

JOURNAL

OF THE

SENATE

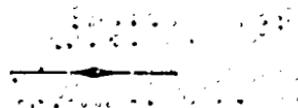
OF THE

NINTH GENERAL ASSEMBLY

OF THE

STATE OF IOWA,

WHICH CONVENEED AT THE CAPITOL, IN DES MOINES, IOWA, ON MONDAY,
JANUARY 13, 1862.



DES MOINES:
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JOURNAL OF THE SENATE.

SENATE CHAMBER, DES MOINES, IOWA, }
MONDAY, January 13, 1862. }

Pursuant to the provisions of the Constitution, the Senate of the 9th General Assembly of the State of Iowa, met in the Senate Chamber, and was called to order by the President, Lieutenant Governor Rusch.

Prayer by Rev. Mr. Cowles.

On motion of Mr. McPherson, J. H. Sanders of Keokuk county, was elected Secretary *pro tem*.

On motion of Mr. Angle a Committee of five was appointed on credentials.

The President appointed as said Committee Messrs, Angle, Gray, McPherson, McCrary of Lee, and Trumbull.

On motion of Mr. McPherson, Mr. Armstrong of — County was elected Sergeant-at-arms *pro tem*.

On motion of Mr. Watson, Frank. Peabody of Iowa county, was elected Messenger *pro tem*.

On motion of Mr. McCrary of Van Buren, Mr. David Hunter of Polk county, was elected Fireman *pro tem*.

On motion of Mr. Dana, Mr. Blickensderfer of Story county was elected Door Keeper *pro tem*.

Mr. Udell moved that the Secretary be invited to provide Desks and Stationery for the use of the Reporters for the "Daily Times" and "Daily Register."

On motion of Mr. Brown the Senate took a recess of 20 minutes.

At 15 minutes past 3 o'clock the Senate was again called to order by the President, when Mr. Angle from Committee on Credentials submitted the following report:

The Committee on Credentials beg leave to report that they have examined the Credentials of the following named persons and find the same to be correct, to-wit:

NAMES OF SENATORS.

Norman Boardman..... 17th District.
W. H. Holmes..... 25th District.

I. P. Teter.....	16th	District.
John G. Foote.....	8th	District.
Joseph B. Leake.....	19th	District.
Benj. F. Gue.....	19th	District.
Wm. G. Woodward.....	14th	District.
Warren S. Dungan.....	12th	District.
J. Monroe Shaffer.....	10th	District.
J. H. Hatch.....	23d	District.
T. W. Woolson.....	9th	District.
A. H. McCrary.....	2d	District.
M. V. Burdick.....	42d	District.
Frederick Hesser.....	1st	District.
George W. McCrary.....	1st	District.
S. G. Smith.....	43d	District.
James S. Hurley.....	13th	District.
James Redfield.....	31st	District.
Jacob W. Dixon.....	11th	District.

Your Committee also report that James Pollard holds a Certificate of Election from the 3d Senatorial District of Iowa, bearing date January 6th, 1862, and stating that said Pollard was elected on the 8th day of October, 1861, to the office of Senator from said District: Your Committee find from the Records that Cyrus Bussey was elected from said District at the Regular Election of 1859, as provided by law, for the term of four years from the 1st day of January, 1860, and that said Cyrus Bussey, as your Committee are informed and believe, has not resigned his office of Senator of said 3d District.

Your Committee are further informed and believe that said Bussey is now, and was at the time of said Election, in the service of the General Government as Colonel of the 3d Regiment Iowa Cavalry.

Your Committee further report that J. L. Dana holds a Certificate of Election from the 41st Senatorial District, bearing date 21st day of October, 1861, and stating that said Dana on the 8th day of October, 1861, was elected to the office of Senator from said District.

Your Committee find from the record that John Scott was elected Senator from said District at the Regular Election of 1859, as provided by law, for the term of four years from the 1st day of January, 1860, and that said Scott, as they are informed and believe, has not resigned his office as Senator, but is now in the United States service as Lieutenant Colonel, in 3d Regiment Iowa Infantry.

Your Committee will further report from time to time as Credentials come in.

By order of Committee.

H. G. ANGLE, Chairman.

On motion of Mr. Brown the Report of the Committee, except

that part relating to the seats of Messrs. Dana and Pollard, was adopted.

The new members then came forward and the oath of office was administered to them by the President of the Senate.

Mr. Ainsworth moved that the Credentials of the Senators claiming seats from Davis and Story counties be referred to a Special Committee of five of which Mr. Woodward should be Chairman. Adopted, and Messrs. Woodward, Ainsworth, McPherson, Gray and Leake were appointed said Committee.

On motion of Mr. Kent, adjourned until 10 o'clock to-morrow morning.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, January 14, 1862. }

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Mr. Cowles.

Minutes of yesterday read and approved.

On motion of Mr. Brown the rules of the last Senate were adopted for the government of this Senate until otherwise ordered.

On motion of Mr. Udell a Committee of three consisting of Messrs. Udell, McPherson and Hesser were appointed to make arrangements with the Post Master at Des Moines for the payment of Postage.

On motion of Mr. Holmes, it was voted that the Senate proceed to the election of permanent officers.

On motion of Mr. Boardman, it was voted to proceed to the election of Secretary.

Mr. Angle nominated Wm. F. Davis of Muscatine county.

The roll was called with the following result :

Those voting for Mr. Davis were Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teeter, Watson, Woodward and Woolson—29.

