed.

The following message was received from the House :

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

House File No. 267, A bill for an act to legalize the acts of Thomas M. Atherton, a notary public.

House File No. 291, A bill for an act fixing the salary of the State Treasurer.

House File No. 196, A bill for an act to increase the duties and compensation of the Superintendent of Public Instruction.

I herewith return to the Senate the following bill, which has passed the Senate without amendment :

Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting.

The House has also passed joint resolution in regard to notaries public, which I herewith return to the Senate without amendment.

I am also directed to inform your Honorable Body that the House has passed the following bill without amendment :

Senate File No. 174, A bill for an act to legalize the action of Mitchell county, providing for equalizing the bounty of soldiers, in said county, and authorizing the levy of a tax to pay the same.

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

House File No. 261, A bill for an act to amend section 13, chapter 172, of the acts of the Ninth General Assembly, entitled an act to amend and consolidate an act passed by the board of education, December 24, 1859.

House File No. 290, A bill for an act in relation to revenue, and taxing the property of express and telegraph companies.

House File No. 254, A bill for an act to provide for the greater security of the permanent school fund; and to increase its productiveness.

House File No. 397, A bill for an act abolishing distinctions between foreigners and citizens as to the acquisition, enjoyment and transfer of property.

House File No. 289, A bill for an act to authorize the Secretary of State to exchange copies of the Supreme Court reports for other books of law and equity.

House File No. 206, A bill for an act repealing section 7, chapter 129, of the laws of the Ninth General Assembly, and to provide for the recovery and payment of certain claims for military supplies furnished to troops raised in this State for the United States service by any county, city, town, or corporation.

The House has also passed Senate File No. 231, A bill for an act to provide additional compensation for clerks of the District Court, and to allow deputies to act as clerks of the Circuit Court, without amendment.

The House has also concurred in the Senate amendments to the following bills :

House File No. 353, A bill for an act to legalize certain acts of the town council of Corydon, Wayne county, in the levy of a town tax.

House File No. 323, A bill for an act to legalize the acts of the North-Western Mining Company.

House File No. 247, A bill for an act to protect crops against the invasions of stock.

I also herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 239, A bill for an act providing for the legalization of certain official acts of Wm. Tiede, a notary public of Clayton county.

House File No. 241, A bill for an act to legalize the acts of Jonathan Oglesbee, recorder of Clayton county.

House File No. 268, A bill for an act to legalize the official acts of James Hagerman, a notary public of Lee county.

House File No. 262, A bill for an act to amend section 430 of the Revision of 1860.

House File No. 26, A bill for an act to promote the collection of revenue of incorporated cities and towns acting under special charters.

House File No. 361, A bill for an act supplemental to an act entitled an act for establishing Circuit and General Term Courts, and to define the powers and jurisdiction thereof.

House File No. 3, A bill for an act to legalize the acts of Wilson Throckmorton, lately a justice of the peace of Clarke county, Iowa.

House File No. 374, A bill for an act fixing the time of holding District Courts in the Fifth Judicial District.

House File No. 112, A bill for an act to amend section 58, chapter 172, of the acts of the Ninth General Assembly.

House File No. 271, A bill for an act to legalize, confirm, and carry out a contract between the Dubuque and Sioux City Railroad company, etc., and to extend the time for completing said railroad from Dubuque to Sioux City; to grant certain lands to the Dubuque, Bellvue and Sabula Railroad Company for the building of the Tete de Morts branch, and for other purposes.

House File No. 260, A bill for an act to legalize the notarial acts of Josephus Eastman, a notary public of Powesheik county.

House File No. 138, A bill for an act to enable railroad corporations to take and hold real estate for the purpose of constructing and maintaing dams and reservoirs to hold water to supply engines, and for the purpose of laying down pipes to supply water for the use of engines.

House File No. 190, A bill for an act to legalize the acts of the board of supervisors of Ida county in conveying certain swamp lands as bounties to soldiers.

House File No. 78, A bill for an act to provide for the adjustment of claims of the First Iowa Cavalry.

House File No. 198, A bill for an act to legalize the acts of D. D. Miracle, a notary of Hamilton county.

House File No. 309, A bill for an act to amend section 642 of the Revision of 1860.

Substitute for House File Nos. 110 and 149, A bill for an act to protect game.

House File No. 26, A bill for an act to promote the collection of revenue in incorporated cities and towns acting under special charters.

Joint resolution in relation to the appointment of trustees for the State Reform School.

M. C. WOODRUFF, Chief Clerk.

The question being on the motion to suspend the rule and read the

bill a third time now, the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Smith, Smyth, Traverse, Tuttle, Walden, Wolf—39.

The nays were Senators Cones, Hollman, Knoll, Rice, Richards, Wright—6.

Absent but not excused, Senators Hedges, Robertson and Woolson.

The bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills without amendment, which I herewith return :

Senate substitute for House File No. 156, A bill for an act to amend sections 1575 and 1576, of the Revision of 1860, in regard to permits for the sale of intoxicating liquors.

Substitute for Senate File Nos. 55, 113 and 125, A bill for an act to legalize the acts of W. Moershall and others, notaries public in the State of Iowa.

Senate substitute for Senate File No. 20, A bill for an act to legalize certain acts of James Foster, a justice of the peace in Guthrie county, Iowa.

M. C. WOODRUFF, Chief Clerk.

Senator Fairall, from Committee on Incorporations, introduced the following :

Senate File No. 240, A bill for an act to constitute mayors of cities of the second class presiding officers of the city council thereof.

Read first and second time, and on motion of Senator Fairall, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Patterson, Powers, Reed, Richards, Robertson, Smyth, Traverse, Tuttle, Wolf, Woolson, Wright—39.

The nays were none.

Absent but not excused, Senators Dunham, Fellows, Hedges, Johnson, Parvin, Pierce, Rice, Smith and Walden.

So the bill passed, and the title was agreed to.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report :

The Committee on Enrolled Bills would report that they have this

day presented to the Governor Senate File Nos. 13, 148, 149, 220 and 228. Also, joint resolution appointing trustees for the Institute for the Blind.

HAWLEY, Chairman.

On motion of Senator Fairall, the order of business was suspended for the purpose of taking up

HOUSE MESSAGES.

House File No. 378, A bill for an act making appropriations for the payment of the salaries of the State and judicial officers, interest on the State bonds, and for other purposes therein designated, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 306, A bill for an act apportioning the State of Iowa into representative districts and declaring the ratio of representation, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 340, A bill for an act to amend chapter 172, section 78, of the laws of the Ninth General Assembly, was read first and second time. and referred to Committee on Arrangement of Business.

House File No. 368, A bill for an act to legalize the proceedings had to incorporate the town of Toledo, Tama county, Iowa, and to legalize the acts of officers of said town, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 312, A bill for an act for the relief of Silas Perkins, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 345, A bill for an act in relation to the State Historical Society, was read first and second time, and referred to Committee on Arrangement of Business.

House concurrent resolution in relation to the distribution of Supreme Court Reports and Hammond's Digest, was taken up, read and referred to Committee on Arrangement of Business.

House File No. 254, A bill for an act to provide for the greater security of the permanent school fund, and to increase its productivity.

Read first and second time, and referred to Committee on Arrangement of Business.

House File No. 261, A bill for an act to amend section 13, of chapter 172, of the acts of the Ninth General Assembly.

Read first and second time, and referred to same committee.

House File No. 379, A bill for an act abolishing all distinctions between foreigners and citizens, as to the acquisition, enjoyment and transfer of property.

Read first and second time, and referred to same committee.

House File No. 196, A bill for an act to increase the duties of the Superintendent of Public Instruction, and to provide additional compensation therefor.

Read first and second time, and referred to same committee.

House File No. 291, A bill for an act fixing the compensation of the State Treasurer.

Read first and second time, and referred to same committee.

House File No. 267, A bill for an act to legalize the acts of Thomas M. Atherton, a notary public.

Read first and second time, and referred to same committee.

House File No. 289, A bill for an act to authorize the Secretary of State to exchange copies of the Supreme Court Reports for such other books on law and equity as the Supreme Court may elect, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 206, A bill for an act repealing section 7 of chapter 129 of the laws of the Ninth General Assembly, and to provide for the recovery and payment of certain claims for military supplies furnished to the troops raised in the State for the service of the United States by any county, city, town, or other corporation, was read first and second time, and referred to Committee on Arrangement of Business.

House File No. 290, A bill for an act in relation to revenue and taxing the property of express companies and telegraph companies, was read first and second time, and referred to Committee on Arrangement of Business.

On motion of Senator Donnan, the Senate adjourned until 2½ o'clock P. M.

TWO AND ONE-HALF O'CLOCK P. M.

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

INTRODUCTION OF BILLS.

Senator Woolson, from Committee on Charitable Institutions, introduced Senate File No. 241, A bill for an act providing for further immediate accommodation for the insane.

Read first and second time.

Senator Woolson moved to suspend the rule and read the bill a third time now.

Senator Fellows moved to lay the bill on the table, on which question the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Fairall, Fellows, Griffith, Grimes, Larimer, McMillan, Mitchel, Moore, Oliver, Patterson, Smyth, Wolf—13.

The nays were Senators Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Newell, Parvin, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Woolson, Wright—32.

Absent but not excused, Senators Johnson, Meyer and Needham. So the motion did not prevail.

The question being on the motion to suspend the eleventh rule, and read the bill a third time now, the yeas and nays were demanded by Senator Fairall.

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Farwell, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Needham, Newell, Parvin, Pierce, Reed, Robertson, Smith, Traverse, Walden, Woolson, Wright—26.

The nays were Senators Cattell, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Larimer, McMillan, Mitchel, Moore, Oliver, Patterson, Powers, Rice, Richards, Smyth, Tuttle, Wolf—20

Absent but not excused, Senators Johnson and Meyer.

So the motion not having received a two-thirds majority, did not prevail.

The bill was then referred to Committee on Arrangement of Business.

Senator Hawley from Committee on Railroads, introduced Senate File No. 242, A bill for an act to encourage the investment of capital in railroads in the State of Iowa.

Read first and second time.

Senator Hawley moved to suspend the eleventh rule, and read the bill a third time now.

Senator Donnan moved to amend 1st section by striking out "twelve" and inserting "eight."

Senator Larimer moved to amend the amendment by striking out "eight" and inserting "six."

On which question the yeas and nays were demanded by Senator Doud.

The yeas were, Senators Bennett, Bill, Doud, Farwell, Grimes, Hamilton, Keller, Larimer, Matthies, Meyer, McMillan, Needham, Newell, Parvin, Pierce, Smith, Smyth, Traverse, Wolf—19.

The nays were, Senators Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Fellows, Griffith, Hawley, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Tuttle, Walden, Woolson, Wright—29.

So the motion did not prevail.

The question recurring on the motion to strike out "12," and inserting "8," Senator Farwell moved to amend the amendment by striking out "8" and inserting "7," which was not agreed to.

The question recurring on the motion to strike out "12" and insert "8," the yeas and nays were demanded by Senator Cones.

The yeas were Senators Bennett, Cattell, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Johnson, Knoll, Long, McMillan, Mitchel, Moore, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Tuttle, Walden, Wolf, Woolson—30.

The nays were Senators Bill, Casady, Chapin, Griffith, Hamilton, Hawley, Hedges, Hollman, Keller, Larrabee, Matthies, Meyer, Needham, Newell, Pierce, Smyth, Wright—16.

Absent but not excused, Senator Larimer.

The motion was agreed to.

Senator Wolf moved to amend section 9 by inserting after the word "preventing," the following: "any such road from making any discrimination against the commerce of the State in their charges for carrying freight and passengers, which was agreed to.

The question being on the motion to suspend the eleventh rule and read the bill a third time now, the yeas and nays were demanded by Senator Hamilton.

The yeas were Senators Casady, Cattell, Chapin, Cones, Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Knoll, Long, Mitchel, Moore, Oliver, Patterson, Powers, Reed, Rice, Richards, Tuttle, Walden, Wolf, Woolson—29.

The nays were Senators Bennett, Bill, Doud, Hamilton, Johnson, Keller, Larimer, Larrabee, Matthies, Meyer, McMillan, Needham, Newell, Parvin, Pierce, Robertson, Smyth, Traverse, Wright—19.

Absent, but not excused, Senator Smith.

So the motion not having received a two-third majority, did not prevail.

The bill was referred to Committee on Arrangement of Business.

Senator Parvin from Committee on Claims, introduced Senate File No. 243, A bill for an act to compensate George Cowie for services rendered as state agent in obtaining soldiers' bounty.

Read first and second time.

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

On the question "Shall the bill pass?"

The yeas were, Senators Bill, Cattell, Chapin, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Hedges, Hollman, Johnson, Larimer, Long Matthies, Meyer, McMillan, Needham, Newell, Patterson, Pierce, Reed, Rice, Robertson, Smith, Wolf, Wright—27.

The nays were, Senators Bennett, Casady, Cones, Donnan, Dunham, Grimes, Keller, Knoll, Larrabee, Moore, Oliver, Powers, Richards, Smyth, Traverse, Tuttle, Woolson — 17.

Absent but not excused, Senators Doud, Mitchel, Parvin, Walden. So the bill not having received a two-third majority, was rejected. The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed the following bills without amendment:

Senate File No. 233, A bill for an act to repeal section 16, chapter 173, laws of Ninth General Assembly, regulating the levy and collection of tax on gross receipts of railroad companies and to enact a substitute therefor.

Senate File No. 216, A bill for an act to annex certain lands to sub-district No. 1, Center township, Wapello county, Iowa, for all school and school-house purposes.

Senate File No. 236, A bill for an act to legalize the acts of Charles Hall, a justice of peace of Webster county, Iowa.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 156, A bill for an act to amend section 1575 and 1576 of the Revision of 1860, in relation to permits for the sale of intoxicating liquors.

House File No. 46, A bill for an act to legalize the official acts of Samuel R. Coons, a notary public in Clayton county.

House File No. 323, A bill for an act to legalize the acts of the Northwestern Mining Company.

House File No. 213, A bill for an act to legalize the official acts of John R. Nisley, a notary public of Muscatine county, Iowa.

House File No. 359, A bill for an act to legalize the notarial acts of Thomas Cavanaugh of Polk county.

House File No. 353, A bill for an act to legalize certain acts of the council of the town of Corydon, Wayne county, Iowa, in the levy of a town tax on the property in said town of Corydon.

S. A. FLANDERS, Assistant Clerk.

RESOLUTIONS.

Senator Smyth offered the following, which was adopted:

Resolved, That Joseph Ivers be allowed the sum of four dollars per day for his services as paper-folder, during this session of the General Assembly.

Senator McMillan offered the following:

Resolved, by the Senate of the State of Iowa, That the messengers of the Senate shall receive as compensation for their services as

messengers, the sum of two dollars and fifty cents per day, to be paid on the certificate of the Secretary.

On which question the yeas and nays were demanded by Senator Smyth.

The yeas were Senators Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Grimes, Hedges, Hollman, Johnson, Knoll, Long, Matthies, McMillan, Mitchel, Reed, Rice, Richards, Smith, Smyth, Traverse, Tuttle—25.

The nays were Senators Bennett, Bill, Farwell, Griffith, Hamilton, Hawley, Keller, Larimer, Larrabee, Meyer, Moore, Needham, Newell, Oliver, Parvin, Pierce, Powers, Robertson, Walden, Wolf, Woolson, Wright—22.

Absent but not excused, Senator Patterson.

So the motion prevailed.

HOUSE MESSAGES.

House File No. 106, A bill for an act to amend section 1055 of the Revision of 1860.

Read first and second time, and referred to Committee on Arrangement of Business.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate amendments to the following bills :

House File No. 162, A bill for an act relating to the acknowledgment and recording of deeds in certain cases.

House File No. 326, A bill for an act to destroy Canada thistles.

House File No. 300, A bill for an act defining the duties of county treasurers.

House File No. 29, A bill for an act changing the time of holding court in Waverly, Bremer county.

Substitute for House File No. 60, A bill for an act to provide for the payment of witness fees and juror fees, in State cases.

I am also directed to inform the Senate that the House has concurred in the Senate amendment to House joint resolution relative to employment of assistant-postmaster to work one week after adjournment.

The concurrence of the Senate is asked to the following bills :

House File No. 106, A bill for an act to amend section 1055, of the Revision of 1860.

I herewith return the following bill which has passed the House without amendment :

Senate File No. 198, A bill for an act relating to the publication of notices and proceedings in newspapers, published in the foreign languages.

M. C. WOODRUFF, Chief Clerk.

REPORTS OF COMMITTEES.

Senator Wright, from Committee on Agriculture, submitted the following report:

The Committee on Agriculture have had House File No. 4, A bill for an act providing for the further prosecution of the geological survey of the State, under consideration, and a majority have instructed me to recommend the following amendment, and when so amended, that the bill do pass:

Strike out of section 1 the words, "the further prosecution of", and insert "completing"; add after "appropriated" in fourth line, "for the term of two years"; add to section one the words "and vouchers approved by the Census Board, and filed with the Auditor of State".

Strike out section 2, and insert the following in lieu thereof:

"The state geologist is hereby required to complete the geological survey of the State on or before the first day of January, 1870, and to prepare a full and complete report of said survey, accompanied by such maps and drawings as may be necessary to illustrate the same, and transmit them to the Governor, who shall lay a copy of such reports before the next General Assembly.

JAMES D. WRIGHT, Chairman.

Also, the following:

A majority of the Committee on Agriculture, to whom was referred House File No. 365, An act for the relief of Jacob Reichard, and to enable him to complete the Iowa State Agricultural College Building, direct me to report the bill back and, recommend that it do pass.

JAMES D. WRIGHT, Chairman.

Ordered, that the reports pass on file.

Senator Larrabee from select committee on memorial of C. C. Cole submitted the following report:

To the General Assembly of the State of Iowa: The undersigned, the joint committee of both Houses, to whom was referred the memorial of the Hon. C. C. Cole, late president of the Iowa Soldiers' Orphans Home, to enquire whether there has been any misappropriation by him of the funds of that institution, beg leave to report that they have performed that duty so far as attention to other pressing duties would permit. As the funds by which the institution was started were raised by many different persons, at many different places, and a considerable amount from soldiers in camp during the rebellion—as much was sent by mail from persons whose residence can not now be ascertained, it was wholly impracticable to make any further investigation than was made by your committee.

After organizing, your committee had several meetings, and invited W. S. Peterson, the editor of the article referred to in the memorial thereto; he failed to attend, and then your committee gave notice in

the daily papers of Des Moines that they would meet at the Supreme Court room at the capitol on the tenth day of March, A. D. 1868, and also subpoenaed W. S. Peterson.

At the time and place aforesaid, the only persons who appeared were Judge Cole, Rev. P. P. Ingalls, B. F. Allen, Esq., who severally testified to the correctness of the treasurer's report accompanying the memorial. Messrs. Cole and Ingalls also testified that they had honestly and properly paid over and accounted for all moneys which had come into their hands for the benefit of the said institution and that no other moneys came into the hands of said Cole than as shown by the treasurer's report. B. F. Allen, treasurer of said institution, also testified that the rumor referred to in the newspaper article mentioned in the memorial had its origin in Judge Cole's having within the last year erected a large and expensive family residence, the cost of which was beyond his supposed means. Mr. Allen further stated that from having been the banker of Judge Cole for several years last past he knew the sources from which the money came with which the building was erected, and that these sources were the sale of Judge Cole's previous residence, and other real estate, and two loans which the said Allen had negotiated for Judge Cole. Mr. Allen also stated that said rumor had no other pretense for its basis than the erection of said residence by said Cole.

Mr. Peterson appeared before the chairman of the committee and stated that he had no knowledge of the matter referred to in the newspaper article, except general rumor, and that he was unable to throw any light upon the subject. Judge Cole also produced for examination, and which were examined by your committee, his vouchers as President of the Home.