Those voting for Mr. Arthur of Fayette county, were Messrs. Ainsworth, English, Gray, Green, Trumbull and Udell—7.

Mr. Williams voted for J. H. Sanders of Keokuk county.

Mr. Davis having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Woodward, it was voted to proceed to the election of Assistant Secretary.

Mr. Watson nominated D. J. Gue, of Cedar County.

The roll was called with the following result :

Those voting for Mr. Gue, were Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Arthur, were Messrs. Ainsworth, English, Gray, Greene, Trumbull, Udell, Williams—7.

Mr. Hesser voted for Mr. Jeffords.

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

On motion of Mr. Brown, it was voted to proceed to the election of Engrossing Clerk.

Mr. Brown nominated S. B. Hewett, Jr., of Wright County.

The roll was called with the following result :

Those voting for Mr. Hewett, were Messrs. Angle Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Mr. Arthur, were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell, Williams—7.

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

On motion of Mr. McCrary of Lee, it was voted to proceed to the election of Enrolling Clerk.

Mr. McCrary of Lee, nominated N. McCrea of Lee County.

The roll was called with the following result :

Those voting for Mr. McCrea, were Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—30.

Those voting for Mr. Arthur, were Messrs. Ainsworth, English, Gray, Greene, Trumbull, Udell, Williams—7.

Mr. McCrea having received a majority of all the votes cast was declared duly elected.

On motion of Mr. Smith, it was voted to proceed to the election of Sergeant-at-Arms. Mr. Smith nominated David Edmondson of Jasper County.

The roll was called with the following result :

Those voting for Mr. Edmondson, were Messrs. Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary

of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Mr. Arthur, were Messrs. Ainsworth, English Gray, Greene, Trumbull, Udell, Williams—7.

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

On motion of Mr. Bowen, it was voted to proceed to the election of Doorkeeper. Mr. Bowen nominated John Demuth of Johnson County.

The roll was called with the following result :

Those voting for Mr. Demuth, were, Messrs. Angle Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Mr. Arthur, were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell, Williams—7.

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

Mr. Hagans moved that the Senate proceed to the election of Post Master.

Mr. Ainsworth moved to amend as follows :

Provided that the entire compensation allowed for the performance of the duties of said office, including the carrying of the mails, shall not exceed \$3,00 per day.

Mr. Ainsworth called the ayes and noes, which resulted as follows :

The ayes were, Messrs. Ainsworth, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Hatch, Hesser, Holmes, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woolson—24.

The yeas were, Messrs. Angle, Bowen, Brown, Gue, Hagans, Hastings, Hurley, Kent, Leake, McPherson, Pattison, Smith, Woodworth—13.

The motion as then amended was adopted.

Mr. Hagans nominated Isaac Keller of Ringgold County.

Those voting for Mr. Keller, were Messrs. Angle, Boardman Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Mr. Arthur, were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell, Williams—7.

Mr. Keller having received a majority of all the votes cast, was declared duly elected Post Master for the Senate.

On motion of Mr. Hatch, it was voted to proceed to the election of Fireman.

Mr. Hatch nominated David Hunter.

Mr. Ainsworth nominated Mr. Quinn of Alamakee.

The roll was called with the following result:

Those voting for Mr. Hunter, were Messrs. Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—28.

Those voting for Mr. Quinn, were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell, Williams—7.

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

On motion of Mr. Leake, it was voted to proceed to the election of two messengers.

Mr. Leake nominated James D. Springer of Franklin County.

The roll was called with the following result:

Those voting for Mr. Springer, were Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—29.

Those voting for Mr. McCully, were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell, Williams—7.

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

On motion of Mr. Bowen, it was voted to proceed to the election of second messenger.

Mr. Bowen nominated Charles A. Lindsay.

The roll was called with the following result:

Those voting for Mr. Lindsay were, Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Watson, Woodward and Woolson—28.

Those voting for McCully were Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell and Williams—7.

Master Lindsay having a majority of all the votes cast was declared duly elected.

On motion of Mr. Hatch it was voted to proceed to elect two paper folders. Mr. Hatch nominated D. H. Stutsman and W. J. Sharman of Polk county.

The roll was called with the following result:

Those voting for Sharman and Stutsman were, Messrs. Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pat-

tison, Redfield, Shaffer, Smith, Teeter, Watson, Woodward and Woolson—28.

Those voting for McCully were, Messrs. Ainsworth, English, Gray, Green, Trumbull, Udell and Williams—7.

Sharman and Stutsman having received a majority of all the votes cast were declared duly elected.

On motion of Mr. Watson, a Committee consisting of Mr. Woodward and English was appointed to inform the House that the Senate is now organized and ready to proceed to business.

Mr. Brown offered the following Resolution :

Resolved, That the Clergymen of this City be requested to act as Chaplains to the Senate during the present session.

Adopted.

The Committee appointed to inform the House of the organization of the Senate, reported that they had discharged their duty.

On motion of Mr. Brown a Committee consisting of Messrs. Brown, Ainsworth and Hagans, was appointed to report permanent rules for the Senate.

On motion of Mr. Bowen a committee consisting of Bowen, Williams and Gue, was appointed to act in conjunction with a Committee from the House to report joint rules for the two houses.

Mr. McCrary of Lee offered the following Resolution, which was adopted :

Resolved by the Senate, the House concurring, That the Senate will meet the House in Joint Convention for the purpose of Canvassing the votes cast for Governor and Lieutenant Governor, to-morrow, at 10 o'clock.