Your committee have taken much pains to gain information upon the subject referred to them, and in conclusion state that the testimony of Messrs. Cole, Ingalls and Allen, was, by the committee, taken as true, as the same was wholly uncontradicted; and they therefore report that there appears to be no foundation for the rumor aforesaid, and nothing in any way to impeach the integrity of Judge Cole, Mr. Ingalls, or any other person connected with the institution.

WM. LARRABEE,

On the part of the Senate.

S. H. CRAIG,	} On the part of the House.
T. S. WILSON,	
R. M. BURNETT,	

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The committee on enrolled bills would report that they have examined Senate File Nos. 4, 42, 82, 136, 174, 199, 224, and 231. Also, joint resolution authorizing the Secretary of State to make

certain changes in notarial commissions, and find the same correctly enrolled.

HAWLEY, Chairman.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has amended the following bill, in which the concurrence of the Senate is asked :

Senate File No. 239, A bill for an act making appropriation for the *per diem* and expenses of the Twelfth General Assembly, and for other purposes, the amendments being herewith submitted.

M. C. WOODRUFF, Chief Clerk.

BILLS ON THIRD READING.

Senate File No. 169, A bill for an act to provide for county auditors, and to define their powers and jurisdiction thereof, and making county judges *ex officio* county auditors, with House amendments, was considered.

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

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Johnson, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Parvin, Pierce, Powers, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—35.

The nays were, Senators Cones, Grimes, Hamilton, Hedges, Hollman, Oliver, Wright—7.

Absent but not excused, Senators Dunham, Hawley, Knoll, Patterson, Reed and Rice.

So the House amendments were concurred in.

Senate File No. 203, A bill for an act fixing the compensation of future General Assemblies, with House amendments, was considered.

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

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson—38.

The nays were Senators Hollman, Moore, Parvin, Wright—4.

Absent but not excused, Senators Knoll, Larimer, Patterson, Pierce and Rice.

So the House amendments were concurred in.

Substitute for House File No. 111, A bill for an act making all public streets in towns and villages not incorporated, a part of the public highway, was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Casady, Cattell, Chapin, Cones,

Donnan, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hedges, Hollman, Keller, Long, McMillan, Mitchel, Parvin, Reed, Smyth, Traverse, Tuttle, Wright—25.

The nays were, Senators Doud, Hamilton, Johnson, Knoll, Matthies, Moore, Newell, Oliver, Pierce, Richards, Robertson, Smith, Walden, Wolf, Woolson—15.

Absent but not excused, Senators Bill, Larimer, Larrabee, Meyer, Needham, Patterson, Powers and Rice.

The bill passed, and the title was agreed to.

Senate File No. 239, A bill for an act making appropriation for the *per diem* of members, officers, and employes of the Twelfth General Assembly, and for other purposes, with House amendments, was considered.

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

The yeas were Senators Hedges, Reed—2.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—44.

Absent, but not excused, Senators Johnson and Rice.

So the Senate refused to concur in House amendments.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has concurred in the Senate amendments to House File No. 131, A bill for an act in addition to an act entitled an act for the incorporation and government of the Hospital for the Insane.

M. C. WOODRUFF, Chief Clerk.

BILLS ON SECOND READING.

House File No. 306, A bill for an act apportioning the State into representative districts, and declaring the ratio of representation, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Johnson, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Wright—41.

The nays were Senators Fairall, Hollman, Richards, Traverse, Woolson—5.

Absent but not excused, Senators Keller and Rice.

So the bill passed, and the title was agreed to.

House File No 378, A bill for an act making appropriation for the payment of the salaries of the State and judicial officers, interest on State bonds, and for other purposes, was considered.

Senator Bennett moved to amend section 4 by striking out "sixteen" and inserting "ten," which was disagreed to.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hedges, Johnson, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf, Woolson, Wright—41.

The nays were Senators Cones, Hollman, Knoll, Larimer—4.

Absent but not excused, Senators Hamilton, Hawley and Pierce.

So the bill passed, and the title was agreed to.

House File No. 345, A bill for an act in relation to the State Historical Society, was considered.

Senator Smyth moved to amend section 1 by striking out "three thousand dollars" and inserting "one thousand dollars."

On which question the yeas and nays were demanded by Senator Woolson.

The yeas were Senators Bill, Grimes, Keller, Larimer, Oliver, Parvin, Smith, Smyth, Traverse, Woolson, Wright—11.

The nays were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Hedges, Hollman, Johnson, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Moore, Needham, Newell, Patterson, Powers, Reed, Rice, Richards, Robertson, Tuttle, Walden, Wolf—31.

Absent but not excused, Senators Dunham, Hamilton, Hawley, Mitchel and Pierce.

So the motion did not prevail.

Senator Fairall moved to suspend the rule, and read the bill a third time now.

On which question the yeas and nays were demanded by Senator Smyth.

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Johnson, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Reed, Rice, Richards, Wolf, Wright—30.

The nays were Senators Bill, Grimes, Keller, Larimer, Larrabee,

Needham, Oliver, Parvin, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Woolson—15.

Absent, but not excused, Senators Dunham, Hamilton, and Pierce. The motion prevailed.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Hawley, Hedges, Hollman, Johnson, Knoll, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Powers, Reed, Rice, Richards, Tuttle, Wolf—30.

The nays were Senators Bill, Grimes, Keller, Larimer, Larrabee, Needham, Oliver, Parvin, Robertson, Smith, Smyth, Traverse, Walden, Woolson, Wright—15.

Absent, but not excused, Senators Dunham, Hamilton, and Pierce.

Senator Woolson raised a point of order that this is a bill requiring a two-third vote.

The Chair decided the point not well taken.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House has refused to recede from its amendments to Senate File No. 239, A bill for an act making appropriation for the *per diem* and expenses of the Twelfth General Assembly, and for other purposes, and asks for the appointment of a committee of conference on the part of the Senate, to confer with the following committee appointed by the House, to-wit: Messrs. Dudley, Wilcox and McNutt.

M. C. WOODRUFF, Chief Clerk.

By leave, and on motion of Senator Smyth, House File No. 272, A bill for an act to provide for the taxation of the shares of National Banks, was taken up and considered.

Senator Woolson moved to strike out section 2.

The motion did not prevail.

Senator Bennett moved to suspend the rule, and read the bill a third time now, which motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Johnson, Knoll, Larimer, Long, Matthies, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Powers, Reed, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wolf,—37.

The nays were, Senator Woolson.

Absent but not excused, Senators Dunham, Hamilton, Hedges, Keller, Larrabee, Meyer, Pierce, Rice and Wright.

So the bill passed, and the title was agreed to.

Senator Larimer moved to adjourn until eight o'clock, P. M.

Senator Patterson moved to amend by striking out "eight," and inserting "seven and one-half," which was not agreed to.

The motion then prevailed, and the Senate adjourned until eight o'clock this P. M.

EIGHT O'CLOCK P. M.

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

The following message was received from the House :

MR. PRESIDENT :—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Senate File No. 174, A bill for an act to legalize the action of Mitchell county, providing for equalizing the bounty of soldiers in said county, and to authorize the levy of a tax.

Senate File No. 42, A bill for an act for the registry of electors, and to prevent fraudulent voting.

Senate File No. 186, A bill for an act in relation to the sale of intoxicating liquors in incorporated cities and towns.

Senate File No. 82, A bill for an act for the encouragement of agriculture, and to provide for the distribution of reports of the State Agricultural Society.

Senate File No. 224, A bill for an act to amend chapter 79, of the acts of the Eleventh General Assembly, entitled "An act providing for the adjustment of certain land claims with the General Government."

Senate File No. 199, A bill for an act granting the right of way for the construction of bridges.

Senate File No. 231, A bill for an act to provide for the compensation of clerks of the District and Circuit Courts, and to allow the deputy clerk to act as clerk of the Circuit Court.

Senate File No. 4, A bill for an act to provide for the election of township collectors, and to define their powers and duties.

Joint resolution in regard to notaries public.

M. C. WOODRUFF, Chief Clerk.

BILLS ON SECOND READING.

House File No. 307, A bill for an act to authorize cities of the first and second class to establish fire limits, was considered, and on motion of Senator Reed the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bill, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Newell, Patterson, Pierce, Powers, Reed, Rice, Robertson, Smith, Smyth, Traverse, Tuttle, Wolf, Wright—34.

The nays were, Senator Richards—1.

Absent but not excused, Senators Bennett, Casady, Cones, Donnan, Griffith, Hawley, Johnson, Moore, Oliver, Parvin, Walden and Woolson.

So the bill passed, and the title was agreed to.

House File No. 206, A bill for an act repealing section 7, chapter 129, of the laws of the Ninth General Assembly, and to provide for the recovery and payment of certain claims for military supplies furnished to troops raised in this state for the United States service by any county, city, town or corporation, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Smith, Smyth, Wolf, Wright—35.

The nays were none.

Absent but not excused, Senators Bennett, Cones, Donnan, Griffith, Johnson, Needham, Oliver, Robertson, Traverse, Tuttle, Walden and Woolson.

So the bill passed, and the title was agreed to.

House File No. 289, A bill for an act to authorize the Secretary of State to exchange copies of the Supreme Court Reports for other books of law and equity, was considered, and on motion the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Doud, Dunham, Fairall Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Wolf, Wright—41.

The nays were none.

Absent but not excused, Senators Donnan, Johnson, Oliver, Tuttle, Walden and Woolson.

So the bill passed, and the title was agreed to.

House File No. 196, A bill for an act to increase the duties and compensation of the Superintendent of Public Instruction, was considered, and on motion the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Cones, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Fierce, Reed, Rice, Robertson, Smith, Smyth, Wolf—34.

The nays were Senators Chapin, Farwell, Parvin, Patterson, Richards, Traverse, Tuttle, Wright—8.

Absent but not excused, Senators Donnan, Johnson, Needham, Powers, Walden and Woolson.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, without amendments.

Senate File No. 27, A bill for an act to amend section 4296 of the Revision of 1860, relating to resisting officers.

Senate File No. 165, A bill for an act to amend section 3851 of the Revision of 1860, allowing suit to be brought in the township where the plaintiff resides.

Senate File No. 198, A bill for an act supplementary to article 1, chapter 55 of the Revision of 1860, relating to private property for public use.

Senate File No. 240, A bill for an act constituting mayors of cities of the second class presiding officers thereof.

The House has also passed House File No. 362, A bill for an act to amend section 901 of the Revision of 1860, in which the concurrence of the Senate is asked.

Also, Senate File No. 179, A bill for an act apportioning the State into Senatorial Districts, with amendments as noted thereon, in which the concurrence of the Senate is asked.

M. C. WOODRUFF, Chief Clerk.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 169, 193, 203, 216, 233, and 236, and find the same correctly enrolled.

HAWLEY, Chairman.

Senator Smith asked for leave of absence for Senator Johnson, which was granted.

House File No. 290, A bill for an act in relation to revenue, and taxing the property of express companies and telegraph companies, was considered, and on motion the rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton,

Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Oliver, Patterson, Pierce, Powers, Rice, Richards, Robertson, Smyth, Tuttle, Wright—85.

The nays were Senators Cattell, Farwell, Parvin, Smith, Wolf—5.

Absent, but not excused, Senators Hawley, Newell, Beed, Traverse, Walden, Woolson.

So the bill passed, and the title was agreed to.

House File No. 379, A bill for an act abolishing distinctions between foreigners and citizens as to the acquisition, enjoyment, and transfer of property, was considered.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Hedges, Keller, Knoll, Larimer, Larrabee, Long, Matthies, McMillan, Mitchel, Moore, Newell, Rice, Smith, Walden, Wolf, Wright—31.

The nays were Senators Hollman, Oliver, Patterson, Powers, Reed, Richards, Robertson, Traverse, Woolson—9.

Absent, but not excused, Senators Fellows, Meyer, Needham, Parvin, Pierce, Smyth, and Tuttle.

So the bill passed, and the title was agreed to.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have examined Senate File Nos. 27, 55 and 167, and find the same correctly enrolled.

The Committee on Enrolled Bills would also report that they have this day presented to the Governor for his approval Senate File Nos. 4, 42, 82, 136, 174, 199, 224 and 281.

Also joint resolution authorizing the Secretary of State to make certain changes in issuing notarial commissions.

HAWLEY, Chairman.

House File No. 4, A bill for an act for the further prosecution of the geological survey of the State was considered, and on motion the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Needham, Newell, Oliver, Parvin, Powers, Reed, Rice, Richards, Robertson, Smith, Traverse, Walden—34.

The nays were Senators Bill, Dunham, Grimes, Hamilton, Moore, Patterson, Pierce, Smyth, Wolf, Woolson, Wright—11.

Absent but not excused, Senators Tuttle and Hawley.

So the bill passed, and the title was amended and agreed to.

House File No. 267, A bill for an act legalizing the acts of Thomas M. Atherton, a notary public, was considered, and on motion the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Dunham, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Larrabee, Long, Mathies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Traverse, Tuttle, Walden, Wright—42.

The nays were Senators Farwell, Knoll, Larimer, Wolf, Woolson—5.

So the bill passed, and the title was agreed to.

The following message was received from the House:

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bills, in which the concurrence of the Senate is asked.

House File No. 160, A bill for an act to amend chapter 102 of the Revision of 1860 entitled marriages.

House File No. 274, A bill for an act enabling associations of persons to raise funds and loan the same for the building of homesteads.

The House has also passed the following bills, without amendment:

Senate File No. 24, A bill for an act for the more efficient collection of certain delinquent taxes.

Senate File No. 65, A bill for an act to protect the hop-growing interests of the State, and to indicate the sign of boxes used in picking hops.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 60, A bill for an act to provide for the payment of witness fees and juror fees in State cases.

House File No. 326, A bill for an act to destroy Canada thistles.

House File No. 300, A bill for an act requiring county treasurers to insert in tax receipts, the valuation of each piece of real estate.

House File No. 225, A bill for an act to legalize the notarial acts of certain notaries public of Polk county.

House File No. 20, A bill for an act to legalize certain acts of James Foster, a justice of the peace in Guthrie county.

House File No. 247, A bill for an act to protect crops against the invasion of stock.

House File No. 129, A bill for an act to regulate insurance companies.

Joint resolution, employing Geo. F. Work to forward the mails belonging to the members, for one week after the adjournment.

M. C. WOODRUFF, Chief Clerk.

House File No. 365, A bill for an act for the relief Jacob Reichard, and to enable him to complete the construction of the Iowa State Agricultural College Building, was considered, and on motion the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Casady, Chapin, Doud, Dunham, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Larrabee, Long, Matthies, McMillan, Mitchell, Moore, Patterson, Powers, Rice, Robertson, Tuttle, Wright—24.

The nays were Senators Bennett, Bill, Donnan, Hawley, Knoll, Larimer, Meyer, Needham, Newell, Oliver, Parvin, Reed, Richards, Smith, Smyth, Traverse, Walden, Wolf, Woolson—19.

Absent but not excused, Senators Cattell, Cones, Keller, Pierce.

So the bill passed, and the title was agreed to.

Substitute for House File No. 200, A bill for an act to regulate insurance companies, was considered.

Senator Cattell moved to amend section 4, first line, by inserting after the word "as" the words "State or General," and after the word "against" strike out words "or otherwise."

On which question the yeas and nays were demanded by Senator Parvin.

The yeas were Senators Bill, Cattell, Farwell, Oliver, Parvin, Reed, Smith, Smyth, Wolf, Woolson—10.

The nays were Senators Bennett, Casady, Chapin, Donnan, Doud, Fairall, Fellows, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Patterson, Pierce, Powers, Rice, Richards, Traverse, Tuttle, Walden—32.

Absent, but not excused, Senators Cones, Dunham, Larimer, Robertson, and Wright.

So the motion did not prevail.

Senator Parvin moved to indefinitely postpone the bill, and demanded the yeas and nays.

The yeas were, Senators Cattell, Farwell, Larimer, Matthies, Needham, Oliver, Parvin, Reed, Smith, Smyth, Wolf, Woolson, — 12.

The nays were, Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Pierce, Powers, Rice, Richards, Robertson, Traverse, Tuttle, Walden — 32.

Absent but not excused, Senators Dunham, Wright.

So the amendment did not prevail.

Senator Woolson moved to amend section 4 by inserting after the word "State," in the fifth line, the words "over and above all liabilities including in such liabilities the amount necessary to reinsure all outstanding risks," which was not agreed to.

Pending the consideration of this, the following message was received from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has refused to adopt the report of the conference committee of the two Houses upon their disagreement upon Senate File No. 289, and to request another conference, and that the House has appointed Messrs. Atwood, Rowell and Irish as managers on the part of the House.

M. C. WOODRUFF, Chief Clerk.

The President announced as committee on the part of the Senate on the disagreeing votes of the two Houses on Senate File No. 289, Senators Doud, Powers and Richards.

Senator Cattell offered the following amendment :

Section 12, line fifteen, after "provided" insert : "If in the judgment of the Auditor, any company organized under the laws of any other State, and doing business in this State, is in an unsafe condition, he shall so inform the president thereof through the general agent thereof, and it shall be the duty of such company, within sixty days from the time of service of such notice on the agent, to furnish to the Auditor the certificate of the insurance commissioner or Auditor of the State where such company is located, or of other State where such company's condition has been investigated, showing the true condition of such company and ".

On which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bill, Cattell, Cones, Farwell, Larimer, Larrabee, Long, Needham, Oliver, Parvin, Reed, Smith, Smyth, Walden, Wolf, Woolson—16.

The nays were Senators Bennett, Casady, Chapin, Donnan, Doud, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Pierce, Powers, Rice, Richards, Robertson, Tuttle, Wright—28.

Absent but not excused, Senators Dunham, Fairall and Traverse.

So the motion did not prevail.

Senator Cattell moved to amend section 11 by adding, "except to receive premiums on policies in force."

On which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bill, Cattell, Farwell, Larimer, Needham, Oliver, Parvin, Patterson, Reed, Robertson, Smith, Smyth, Woolson—14.

The nays were Senators Bennett, Casady, Cones, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Powers, Rice, Richards, Tuttle—27.

Absent but not excused, Senators Chapin, Dunham, Pierce, Traverse, Walden and Wright.

So the motion did not prevail.

Senator Cattell moved to strike out section 20.

On which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Bill, Cattell, Farwell, Larimer, Larrabee, Long, Needham, Oliver, Parvin, Patterson, Reed, Smith, Smyth, Walden, Wolf, Woolson, Wright—17.

The nays were Senators Bennett, Casady, Cones, Donnan, Doud, Fairall, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Pierce, Powers, Richards, Tuttle—25.

Absent but not excused, Senators Chapin, Dunham, Fellows, Robertson and Traverse.

So the motion did not prevail.

Senator Woolson moved to amend the 20th section by inserting in third line after the word "policies," "when made by the auditor."

On which question the yeas and naye were demanded by Senator Woolson.

The yeas were, Senators Bill, Cattell, Farwell, Larrabee, Long, Matthies, Needham, Oliver, Parvin, Robertson, Smith, Smyth, Walden, Wolf, Woolson, Wright—16.

The nays were, Senators Bennett, Casady, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larimer, Meyer, McMillan, Mitchel, Moore, Newell, Patterson, Pierce, Rice, Richards, Tuttle—25.

Absent but not excused, Senators Chapin, Cones, Dunham, Powers, Traverse, Reed.

So the motion did not prevail.

The following message was received from the House :

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

House File No. 333, A bill for an act to amend an act entitled an act in relation to the duties of railroad companies, approved April 8, 1862.

House File No. 163, A bill for an act to amend section 3304 of the Revision of 1860, exempting property from execution.

House File No. 275, A bill for an act to prevent the sale of illuminating oils inflammable at a less temperature than one hundred and ten degrees, Fahrenheit.

House File No. 179, A bill for an act conferring certain powers upon municipal corporations acting under special charters.

I also herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

Senate File No. 27, A bill for an act to amend section 4296 of the Revision of 1860, in relation to resisting officers.

Senate File No. 55, A bill for an act to legalize the acts of W. Moershall, and others, notaries public.