On motion of Mr. Shaffer the Secretary was directed to provide better screens for the stoves.

Mr. McPherson gave notice of a Bill that he would introduce at some future day altering and defining the boundaries of the 3d, 4th and 5th Judicial Districts.

Mr. Woolson gave notice that he would at some future day introduce the following Bills :

A Bill for an Act entitled an Act in relation to the revenue, and providing for township collectors.

Also, A Bill for an Act entitled an Act in relation to the School Fund.

Also, A Bill changing the times of the meetings of the Board of Supervisors and further defining their duties.

On motion of Mr. Angle a Committee consisting of Messrs. Angle, Udell and Kent was appointed to inform the Governor that the Senate was ready for business.

Mr. McCrary of Lee, gave notice of a Bill that he would introduce at some future day, for an Act to require County Treasurers to receive United States Treasury notes in payment of taxes.

Mr. Leake gave notice that on to-morrow or some future day he

would introduce a Bill for an Act conferring jurisdiction on County Judges in actions of forcible entry and detainer.

Mr. Watson gave notice that at some future day he would introduce a Bill creating a Sanitary Committee, defining their duties, compensation &c.

Mr. Watson offered the following resolution :

Resolved, That the Senate hold two Sessions per day, commencing at 9 o'clock, A. M. and 1 o'clock and thirty minutes P. M.

Mr. Leake offered the following amendment :

Resolved, That the Senate hold but one session per day which session shall commence at 9 o'clock, A. M.

Mr. Redfield offered the following amendment :

Resolved, That until otherwise ordered the Senate will hold but one session a day to begin at 2 o'clock, P. M.

The Committee appointed to inform the Governor of the organization of the Senate made the following report :

Your Committee beg leave to report that they have performed the duty assigned them, and are directed to inform the Senate that the Governor will very soon communicate with this Body in writing.

A message from the Governor was announced by his Secretary.

Mr. McCrary of Van Buren, moved that the resolution before the Senate be laid on the table. Carried.

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

Resolved, That the Secretary be and is hereby directed to furnish each member of the Senate with a copy of the Revision of 1860, the Acts of the Legislature, and Journals of the last Session, and Acts of the Board of Education.

Mr. Burdick offered the following resolution, which was referred to the Committee on rules :

Resolved, That the Clerk of the Senate be required to furnish desks and stationery to Reporters of all papers, who now are, or may hereafter be in attendance.

Mr. Woodward from Special Committee on credentials asked further time to report.

The Secretary read the following message from the Governor :

Gentlemen of the Senate and House of Representatives :

You have had conferred upon you, and you have accepted the duty of caring for, guarding and promoting the interests of the State. This duty, at all times responsible, is at present much more than ordinarily so, for the reason that the nation of which we are a part, is engaged in civil war, most wantonly and wickedly thrust upon us by bad and designing men. I doubt not you will address yourselves to the discharge of this duty calmly and earnestly, seeking wisdom and strength from Him who is King of Kings and Lord of Lords.

The Constitution requires that I shall communicate to you the

condition of the State, and recommend such matters as I may deem expedient, and I now proceed to the performance of that duty.

REVENUE AND TAXATION.

The expenditures of the last two years for all State purposes, have been about \$300,000 for each year. This includes both ordinary and extraordinary expenditures — the amounts expended for the Insane Asylum, the Penitentiary, the Blind Asylum at Vinton, the printing of the Revised Statutes and other extraordinary objects, as well as the amounts expended in carrying on the ordinary operations of the State Government. The expenditure has not in any case been permitted to exceed the appropriation, and is materially less both for the Penitentiary and Insane Asylum, and in all cases that have come under my observation, been carefully and economically made. In my judgment, there is not another State in the Union in which the protection of Government is extended to as large a population, so widely scattered, more economically than in our own. But while this is true, it is equally true that our finances are not in a healthy condition. The Report of the Auditor of State discloses the somewhat startling fact that of the State tax for 1860 and preceding years, there was, at the date of his Report, (the 4th day of November, 1861) delinquent and unpaid the large sum of about \$400,000 — a sum more than sufficient to cover the entire expenses of our State Government for one year. This large delinquency has occurred mainly within the last four years, and the same Report shows there were at the same date warrants drawn on the Treasury to the amount of \$103,645, which were unpaid for want of funds, most of which were drawing interest at the rate of eight per cent. per annum.

From these facts the following conclusions are inevitable: 1st, That during the last four years there has been levied a State tax larger by about \$300,000 than the necessities of the State required. 2d, That this was rendered necessary by the fact that only a portion of our people paid the tax due the State. 3d, That the State has been compelled yearly to pay large sums by way of interest on warrants, which need not have been paid, had the taxes been collected promptly, and the Treasury kept supplied with funds to meet all demands upon it. 4th, That the State being compelled to purchase its supplies with warrants has had to pay higher prices than if it had had the cash to pay. 5th, That the tax-paying portion of our people have thus been compelled to pay not only their proper share of the public burthens, but also the share of those who did not pay their taxes, increased by interest and high prices. These things should not be so. They reflect discredit not only on those of our citizens who seek to avoid their just share of those burdens which are imposed upon all for the benefit of all, but also upon the

laws which permit them to do so with impunity. I, therefore, very earnestly recommend to your attention a careful examination of our revenue laws for the purpose of ascertaining if they can be made more effective in enforcing the prompt payment of taxes.