Senate File No. 233, A bill for an act to repeal section 16 of chapter 173, laws of the Ninth General Assembly, regulating the levy and collection of tax on gross receipts of railroad companies, and to enact a substitute therefor.

Senate File No. 165, A bill for an act to amend section 3851 of the Revision of 1860, allowing suits to be brought in the township where the plaintiff resides.

M. C. WOODRUFF, Chief Clerk.

Senator Hamilton moved to suspend the eleventh rule and read the bill a third time now, on which question the yeas and nays were demanded by Senator Smith.

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Needham, Newell, Patterson, Pierce, Powers, Rice, Richards, Robertson, Tuttle, Walden, Wright—34.

The nays were Senators Cattell, Farwell, Matthies, Oliver, Parvin, Reed, Smith, Smyth, Wolf, Woolson—10.

Absent but not excused, Senators Dunham, Larimer, Traverse.

So the motion prevailed, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Chapin, Donnan, Doud, Fairall, Fellows, Griffith, Grimes, Hamilton, Hawley, Hedges, Hollman, Keller, Larrabee, Long, Meyer, McMillan, Mitchel, Moore, Newell, Pierce, Powers, Rice, Richards, Robertson, Tuttle Walden—29.

The nays were Senators Cattell, Farwell, Knoll, Larimer, Matthies, Needham, Oliver, Parvin, Patterson, Reed, Smith, Smyth, Wolf, Woolson, Wright—15.

Absent but not excused, Senators Cones, Dunham and Traverse.

So the motion prevailed.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented to the Governor, for his approval, Senate File Nos. 169, 193, 203, 216, 233 and 236.

The Committee on Enrolled Bills would also report that they have this day presented to the Governor for his approval, Senate File Nos. 27, 55 and 165.

HAWLEY, Chairman.

Senator Walden moved to reconsider the vote by which House File No. 365, A bill for the relief of Jacob Reichard was lost.

Senator Reed moved to lay that motion on the table, and demanded the yeas and nays.

The yeas were Senators Bennett, Bill, Donnan, Hawley, Larimer,

Long, Meyer, Newell, Oliver, Parvin, Reed, Smith, Smyth, Traverse, Tuttle, Woolson—16.

The nays were Senators Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Matthies, McMillan, Mitchel, Moore, Needham, Patterson, Powers, Rice, Robertson, Walden, Wolf, Wright—29.

Absent but not excused Senators Dunham, Larrabee, Pierce and Richards.

The motion did not prevail.

The question recurring on the motion to reconsider, the motion prevailed.

On motion of Senator Wright, the vote by which the bill was ordered to a third reading, was reconsidered.

Senator Wright moved to strike out after the enacting clause, and insert—

SEC. 1 That there be, and is hereby appropriated out of any money not otherwise appropriated, to enable the building committee to complete the Iowa State Agricultural College Building, the sum of ten thousand dollars.

SEC. 2. The money shall be paid out as provided in chapter 112, laws of Eleventh General Assembly.

SEC. 3. The board of trustees are hereby authorized to pay Jacob Reichard, contractor for said building, all, or so much of the above as in their judgment is just and equitable.

Senator Woolson offered the following amendment :

The said board is authorized to settle with Jacob Reichard for all sums due him on contract, and for damages, if any, for neglect to furnish materials by the State, which was not agreed to.

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

The yeas were, Senators Bill, Hawley, Newell, Parvin, Smith, Smyth, Traverse, Walden, Wolf, Woolson—10.

The nays were, Senators Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Patterson, Powers, Rice, Robertson, Tuttle, Wright—29.

Absent but not excused, Senators Bennett, Dunham, Oliver, Pierce, Reed and Richards.

So the motion did not prevail.

Senator Fairall moved to add an additional section, as follows :

This act shall be in force and take effect from and after its publication in the *Iowa State Register* and the *Evening Statesman*, newspapers published at Des Moines, which was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body

that the House of Representatives has passed the following bill, without amendment, which I herewith return :

Senate File No. 234, A bill for an act to amend section 17, chapter 172, of the laws of the Ninth General Assembly.

The House has also concurred in the Senate amendments to House File No. 4, A bill for an act for the further prosecution of the geological survey of the State.

Senate File No. 183, A bill for an act authorizing the Register of the State Land Office to issue a new deed for certain lands to James Bones, in lieu of one issued to him January 29, 1851, in the name of James Bowen.

MR. PRESIDENT:—I herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Senate File No. 198, A bill for an act supplementary to article 1, of chapter 55, of the Revision of 1860, relating to taking private property for works of internal improvement.

Senate File No. 65, A bill for an act to protect the hop-growing interests of the State of Iowa.

Senate File No. 240, A bill for an act constituting mayors of cities of the second class presiding officers of the city council thereof.

Senate File No. 24, A bill for an act for the more effectual collection of certain delinquent taxes.

House File No. 306, A bill for an act apportioning the State into representative districts, and declaring the ratio of representation.

House File No. 29, A bill for an act to change the time of holding court in Waverly, Bremer county, and St. Charles, Floyd county.

House File No. 272, A bill for an act to provide for the taxation of the shares of national banks.

Senate File No. 193, A bill for an act relating to the publication of notices and proceedings in newspapers published in foreign languages.

Senate File No. 203, A bill for an act fixing the compensation of members of future General Assemblies.

Senate File No. 236, A bill for an act to legalize the acts of Charles Hall, a justice of the peace of Webster county.

Senate File No. 169, A bill for an act to provide for the election of county auditors, and to define their powers and duties, and making county judges *ex-officio* county auditors.

Senate File No. 216, A bill for an act to annex certain lands to sub-district number one, in Center township, Wapello county, Iowa, for all school and school-house purposes.

House File No. 307, A bill for an act to authorize, cities of the first and second classes to establish fire limits.

House File No. 162, A bill for an act relating to the acknowledg-

ment and recording of deeds in certain cases, and rendering valid the acknowledgment of deeds and instruments in writing.

House File No. 111, A bill for an act making all public streets in towns and villages not incorporated a part of the public highway.

House joint resolution authorizing the Secretary of State to subscribe for 500 copies of the Twenty-First volume of Iowa Reports.

House joint resolution instructing our congressional delegation to procure the passage of a law making post-masters distributing agents of revenue stamps.

I also herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 378, A bill for an act making appropriation for the payment of salaries of the State and judicial officers, interest on State bonds, and for other purposes therein designated.

House File No. 196, A bill for an act to increase the duties of the Superintendent of Public Instruction.

House File No. 345, A bill for an act in relation to the State Historical Society.

House File No. 289, A bill for an act to authorize the Secretary of State to exchange copies of the Supreme Court Reports for such other books on law and equity as the Supreme Court may select.

M. C. WOODRUFF, Chief Clerk.

The consideration of House File No. 365 was resumed.

Senator Newell moved to lay the bill on the table, which was not agreed to.

The question being on the adoption of the substitute, the yeas and nays were demanded.

The yeas were Senators Bill, Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Hamilton, Hedges, Hollman, Keller, Larimer, Long, Matthies, Meyer, McMillan, Moore, Needham, Oliver, Parvin, Patterson, Powers, Rice, Robertson, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—33.

The nays were Senators Bennett, Donnan, Grimes, Knoll, Mitchel, Newell, Smith, Traverse—9.

Absent, but not excused, Senators Dunham, Larrabee, Pierce, Reed, and Richards.

The substitute was adopted.

Senator Patterson moved to suspend the rule and read the bill a third time, on which question the yeas and nays were demanded.

The yeas were Senators Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Needham, Oliver, Patterson, Powers, Rice, Robertson, Tuttle, Walden, Wolf, Wright—33.

The nays were Senators Bennett, Bill, Hawley, Larimer, Newell, Parvin, Reed, Smith, Smyth, Traverse, Woolson—11.

Absent, but not excused, Senators Dunham, Pierce, and Richards. So the motion prevailed, and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Casady, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hedges, Hollman, Keller, Long, Matthies, McMillan, Mitchel, Moore, Needham, Patterson, Powers, Rice, Robertson, Tuttle, Walden, Wolf, Wright—28.

The nays were Senators Bennett, Bill, Donnan, Hawley, Knoll, Larimer, Meyer, Newell, Oliver, Parvin, Reed, Smith, Smyth, Traverse, Woolson—14.

Absent but not excused, Senators Dunham, Larrabee, Pierce and Richards.

Senator Newell raised the point of order that this is a bill requiring a two-third vote.

The question was submitted by the Chair to the Senate, and was decided in the negative.

So the bill passed, and the title was amended so as to read, "A bill for an act making further appropriations for the erection of the Iowa State Agricultural College building, and for the settlement of the claims of Jacob Reichard, the contractor therefor," and so amended was agreed to.

On motion of Senator Cattell, the Senate adjourned until 12½ o'clock A. M. to-morrow.

SENATE CHAMBER, DES MOINES, IOWA,
12½ o'clock A. M., April 8, 1868.

Senate convened pursuant to adjournment, and was called to order by the President *pro tem*.

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

BILLS ON THIRD READING.

Senate File No. 179, A bill for an act apportioning the State into senatorial districts with House amendments, was taken up.

The question being, "Shall the Senate concur in House amendments?"

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Fairall, Farwell, Griffith, Grimes, Hamilton, Hawley, Keller, Larimer, Larrabee, Long, Meyer, McMillan, Mitchel, Newell, Pierce, Reed, Rice, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Wright—29.

The nays were, Senators Casady, Cones, Fellows, Hollman, Knoll, Moore, Oliver, Parvin, Patterson, Woolson—10.

Absent but not excused, Senators Dunham, Hedges, Matthies and Traverse.

So the House amendments were concurred in.

BILLS ON SECOND READING.

House File No. 242, A bill for an act to prevent the importation of Texas or Southern cattle, and the spread of the so-called Texas or Spanish fever among the cattle of the State of Iowa, was considered, and on motion of Senator Wright the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Reed, Robertson, Smyth, Tuttle, Walden, Wolf, Wright—32.

The nays were, Senators Casady, Hollman, Keller, Smith, Woolson—5.

Absent but not excused, Senators Cones, Dunham, Hedges, Parvin, Rice and Traverse.

The bill passed, and the title was agreed to.

MESSAGE FROM THE HOUSE.

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

House File No. 98, A bill for an act to encourage emigration to the State of Iowa.

I have also to inform the Senate that the House has concurred in the Senate amendments to House File No. 865, A bill for an act for the relief of Jacob Reichard, and to enable him to complete the Iowa State Agricultural College Building.

Also, that the House requests that the Senate return Senate File No. 165, A bill for an act to amend section 3851 of the Revision of 1860.

M. C. WOODRUFF, Chief Clerk.

House File No. 291, A bill for an act fixing the salary of the State Treasurer, was considered, the rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Keller, Knoll,

Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Reed, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson, Wright—34.

The nays were Senator Hollman, Larimer—2.

Absent but not excused, Senators Bill, Cones, Dunham, Hamilton, Hedges, Rice and Traverse.

So the bill passed, and the title was agreed to.

Senate File No. 237, A bill for an act in relation to the salary of the Register of the State Land office, was taken up.

Senator Woolson moved to amend by striking out all relating to the employment of a clerk, which was agreed to.

The rule was then suspended, and the bill read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Farwell, Griffith, Grimes, Hamilton, Hawley, Keller, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Pierce, Reed, Richards, Robertson, Smith, Smyth, Tuttle, Walden, Wolf, Woolson—31.

The nays were Senators Cones, Hollman, Knoll, Patterson, Wright—5.

Absent but not excused, Senators Bill, Dunham, Fairall, Fellows, Hedges, Larimer, Rice and Traverse.

So the bill passed, and the title was agreed to.

House File No. 254, A bill for an act to provide for the greater security of the permanent school fund, and to insure its productiveness, was considered.

The rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Cattell, Chapin, Fairall, Farwell, Grimes, Hawley, Knoll, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Newell, Oliver, Parvin, Patterson, Richards, Robertson, Tuttle—21.

The nays were, Senators Casady, Cones, Donnan, Fellows, Griffith, Hamilton, Hollman, Keller, Larimer, Moore, Reed, Rice, Smith, Smyth, Walden, Woolson—16.

Absent but not excused, Senators Bennett, Dunham, Hedges, Pierce, Traverse, Wolf and Wright.

So the bill having failed to receive a constitutional majority, was lost.

The following message was received from the House :

MR. PRESIDENT: I am directed to inform your Honorable Body that the House of Representatives has passed the following bill, without amendment.

Senate File No. 237, A bill for an act in relation to the salary of the Register of the State Land Office.

I also herewith present for your signature the following bills,

which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 379, A bill for an act abolishing distinctions between foreigners and citizens as to the acquisition, enjoyment, and transfer of property.

House File No. 297, A bill for an act for the relief of Wm. Binnaman.

House File No. 267, A bill for an act to legalize the acts of Thomas M. Atherton.

M. C. WOODRUFF, Chief Clerk.

By unanimous consent, Senator Farwell from Committee on Ways and Means introduced Senate File No. 244, A bill for an act making further appropriation for the salary of the Register of the State Land Office, which was read first and second time.

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

On the question "Shall the bill pass."

The yeas were Senators Bennett, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Keller, Larimer, Larrabee, Long, Matthies, Meyer, McMillan, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Powers, Reed, Richards, Smith, Smyth, Tuttle, Walden, Wolf, Woolson—34.

The nays were Senators Casady, Hollman, Knoll, Wright—4.

Absent but not excused, Senators Bill, Cones, Hedges, Pierce, Rice and Robertson.

So the bill passed, and the title was agreed to.

Senator Powers from Committee on Conference submitted the following report:

To the Senate: The undersigned joint committee of conference on Senate File No. 339, report as follows:

Strike out section 15, claim of Jonathan C. Mitchel; section 16, claim of George Cowie; section 46, claim of J. A. Stright; section 49, claim of D. P. Greeley; section 50, claim of John Crew; section 65, claim of Evans & Shellerbarger; in section 6, strike out \$10, and insert \$30; in section 7, strike \$10, and insert \$40; in section 8, strike out \$30, and insert \$50; House to recede from its amendment to section 9; in section 30, strike out \$15, and insert \$30; House recede from its amendment to section 11; in section 12, strike out \$10, and insert \$20; and add additional section, as reported by committee.

ELIAB DOUD, J. B. POWERS, B. B. RICHARDS, N. W. ROWELL, M. W. ATWOOD, JNO. P. IRISH,	}	On part of Senate.
N. W. ROWELL, M. W. ATWOOD, JNO. P. IRISH,	}	On part of House.

Senator Oliver moved to suspend the order of business and take up House File No. 252, A bill for an act to authorize counties to fund certain indebtedness, and provide for the payment thereof.

The motion did not prevail.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 4, A bill for an act providing for the further prosecution and completion of the geological survey of Iowa.

House File No. 290, A bill for an act in relation to revenue, and taxing the property of express companies and telegraph companies.

House File No. 206, A bill for an act repealing section 7, of chapter 129, of the Laws of the Ninth General Assembly, and to provide for the recovery and payment of certain claims for military supplies furnished to troops by any county, city, town or corporation.

M. C. WOODRUFF, Chief Clerk.

House File No. 369, A bill for an act for the compilation and publication of the road laws, and the distribution of the same, was taken up, and on motion of Senator Farwell was laid on the table.

House File No. 312, A bill for an act for the relief of Silas Perkins, was considered.

Senator Hawley moved to lay the bill on the table.

On which question the yeas and nays were demanded by Senator Cattell.

The yeas were Senators Hawley, Matthies, Newell, Oliver, Parvin, Richards, Robertson, Smith, Smyth, Tuttle—10.

The nays were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Keller, Knoll, Larimer, Long, Meyer, Mitchel, Moore, Patterson, Pierce, Reed, Walden, Wolf, Woolson—27.

Absent but not excused, Senators Hedges, Hollman, Larrabee, Powers, Rice and Wright.

So the motion did not prevail.

Senator Reed moved to suspend the rule and read the bill a third time now.

Senator Woolson demanded the yeas and nays.

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Keller, Knoll, Larrabee, Long, Matthies Meyer, Mitchel, Moore, Oliver, Patterson, Pierce, Powers, Reed, Rice, Walden, Wolf—32.

The nays were Senators Larimer, Newell, Parvin, Richards, Robertson, Smith, Smyth, Tuttle—8.

Absent but not excused, Senators Hedges, Woolson and Wright.

The motion prevailed, and the bill was read a third time.

On the question, " Shall the bill pass ? "

The yeas were Senators Bennett, Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hollman, Knoll, Larimer, Long, Matthies, Meyer, Mitchel, Moore, Patterson, Powers, Reed, Rice, Smyth, Walden, Wolf—28.

The nays were Senators Hawley, Keller, Newell, Oliver, Parvin, Richards, Robertson, Smith, Tuttle, Woolson—10.

Absent, but not excused, Senators Hedges, Pierce, and Wright.

Senator Parvin raised the point of order that this bill requires a two-third vote.

The President decided the point of order well taken.

So the bill having failed to receive a constitutional majority was lost.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has passed the following bill, with the accompanying amendment, in which the concurrence of the Senate is asked :

Senate File No. 239, A bill for an act making appropriation for the *per diem* and expenses of the Twelfth General Assembly, and for other purposes.

I am directed to inform your Honorable Body that the House of Representatives has passed the following bills without amendment.

Senate File No. 244, A bill for an act making further appropriation for the salary of Register of State Land Office.

I have also to inform the Senate that the House has adopted a joint resolution directing the Secretary of State to forward books, documents, etc., to the members and officers of the Twelfth General Assembly, at the expense of the State.

I also herewith present for your signature the following bills, which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

Senate File No. 234, A bill for an act to amend section 17, chapter 172, of the laws of the Ninth General Assembly.

Senate File No. 183, A bill for an act authorizing the Register of the State Land Office to issue a new deed for certain lands to James Bones in lieu of one issued to him January 29, 1851, in the name of James Bowon, and to correct certain errors.

M. C. WOODRUFF, Chief Clerk.

House File No. 106, A bill for an act to amend section 1055, of the Revision of 1860, was taken up, and on motion of Senator Casady was laid on the table.

HOUSE MESSAGES.

House File No. 167, A bill for an act to amend chapter 102 of the Revision of 1860, entitled "Marriages," was taken up and read first and second time.

Senator Farwell moved to lay the bill on the table.

The motion did not prevail.

The rule was suspended, and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Cattell, Chapin, Cones, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Keller, Larimer, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Walden, Wolf, Woolson, Wright—33.

The nays were Senators Casady, Hollman, Knoll, Richards, Smith,—5.

Absent but not excused, Senators Donnan, Hedges, Larrabee, Rice, and Tuttle.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT:—I herewith present for your signature the following bill, which has passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House :

House File No. 131, A bill for an act, in addition to an act, entitled "An act for the the incorporation and government of the Hospital for the Insane."

M. C. WOODRUFF, Chief Clerk.

House File No. 333, A bill for an act to amend an act entitled an act in relation to the duties of railroad companies, was taken up and read first and second time.

On motion Senator Richards the eleventh rule was suspended and the bill was read a third time.

On the question "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Cattell, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hollman, Keller, Knoll, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Parvin, Patterson, Pierce, Powers, Richards, Robertson, Smith, Smyth, Wolf, Woolson, Wright—35.

The nays were Senators Larimer, Walden—2.

Absent but not excused, Senators Chapin, Hawley, Hedges, Reed, Rice and Tuttle.

So the bill passed, and the title was agreed to.

The following message was received from the House :

MR. PRESIDENT: I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House.

House File No. 242, A bill for an act to prevent the importation of Texas or Southern cattle, and the spread of the so-called Texas or Spanish fever among the cattle of the State.

House File No. 291, A bill for an act fixing the compensation of the State Treasurer.

Senate File No. 287, A bill for an act in relation to the salary of the Register of the State Land Office.

Senate File No. 179, A bill for an act apportioning the State into Senatorial Districts.

M. C. WOODRUFF, Chief Clerk.

Senator Richards asked unanimous consent to take up House File No. 847, a bill for an act for the relief of George Higley. Leave was granted, and the bill was taken up.