The leading features of a good revenue law, in my judgment, are: 1st, The imposition of such penalty for the non-payment of taxes when due, as will make it unmistakably the interest of every tax-payer to pay promptly. 2d, The assurance to the purchaser of property at a tax sale, of a valid title at the expiration of a fixed time. There is, in my opinion, much misapprehension in the minds of many persons on this subject. Some seem to think they receive no value for the money paid by them as taxes, and that they are, therefore, not culpable in avoiding payment if they can. Others, whilst they admit there is some kind of doubtful obligation upon them to pay their taxes, if convenient, yet insist that any stringency in the laws to compel payment would be unjust and oppressive, and that no greater penalty should be imposed for non-payment than the interest allowed by law between citizens. These are radical errors. Every citizen is protected by the State, in life, liberty, and property, in all that he has, and all he may acquire, and in all his honest efforts for further acquisition; and in return, he is bound as a good citizen, to render obedience to the laws; to pay promptly his share of the taxes necessary for the support of government; and, in time of war, if need be, to defend the government with his life. If he fails to perform either of these duties of a good citizen, he is liable to punishment, and the amount added to his taxes for a failure of payment at the time fixed by law, is not the interest due upon a debt, but a fine or penalty for the non-performance of a duty. Nor can any one justly complain of this. Why should any one of our people claim that he should enjoy all the benefits of civil government and be exempt from its burthens; that he should have all these advantages at the expense of his neighbors?

It may be said that some are unable to pay their taxes. This, it seems to me, is erroneous. The amount of tax each one has to pay, is in proportion to the property he has, the greater the tax the greater the amount of property from which to raise means of payment I am well convinced that taxes are paid most promptly by our farmers, and by men of comparatively small means, and that there are very few of us who do not spend yearly for articles of luxury which do not promote either our health, our prosperity, or our happiness, more than the sum required from us as taxes for the support of the government that protects us. The subject of revenue and taxation assumes a graver interest and importance at this time, for the reason that our State is called upon, for the first time since its admission, to pay a direct tax for the support of the General Government. We may expect to be called on to pay, during the present year, a Federal tax of from \$600,000 to \$700,000. This is ren-

dered necessary by the heavy expenditures incurred by the General Government in preparing to put down the Rebellion in certain States of the Union. A resort to loans has been, and must continue to be, necessary to meet these expenses, and prudence and sound economy require that the General Government shall not be compelled to borrow money to pay the interest accruing upon its loans. The interest upon loans made, and to be made, must be met by actual payment, and not by incurring further indebtedness. The capitalists of the country have, thus far, responded nobly to the calls made upon them by the Government, and have given it assistance and support as necessary as that rendered by the soldiers in the field. Six hundred thousand gallant men, 20,000 of whom are from our own State, are in arms, giving their labor, their health, and their lives, for the country; and now the call comes to us who are at home, and we are asked to give a little of our substance to the same good cause.

I have cause to be prepared from documents in the office of the Auditor of State a table, heretofore appended, giving some interesting information touching the taxes paid by our people. It will perhaps be a matter of surprise to many that the taxes for the support of the State Government bear so small a proportion to the entire amount of taxes paid. It appears from this table that the whole amount of taxes for all purposes for 1861, was \$1,700,000, and that of this amount only \$300,000 was expended from the State Treasury for State purposes, while \$1,400,000 were expended from the several County Treasurers, for County and other purposes. I regard this table as useful, for this, among other reasons, viz: that the people have been led to believe that the great bulk of our taxes was caused by the expenditures of the State Government under appropriations made by the General Assembly, and they have been taught to look to a reduction of State expenses as the means of relief from taxation. This table shows clearly and conclusively that of every \$5.66 paid by the people of the State as taxes, but one dollar reaches the State Treasury, or is used for State purposes, while the other \$4.66 are retained in the counties and used for county and other purposes. I would not desire our people to relax their vigilant supervision of State expenses, but I am of opinion this information may lead them to give as vigilant supervision to the expenditures of their respective Counties, where equal vigilance is, in my judgment, equally needed. It is evident from an inspection of the table, showing the amount of taxes paid and the purposes for which paid, that if it be deemed desirable to decrease our present expenditures by an amount equal or approximating to the amount of taxes required by the General Government, much the greater amount of such reduction must be made in the taxes levied for other than State purposes.

In some particulars the expenses of the State may be materially less for the next than for the last two years. The appropriation of

\$19,500, for the Revised Statutes, was temporary and will not be again required. The amount appropriated for past indebtedness of the Penitentiary, \$38,500, has nearly paid that indebtedness, and but a nominal sum will be needed for that purpose. The amount appropriated for the general support of the prison has been so well managed that the amount thereof unexpended is deemed by the Warden sufficient for the next two years, so that the amount of \$35,000, appropriated at the last regular session for that purpose need not be renewed in whole or in part. Of the amount of \$75,000 appropriated at the last session for finishing and furnishing the Center and East wing of the Insane Asylum, about \$18,000 remain unexpended, which balance, with \$20,000 now asked for, is deemed sufficient to complete the whole building. So that the appropriation needed for construction account in that institution, may be \$55,000 less than at the last session. The Blind Asylum at Vinton is now under cover, and not liable to injury from the weather, and if you should deem it advisable not to make any appropriation for its present completion, \$10,000 may be deducted from the amount of the appropriation of the present session as compared with that of the last. There has been paid during the last two years to Agricultural Societies, the sum of about \$18,000. If you think it advisable to withhold any appropriation for this purpose for the next two years, this sum may be saved. The foregoing sums, amounting in the aggregate to \$176,000, are the expenditures for the objects named for two years, and if withheld will be a saving of \$8,000 per annum from the amount of State taxes. This amount, I doubt not, may be increased by a careful examination of our State expenditures and strict economy to \$100,000, and if a proportionate reduction of county and township expenses can be made, the entire amount of the tax required by the General Government can be raised without increasing our present taxation. I commend the matter to your most earnest and careful examination.