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

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Bill, Casady, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Hamilton, Hawley, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Pierce, Powers, Richards, Robertson, Smith, Smyth, Tuttle, Wright—33.

The nays were Senators Cattell, Parvin, Reed, Walden, Wolf, Woolson—6.

Absent, but not excused, Senators Grimes, Hedges, Patterson, and Rice.

So the bill passed, and the title was agreed to.

The report of committee on conference on the disagreeing votes of the two Houses on Senate File No. 289, A bill for an act making appropriation for the *per diem* of members and officers of the Twelfth General Assembly, and for other purposes, was taken up and read.

The question being, "Shall the Senate concur in the report?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Mitchel, Moore, Newell, Oliver, Patterson, Powers, Reed, Rice, Richards, Robertson, Smith, Smyth, Wolf, Woolson—33.

The nays were Senators Bill, Cones, Griffith, Hawley, Parvin, Pierce, Tuttle, Walden—8.

Absent, but not excused, Senators Hedges and Wright.

The report was adopted, and the bill was passed, and the title was agreed to.

Senator Richards moved to reconsider the vote by which House File No. 312, A bill for an act for the relief of Silas Perkins, was lost.

Senator Smith moved to lay the motion on the table, which was not agreed to.

The motion to reconsider then prevailed.

On the question, "Shall the bill pass?"

The yeas were Senators Bennett, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hamilton, Hawley, Hollman, Knoll, Larimer, Larrabee, Long, Matthies, Meyer,

Mitchel, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Richards, Robertson, Smyth, Tuttle, Walden, Wolf, Wright—36.

The nays were Senators Bill, Keller, Parvin, Smith, Woolson—5.
Absent, but not excused, Senators Hedges and Rice.

So the bill passed, and the title was agreed to.

House File No. 340, A bill for an act to amend chapter 172, section 78, of the laws of the Ninth General Assembly, was considered, and on motion of Senator Meyer was laid on the table.

House File No. 88, A bill for an act authorizing the board of supervisors of Van Buren county to appropriate money for the erection of a soldiers' monument in memory of the soldiers who fell in the defense of their country, was considered, and on motion of Senator Doud, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were Senators Bill, Casady, Cattell, Chapin, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Keller, Knoll, Larimer, Larrabee, Long, Matthies, Meyer, Moore, Newell, Oliver, Parvin, Pierce, Powers, Reed, Rice, Robertson, Smyth, Walden, Woolson, Wright—34.

The nays were Senators Bennett, Patterson, Wolf—3.

Absent but not excused, Senators Hamilton, Mitchel, Richards, Smith and Tuttle.

Senator Knoll, from select committee, submitted the following report:

The select committee to whom was referred House File No. 303, being a bill for an act to legalize and confirm certain acts and ordinances of the city council of the city of Dubuque, ask leave to report that they have examined the same, and being unable to agree, have instructed me to report the same back to the Senate without any recommendation.

F. M. KNOLL, Chairman.

Ordered, that the report pass on file.

House joint resolution relative to the distribution of documents to the members, officers and employes of the Twelfth General Assembly, was taken up and adopted.

House File No. 261, A bill for an act to amend section 13, chapter 172, of the acts of the Ninth General Assembly, was considered, and on motion of Senator Larrabee, the rule was suspended and the bill was read a third time.

On the question, "Shall the bill pass?"

The yeas were, Senators Bennett, Bill, Casady, Cattell, Cones, Donnan, Doud, Fairall, Farwell, Fellows, Griffith, Grimes, Hawley, Hollman, Keller, Larimer, Larrabee, Long, Matthies, Meyer, Moore, Newell, Oliver, Patterson, Pierce, Powers, Reed, Robertson, Smyth, Wolf, Woolson, Wright—32.

The nays were, Senator Parvin—1.

Absent but not excused, Senators Chapin, Hamilton, Knoll, Mitchel, Rice, Richards, Smith, Tuttle and Walden.

So the bill passed, and the title was agreed to.

Senator Powers moved to take a recess for half an hour, which was agreed to.

THREE-AND-A-QUARTER O'CLOCK A. M.

Senate was called to order by the President *pro tem*.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 160, A bill for an act to amend chapter 102 of the Revision of 1860, entitled "Marriage."

House File No. 88, A bill for an act to authorize the board of supervisors of Van Buren county to appropriate money for the erection of a monument in memory of fallen soldiers.

House File No. 312, A bill for an act for the relief of Silas Perkins.

House File No. 261, A bill for an act to amend section 18, of chapter 172 of the acts of the Ninth General Assembly.

Joint resolution instructing the Secretary of State to forward all books and documents to which the members are by law entitled, at the expense of the State.

House File No. 200, A bill for an act to regulate Life Insurance Companies.

House File No. 865, A bill for an act making further appropriation for the erection of the Iowa State Agricultural College Building, and for the settlement of the claims of Jacob Reichard, the contractor therefor.

House File No. 347, A bill for an act for the relief of George Higley.

Senator Hawley, from Committee on Enrolled Bills, submitted the following report:

The Enrolling Committee have carefully examined and compared Senate File No. 239, A bill for an act making appropriations for the *per diem* and expenses of the Twelfth General Assembly, and for other purposes, and find the same correctly enrolled.

HAWLEY, Chairman.

Senator Smyth moved to reconsider the vote by which House File

No. 254, A bill for an act to provide for the greater security of the permanent school fund, and to increase its productiveness, was lost.

The motion did not prevail.

Senator Fellows offered the following :

Resolved, That the thanks of the Senate are eminently due, and are hereby unanimously tendered to the President of the Senate, Lieutenant-Governor Scott, for the courteous, impartial and able manner in which he has discharged his duties as presiding officer.

The resolution was unanimously adopted.

Senator Newell offered the following :

Resolved, That the thanks of the Senate be extended to the secretaries, clerks, sergeant-at-arms, door-keeper, paper-folders, and messengers of the Senate, for the efficient manner in which they have performed their respective duties.

The resolution was unanimously adopted.

Senator Robertson offered the following :

Resolved, That the thanks of this Senate are due to the Hon. G. G. Bennett for the able and impartial manner in which he has discharged his duties as President *pro tem* of this body.

The resolution was unanimously adopted.

Senator Bennett said :

SENATORS :—I thank you for the compliment couched in the resolution just passed. I took my seat in this chamber a comparative stranger. I shall quit it at the close of this session with an accession to my list of warm personal friends, which I shall consider among the richest acquirements of my life. My relations to all of you have been of the most pleasant character, and you have placed me under a lasting debt of gratitude for the uniform courtesy and kindness with which I have been treated.

While temporarily occupying this chair as your presiding officer, although I assumed the position with diffidence, bringing to the discharge of its responsible and delicate duties little or no experience, yet by your kind indulgence and forbearance, those duties have been rendered pleasant and their burdens light. The errors I have committed—and they have not been few—you have covered over with the mantle of charity ; and if at times there has been any seeming injustice or wrong on my part toward any Senator in the enforcement of the rules, I trust you will attribute it to an error of the head and not the heart.

I have noted with pleasure the absence of that bitter partisan feeling during the debates in this chamber, which elsewhere characterizes the discussion of political questions ; and I think it can not be said of this body, that its members have spent the time that should have been devoted to legitimate legislation, in manufacturing capital for future campaigns. We have found enough connected with the material interests and prosperity of our young commonwealth to occupy our time and attention ; and whether we have met the responsibilities

of the hour which have devolved on us in our relations here, and discharged them wisely and well, must be left for time and experience to answer.

While there has been but little discussion here of the exciting questions that now agitate the nation, the reason can not be found in a want of interest in their solution, for all feel that the safety of the nation is imperiled. But by common consent they have been left to the press and the debates before the people; and may they there be investigated with the same spirit of candor and forbearance that has been manifested on this floor, presaging the dawn of a happier day for our republic, when the spirit of disinterested patriotism shall take the place of that of the partisan, with peace in all our borders, and harmony and concord in all the departments of our government.

I feel that I am wiser and better for the associations of this session, and shall carry with me to my grave its pleasing memories and recollections; and when we leave this chamber, wherever our "wandering feet incline," may we never prove false to Liberty and the cause of Human Rights, and may all the ends we aim at, be our Country, God, and Truth.

Senator Robertson offered the following:

Resolved, That the post-masters are each entitled to thanks for their diligence and efficiency in the discharge of their respective duties.

The resolution was unanimously adopted.

Senator Oliver offered the following:

Resolved, That the thanks of the Senate are hereby tendered to the ladies of Des Moines, for the bounteous supper with which they have so kindly and considerately entertained us.

Unanimously adopted by a vote, all the Senators standing.

Senator Doud offered the following resolution which was unanimously adopted.

Resolved, That the thanks of the Senate are hereby tendered to the Des Moines Valley Railway Company, for their kindness in so promptly tendering to the members of the General Assembly, a special train to convey them to the home of our Honorable Brother, Charles Dudley, on the occasion of his sudden and heart-rending bereavement, in the loss of members of his family during our session.

Senator Chapin offered the following:

Resolved, That the thanks of this body are tendered to the managers of the several railroads in this State for free passes over their roads.

The resolution was adopted.

Senator Larrabee offered the following, which was unanimously adopted.

Resolved, That we hereby tender to the reporters our sincere and hearty thanks, for the able, efficient, and impartial manner in which they have discharged their duties.

Senator Grimes offered the following resolution, which was unanimously adopted.

Resolved, That the thanks of the Senate be and is hereby tendered to the several clergymen of this city, for the courteous and able manner in which they have performed their duties as chaplains of the Senate.

Senator Meyer offered the following resolution, which was adopted:

Resolved, That there be a committee of two appointed to wait upon the Governor to inquire whether he has any thing further to communicate to the General Assembly.

The President appointed as said committee Senators Meyer and Donnan.

The committee reported that they had discharged their duties, and that the Governor informed them that he had nothing further to communicate to this General Assembly.

The following message was received from the House:

MR. PRESIDENT:—I herewith present for your signature the following bills which have passed both branches of the General Assembly, and been duly enrolled and signed by the Speaker of the House:

House File No. 833, A bill for an act to amend an act entitled an act in relation to the duties of railroad companies, approved April 8th, 1862.