In order to make the revenue of the State more certain, I recommend that the County Treasurers be required by law to pay the State Treasurer, at fixed times, certain proportions of the amount of revenue due to the State, until the entire sum for each year is paid, whether the County Treasurers have received the entire amount of State tax or not. At present the State is wholly helpless as to its revenue. It has to depend wholly upon the officers of Counties for its collection and transmission, and if the county officers are inefficient, the State is remediless. Each county is now liable by law to the State for the amount of State tax assessed in it, but this liability, without any means of making it practicably effective, is useless. If the Counties were required to pay the revenue due the State, whether collected or not, the County Supervisors would be stimulated to require of the Treasurer a strict performance of his duties; and if, in addition, you should so change the present law as to give County Treasurers, in lieu of salary, a per centum

on the amount of money collected and disbursed, or provide for township collectors to be paid in the same way, our taxes would, in my opinion, be more punctually paid.

I also recommend that it be made the duty of the Board of Supervisors of each County to employ a competent accountant once in each year to examine the accounts of each County officer, and state an account between each officer and his County, and between officer and officer, and also that County Treasurers and all other persons who receive public moneys be prohibited, under severe penalties, from using them in any way, or placing them with others to be used for their private benefit.

The law of Congress imposing a direct tax for the support of the General Government gives to any State the privilege of collecting the amount of tax assessed upon its people, and allows such State to retain fifteen per cent. of the amount, on condition the State shall assume the payment of the balance of the tax. Thereupon arises the important question: What shall the State do in the premises? It must be remembered that if the State assumes the tax, the entire amount, less fifteen per cent., must be paid by the State, whether the State collects the tax or not. Keeping this in recollection, let us ascertain as near as may be our precise position. This State has expended for the General Government about \$450,000, and has been repaid the sum of \$80,000. The State has sold her bonds to the amount of about \$200,000. The proceeds of said sale, \$184,000, and the \$80,000 received from the General Government, have been applied to paying the expenses incurred by the State, leaving unpaid and due wholly, I believe, to our own people, about \$186,000, for which they hold or can receive warrants drawn on the War and Defense Fund. If the amount expended by the State, which is to be reimbursed by the General Government, be \$450,000, there is now due the State \$370,000, and if the Federal tax should be \$650,000, and the State should assume it, there would be due the general Government the sum of \$182,500, being the entire amount of the tax, less the amount now due the State, and the fifteen per cent. for assumption and collection, which must be assessed upon and paid by our people.

But we must provide also for the payment of the amount due our own citizens. This must be done by assessing the amount as a tax, and by either actually collecting the money and paying it to the holders of the Warrants, or by authorizing those holding warrants to surrender them to the Auditor, and receive in lieu of them other warrants of the amount of five dollars each, which shall be receivable in payment of the Federal tax. These warrants being of small amounts, and being all receivable during the present year for taxes, would be nearly or quite at par, and would be much more valuable to the holders than the present ones. Should this course be deemed advisable, it will be necessary in order to meet the demand made upon us by the Federal Government, to levy a tax of about \$368,-

500, of which \$182,500 must be collected in money, and \$186,000 may be paid in the warrants outstanding against the War and Defense Fund. Our State debt will have been increased by \$200,000, and we will not have any money in our Treasury wherewith to meet further military expenses, should they be necessary. It will be observed that the sums given are generally estimated. Absolute precision could not in some cases be arrived at, but it will be found the estimates approximate very nearly the truth. If this should not be deemed advisable, we can present our claim against the General Government, receive the amount due the State, pay the outstanding warrants in the hands of our people, and either collect in money the Federal Tax and pay it to the General Government, retaining the 15 per cent. for so doing, or allow the General Government to collect the whole without interference on our part. In view of the actual condition of our affairs and the want of promptitude with which our taxes are paid, I am inclined to favor the plan first recommended. If I had assurance that our taxes would be paid as they should be, I would much prefer the second.

Intimately connected with the subject of taxation and revenue, is the question as to the kind of money which shall be received for taxes. Under our present laws, specie only is receivable for public dues. In view of the recent suspension of specie payments by the General Government and the Banks of the Eastern States, it becomes a question of great importance whether we can collect our revenue in coin. I do not believe we can, and I urgently recommend to you such change in our law as will allow the payment of taxes with United States Treasury notes and the notes of the State Bank of Iowa. It is true the United States Treasury notes are not payable in specie, but it is the interest of all loyal States and of all loyal citizens to keep them at par, and the receipt of them for taxes by the loyal States would tend much to that end. The State Bank of Iowa is required by the law creating it, at all times, to redeem its circulation in coin, and I believe it expects and is fully prepared to meet that requisition. If, as it seems to me, we must and should receive for revenue the United States Treasury Notes not redeemable in specie, I cannot see the wisdom or justice of refusing to receive the notes of our own Banks, that are so redeemable, especially when by so doing, we make the payment of taxes more easy to our people and more certain to the State, and at the same time aid to some extent in keeping in circulation among us a currency, which has, and in my judgment, deserves the confidence of the people.