House File No. 239, A bill for an act making appropriation for the *per diem* and expenses of the Twelfth General Assembly, and for other purposes.

Senate File No. 244, A bill for an act making further appropriations for the salary of the Register of the State Land Office.

House File No. 28, A bill for an act to legalize the acts of E. Kinsley, a notary public of Lee county.

I am also directed by the House to inform the Senate that the House has appointed Messrs. Wilson, of Dubuque, Mechem and Morrison, a committee to wait upon his Excellency, the Governor, to ascertain whether he had any further communications for this General Assembly.

M. C. WOODRUFF, Chief Clerk.

Senator Hawley from Committee on Enrolled Bills, submitted the following report:

The Committee on Enrolled Bills would report that they have this day presented to the Governor for his approval Senate File Nos. 24, 65, 179, 183, 198, 234, 237, 239, 240, and 244.

HAWLEY, Chairman.

Senator Oliver moved that a committee of two be appointed to inform the House that the Senate was now ready to adjourn *sine die*.

The motion prevailed, and the President appointed as such committee Senators Oliver and Fellows.

The committee reported that they had discharged their duty.

A committee from the House announced that the House of Representatives is ready to adjourn *sine die*.

At 5 o'clock and 20 minutes A. M., Senator Parvin moved that the Senate do now adjourn without day.

Before announcing the vote, the President addressed the Senate as follows :

SENATORS:—In answer to the courtesies daily extended me, and the many manifestations of your kindness and regard, I can make but poor return of my most profound acknowledgments. Fully realizing that I would need your forbearance and sympathy, I was yet unprepared for the great generosity you have uniformly shown. I bear to my home a heart filled with gratitude, and it will be my pride and pleasure to cherish pleasant memories of the associations of the Winter just passed.

While I am unconscious of an intention to offend or wound, in any instance, and while it was my desire to do justice toward all, it would be scarcely reasonable to expect that none have ever felt aggrieved. If there be any who have so felt, I offer them my earnest regrets and sincere assurance of a desire to be remembered only in kindness.

I but utter in advance the verdict of our constituency when I congratulate you upon the measures you have so wisely and honestly considered for the public welfare. Your deliberations have been marked by sincerity and integrity, as well as harmony. We may well expect their results to be valuable to the State.

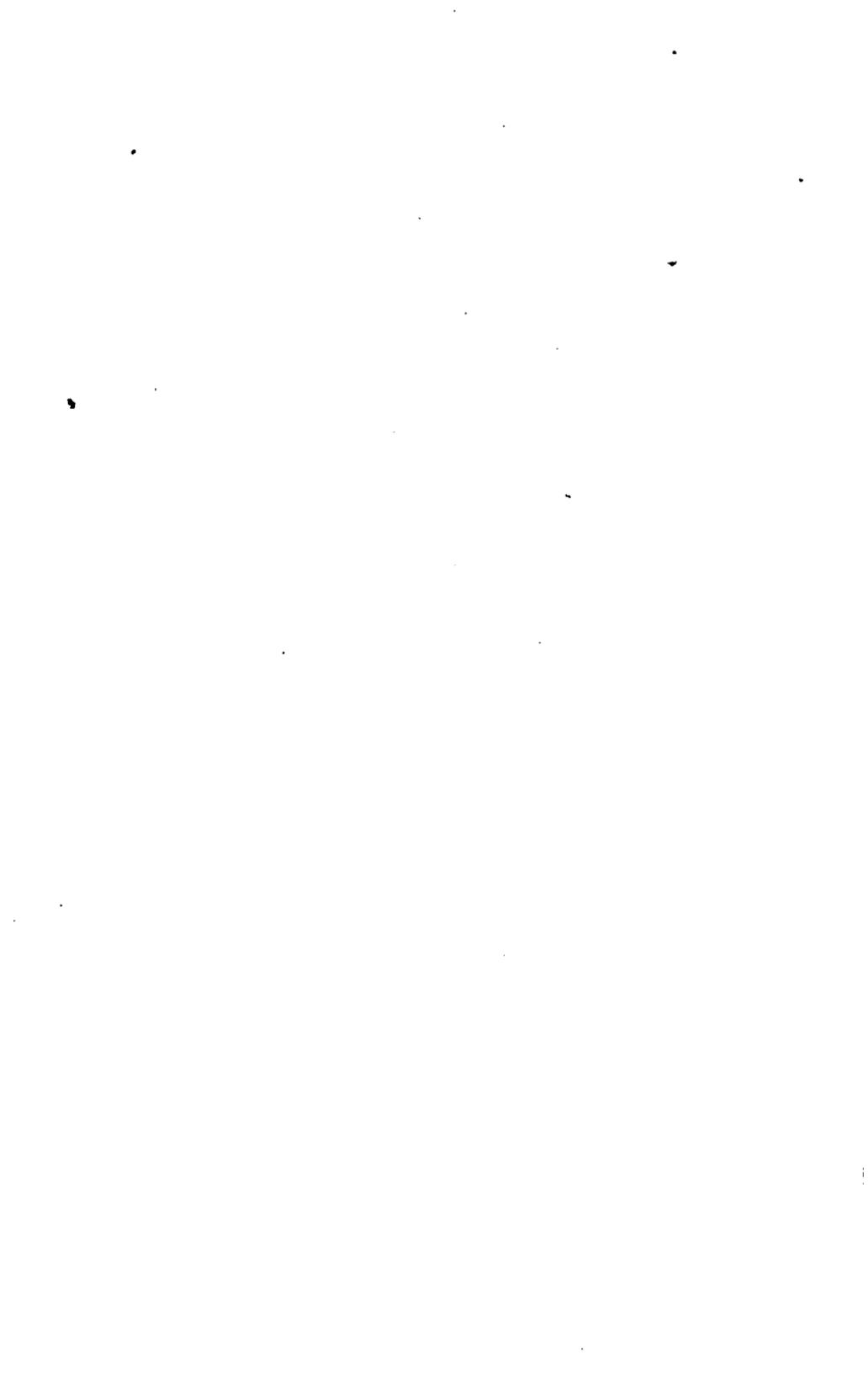
Senators! Thus we part! A kind Providence has been with us and over us to this day. May His smiles go with you to your homes. Long may you live, and may your days be full of honor and joy. May we meet again.

Senators! Friends! Farewell, and farewell!

I now declare the Senate adjourned, *sine die*.

Attest :

JAMES M. WEART, SECRETARY.



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ERRATA.

- Page 4, line 21, read "Meyer," instead of "Meyers."
 Page 4, line 23, read "Farwell," instead of "Farewell."
 Page 4, line 31, read "Farwell," instead of "Farewell."
 Page 4, line 33, read "Mey-r," instead of "Meyers."
 Page 67, line 4, read "Gilmore," instead of "Lilmore."
 Page 74, last line read "motion," instead of "resolution."
 Page 96, line 6, read "No. 2," instead of "No. 1."
 Page 97, line 20, read "No. 33," instead of "No. 34."
 Page 124, line 17, read "Nos. 22 and 23," instead of "Nos. 21 and 22."
 Page 130, line 1, read "rules," instead of "laws."
 Page 216, line 12, read "No. 85," instead of "No. 83."
 Page 224, line 28, read "House," instead of "Senate."
 Page 230, line 35, read "No. 136," instead of "No. 86."
 Page 257, line 26, read "No. 163," instead of "No. 146."
 Page 274, line 18, read "John S. Gilmore," instead of "John L. Gilman."
 Page 295, line 5, read "No. 183," instead of "No. 178."
 Page 303, line 16, read "No. 141," instead of "No. 41."
 Page 316, last line, read "an act for," instead of "an act to amend an act."
 Page 317, line 29, insert after the words "propriety of" the words "assessing the property of," and after "district," in line 30 insert "separate."
 Page 354, line 31, read "No. 197," instead of "No. 179."
 Page 360, line 12, read "No. 113," instead of "No. 134."
 Page 386, line 4, read "No. 153," instead of "No. 157."
 Page 403, line 31, read "Senate File No. 2," instead of "substitute for Senate File No. 54."
 Page 414, line 40, read "No. 219½," instead of "No. 219."
 Page 418, line 2, read "recurring," instead of "resuming."
 Page 438, line 13, read "was," instead of "not."
 Page 447, line 4, read "No. 227," instead of "No. 364."
 Page 452, line 40, read "186," instead of "134."
 Page 455, line 5, read "county," instead of "township."
 Page 455, line 13, read "No. 323," instead of "No. 328."
 Page 463, line 34, read "No. 326," instead of "No. 236."
 Page 473, line 29, read "No. 369," instead of "No. 396."
 Page 473, line 18, read "No. 160," instead of "No. 169."
 Page 501, line 11, read "No. 111," instead of "No. 211."
 Page 514, line 45, read "No. 219," instead of "No. 219½."
 Page 515, line 15, read "No. 153," instead of "No. 75."
 Page 515, line 41, read "No. 219," instead of "No. 219½."
 Page 517, line 21, read "House," instead of "Senate."
 Page 523, line 7, read "No. 204," instead of "No. 207."
 Page 525, line 22, read "No. 204," instead of "No. 207."

Page 528, line 26, read "No. 204," instead of "No. 207."

Page 528, line 38, read "No. 236," instead of "No. 231."

Page 532, line 17, read "No. 190," instead of "No. 198."

Page 543, line 24, read "House," instead of "Senate."

Page 544, line 42, read "No. 397," instead of "No. 379."

Page 551, line 44, read "No. 52," instead of "No. 82."

Page 556, line 20, read "No. 52," instead of "No. 82."

Page 559, line 7, read "No. 397," instead of "No. 379."

Page 559, line 30, read "No. 52," instead of "No. 82."

Page 561, line 13, read "so the bill having failed to receive a constitutional majority was lost," instead of "so the bill passed and the title was agreed to."

Page 564, line 38, read, "so the bill passed and the title was agreed to," instead of "so the motion prevailed."

Page 571, line 8, read "No. 397," instead of "No. 379."

Page 571, line 29, read "No. 339," instead of "No. 339."

Page 580, line 23, read "Senate," instead of "House."