MILITARY AFFAIRS.

The Report of the Adjutant General, herewith submitted, shows the number and description of troops raised in this State for United States service, to be Sixteen Regiments of Infantry, Four of Cav-

ally, Three Batteries of Artillery, and One Independent Company of Cavalry for Frontier service. Of these the Fifteenth and Sixteenth Regiments of Infantry are not fully organized. In addition, Col. Koch and Col. Rankin are engaged in raising Regiments of Infantry, which if completed, will make the Seventeenth and Eighteenth Regiments of that arm of the service.

It is a matter of gratification to me that our State has thus promptly responded to the demands made upon it by the United States for aid in this perilous crisis of our country's history, and it is also a matter of great pride to me that the troops of our State, whether tried in the exhausting service of the camp, the march, or in the fiery ordeal of the battle-field, have never been found wanting, but have by their cheerful endurance of unaccustomed hardship and their indomitable valor, won for themselves and our State a name which may well cause us to feel an honest pride in claiming in any part of our broad land, that our homes are in Iowa.

At the Extra Session of 1861, what was supposed ample provision was made, to furnish the necessary funds for raising, clothing and equipping the Volunteers that might be required from this State, by authorizing the issue and sale of our State bonds. Immediately after the close of that session, the necessary steps were taken to put our bonds in market, but before they could be offered in New York, the faith and credit of our State were most wantonly and unjustly attacked by certain papers in that city, so that when, under the law, the bonds were offered for sale, it was found entirely impossible to effect sales at the prices fixed by the Board of Commissioners appointed for that purpose, or which would have been ruinous to the State. No sales were therefore made in New York, and an appeal was made to our own people to take the bonds and furnish the means necessary to meet the large expenses consequent upon raising the troops called for from this State. The Report of the Loan Agents herewith submitted will show you the amount of bonds sold by them in the State, and the amount of money received therefor. It will be seen that much the larger proportion of the bonds was taken by persons to whom the State was indebted, and that but a small share was sold for cash. The result was that the officers charged with the duty of raising troops as required by the General Government, were much embarrassed for want of means, being compelled to operate wholly upon credit, consequently to great disadvantage. Whatever could be furnished by our people was promptly furnished on the credit of the State, but without means it was impossible to procure arms, clothing, and such other articles as our own people did not produce. After providing clothing for the 1st, 2nd and 3rd Regiments, I found it utterly impossible to provide for those subsequently raised, and although it was a matter of much mortification to me, to be compelled to allow our troops to leave our State un-uniformed and un-armed, yet I am induced to believe the result has been as well for the troops and for the Government. The troops

who left our State without uniform, left at a season of the year when but little clothing was needed for comfort, and they were provided with uniforms in Missouri as speedily and more cheaply than I could have provided for them. The Regiments which have left the State more recently, have been furnished with good clothing by the General Government before leaving. I have not purchased for the State the arms contemplated by the law passed at the Extra Session, for the reason that arms could be had only for money, and I had not the money wherewith to pay. Some arms have been furnished by the General Government, but not sufficient for the security of the State, and I recommend the subject to your careful consideration.

On several occasions during the past season when the Rebels had or appeared likely to get control in Northern Missouri, much uneasiness existed along our Southern border, lest they should attempt an invasion of our State, which, for want of arms, our people were not properly prepared to resist. Immediately after the close of the Extra Session of the General Assembly, I appointed Col. John Edwards and Col. Cyrus Bussey my Aids, with large discretionary powers, to act for the preservation of tranquility in the Southern border counties. I was well satisfied the peace of our State would be more easily preserved by preventing invasion than by repelling it, and therefore while I could not order our State troops beyond our State line, I instructed Colonels Edwards and Bussey, and through them the troops under their command, that if at any time the loyal men of Northern Missouri were in peril and called upon them for assistance, they had as full authority as I could give them to lead their men into Missouri to the aid of the loyal men there, and my promise upon their return that my power should be used to the utmost extent to protect them, if called in question for so doing. Under these circumstances, and in some cases at the instance of officers of the United States, Colonels Edwards and Bussey and Col. Morledge of Page county, at different times led bodies of Iowa troops into Missouri and kept them in service there until their presence was no longer needed, and I am well assured their services were highly valuable, not only in preserving the peace of our border and protecting our own people, but in supporting and strengthening the Union men of Missouri. The expenses incurred in these expeditions are, in my judgment, properly chargeable to the General Government, and I am now seeking their reimbursement.

Great uneasiness also existed on our Western and Northern border lest the Indians in Dacotah and Minnesota might be led by designing men to take advantage of the troubled state of public affairs, and commit depredations on our people in that region. The great distance of that part of the State from the place where my other duties compel me to keep my head quarters, and the want of the means of speedy communication therewith, either by Railroad or Telegraph, rendered it in my judgment absolutely necessary that

I should confer on suitable persons the power to act for me promptly in case of emergency, as fully as if I were present to act in person. I accordingly conferred such authority on Hon. Caleb Baldwin, of Council Bluffs, and Hon. A. W. Hubbard, of Sioux City. Under this authority, bodies of mounted men were called into service at different times for short periods, and I am happy to be able to state the tranquility of that portion of our State has been preserved.

I cannot permit this occasion to pass without thanking Messrs. Edwards, Bussey, Morledge, Baldwin and Hubbard, for their efficient and valuable services.

At my request the Secretary of War authorized the enlistment of a Company of Cavalry in the service of the United States, specially for the protection of the North-western border. This Company has been recruited and mustered in, and I hope will be sufficient for the protection of that portion of our State.

Our troops in Missouri have suffered greatly from sickness. To some extent this is perhaps attributable to the want of care and prudence among the men themselves, to a change in their mode of life, to their eating badly cooked food, and to the fatigue and exposure of hard labor and severe marches, and to a much greater extent to the want of proper hospitals, proper comforts for the sick, proper nurses and sufficient medical aid. Doubtless experience in camp life will convince our troops of the necessity of guarding their health, adapt them to their new circumstances and will make them better cooks; and I ardently hope the time will soon come when those who have the power so to do, will provide that the labor which has prostrated so many of them, shall be done by the slaves of those who have forced this war upon the country. Proper hospitals are now provided and the women of our State, following their womanly instinct to care for the suffering, have been and are engaged in making and forwarding to our troops those delicacies and comforts not provided by the regulations, but so necessary and cheering to the sick. I am decidedly of the opinion that female nurses in our hospitals would render invaluable service; and I earnestly recommend that provision be made for securing such service for the benefit of our sick and wounded soldiers.

I am well convinced that the medical staff (a Surgeon and Assistant Surgeon) now allowed by law to each Regiment, is insufficient, and I have been corresponding with the proper authorities for the purpose of effecting a change in the law. I recommend that power be given the Governor to appoint an additional Assistant Surgeon for each of our Regiments in service, to be paid by the State in case Congress shall not by law make the necessary provision.

The law passed at the Extra Session for the organization of the Militia, is in many respects defective, and has been in my judgment a hindrance instead of an aid in raising troops for the service of the United States. If the organization of the Militia is to be provided for by State law, a more full and perfect system must be devised.

But the Congress of the United States has power "to provide for organizing, arming and disciplining the Militia, * * * reserving to the States respectively the appointment of officers, and the authority of training the Militia according to the discipline prescribed by Congress." It is probable that Congress will at the present session, in view of the necessities of the country, provide a complete system of military organization for all the States, to the extent of the power thus conferred. It may be well to await such action until near the close of your session, and conform your action to such provision, if made.

SCHOOL AND UNIVERSITY FUNDS.

The School and University funds require your careful and earnest attention. A large portion of both these funds has been lent to individuals in different parts of the State. Most of the loans were made before the monetary crisis of 1857, and the securities taken for their repayment were, in many cases, insufficient originally, and have become much less valuable since, by reason of the general depreciation of the value of real estate; many of the borrowers have ceased to pay the interest as it falls due, and the results are a rapidly increasing debt with a greatly diminished security, and an increased taxation upon our people to supply the deficiency in the school fund caused by the non-payment of interest. More than this: under our Constitution, all losses to the Permanent School and University Fund which shall have been occasioned by the defalcation, mismanagement or fraud of the agents or officers controlling and managing the same, become a permanent debt against the State. Large losses to both these funds have already occurred, and the amount is steadily increasing, for want of proper attention and proper laws. The responsibility for these losses rests with the law-making power of the State, and the responsibility for all further losses must rest there, until by the enactment of proper laws, that responsibility is placed elsewhere. I recommend that provision be made requiring the prompt closing up of all loans which are insufficiently secured, or on which the interest has not been paid within a reasonable time, unless the borrowers shall entitle themselves to further time by giving further securities, or payment of the interest due. I also recommend that where loans are now sufficiently secured and the interest paid, an extension of time be given to borrowers, if desired, under proper limitations; that no new loans be made; and that sums of the principal of either of said funds that may be paid, shall either be paid into the State Treasury and used as other State funds, the State paying the interest thereon, or invested for the support of the proper fund either in the stocks of the United States or of this State.

The State University is now in successful operation, although much embarrassed for want of means arising from the non-payment

of interest due on loans of its permanent fund. The enactment of laws requiring the more prompt payment of interest, and for the safety and better investment of the permanent fund as above suggested, will enable the Trustees and Faculty to extend the usefulness of the Institution. I am decidedly of opinion that not only the interest of the Institution, but also the interest of the State requires that you should provide a Military Department of the University, and should establish a Military Professorship therein. The sad experience of the last few months, has shown us the necessity of Military knowledge among our people. By giving to the young men who may attend the University, military instruction and training, we will not only greatly benefit them, but will also have made provision for what our present experience shows may, at any moment, become a necessity to our people. The Board of Education, at their recent session, directed the Trustees of the University to make provision for a Military Department therein as soon as the General Assembly should make the necessary appropriations therefor, and I earnestly recommend the subject to your favorable consideration.

THE PENITENTIARY.

The affairs of the Penitentiary have been well conducted during the last two years. Its present faithful and efficient officers, although laboring under many difficulties, have, by their careful and skillful management, maintained excellent discipline; preserved in remarkable degree, the health of the convicts, and have so economized its expenses, that of the sum appropriated at the last Regular Session for the General support of the Prison, there remains unexpended, an amount so large that, in the opinion of the Warden, no appropriation for that purpose will be needed at the present Session. These officers, however, as well as those in charge of the Insane Asylum, the Asylums for the Deaf and Dumb, and the Blind, and all others, who have been charged with the duty of procuring for the State either labor, materials or merchandize of any kind, for ordinary State purposes, have been continually embarrassed for the want of money, and have been compelled to carry on their operations, and make their purchases at great disadvantage, with warrants on the Treasury. Of course, they have been compelled to pay higher prices in warrants than they would have had to pay in cash. As soon as these warrants are delivered, they are presented at the treasury, and endorsed unpaid for want of funds, and from that time draw eight per cent. interest, so that the excess of price and interest are so much clear loss to the State that might be saved if our taxes were promptly paid. Neither States nor individuals can manage their affairs in this manner without serious present embarrassment and great ultimate loss, and, in my judgment, it is clearly your duty, as guardians of the public

welfare, to see to it that this state of affairs shall not continue. The reports of the officers of the Penitentiary show the sums, which in their opinion, should be appropriated by you, and the objects for which they are needed. Whilst I am satisfied that all these objects are legitimate, and that the accomplishment of them would add much to the safety and completeness of the Prison, I cannot, in the present condition of our finances, recommend appropriations for all. The completion of the third tier of cells, additional accommodations for the hospital, additional shop-room, and a new cistern, are perhaps indispensable, and should be provided for.

The suit pending for some years, between the Warden and the contractors, for the labor of the convicts, has been decided, and in my judgment, very unfavorably to the State. In view of this decision, it will be necessary that considerable additions be made to the present shop-room in the prison yard, unless it be determined to feed and clothe the convicts at the expense of the State, and furnish their labor and shop-room for them gratuitously. I recommend that a Special Committee be sent to examine what further shops may be needed, and what steps can be taken to protect the interests of the State in this particular. The present contract for convict labor will expire on the 1st day of June, 1864. In order to have fair competition for the re-letting of that labor at the expiration of the present contract, provision therefor should be made at the present Session, and if possible, such provision should be made by law as will prevent, under a new contract, the heavy losses the State has sustained under the present one.

CHARITABLE INSTITUTIONS.

The reports of the proper officers of the Deaf and Dumb and Blind Asylums are herewith submitted. These institutions appeal so strongly to our better feelings, and the necessities of those for whose benefit they are intended, are so peculiar, and so urgent that I cannot withhold my recommendation that the usual appropriations be made for their support. The appropriation made at the last regular session for the new building for the Blind at Vinton, has been expended in the manner required by law. The building is now enclosed, and is not, as I understand, liable to injury by exposure to the weather, and I submit whether it is not advisable, in our present financial condition, to withhold the appropriation necessary to complete it until the next session of the General Assembly. The failure to make this appropriation will not prevent the proper care and instruction of the pupils, in the meantime, as they can be well provided for in the building now occupied by them. You will learn, by the Reports of the officers of the Insane Asylum, that that Institution, so long and so much needed, has been, for some months, in successful operation. The appropriation made at the last regu-

lar session, for finishing and furnishing the centre and east wing of the building has proved to be more than sufficient for that purpose, and there is a considerable balance unexpended. The number of patients now in the institution, is nearly or quite sufficient to fill all the finished portion of the building, and much inconvenience arises from the fact that patients of both sexes are confined in the same wing. This fact, with the additional one that before the next session a large portion of the now unfinished part of the building will, in all probability, be needed for the reception of patients, induces me to recommend, as I earnestly do, that an appropriation be now made, which with the unexpended balance of the last appropriation, will be sufficient to finish and furnish the west wing. Every one who has witnessed the misery and degradation, and knows the hopelessness of the cure of those poor unfortunates when confined in the cells of our county jails, and has also witnessed their comparative happiness and comfort, and knows the prospect for their restoration in the Asylum, will insist that the most terrible diseases shall no longer be treated as a crime, and that the State shall do her duty by providing and caring for these, the most helpless and most unfortunate of her people. An abundant and unfailing supply of water is absolutely essential to the successful operation of an institution of this kind. A reliance for such supply upon cisterns and common wells would be uncertain and unsafe, and as these were the only resources heretofore provided, the Trustees and Commissioners, in order to remove the difficulty, have undertaken the digging of an Artesian well. The details of the work for this purpose thus far, will be found in the reports, and I recommend that a sufficient appropriation be made to complete it or to show its impracticability. I also recommend that the law requiring the several counties of the State to pay for the support of their own pauper insane, be so changed as to require such payment to be made in advance. In this way only will such payment be prompt and reliable, and the State be relieved practically from the burthen of supporting the Institution. I cannot perceive the necessity for the two Boards of Trustees and Commissioners. Either of the Boards can easily perform, in addition to its present duties, the duties of the other Board, and by the consolidation, possible conflicts of authority would be avoided, as well as considerable expense.

RECLAMATION OF FUGITIVES FROM JUSTICE.

The law in regard to the reclamation of fugitives from justice is indefinite as to the amount of fees to be paid to agents of this State, who bring back such fugitives, and as to whether it is the duty of the Census Board to pay such expenses in all cases. It is desirable that the uncertainty on these points should be removed.

AGRICULTURE.

Agriculture is, and for many years must continue, to be the leading interest in our State; and any fair and legitimate aid that can be given thereto will tend to promote the public good. With this object the State has for some years paid considerable sums yearly to aid the Agricultural Societies of the State and counties. Whether the benefits that have resulted from this expenditure will justify its continuance during our present difficulties and embarrassments, you must decide. This great interest of our State may, in my judgment, be aided by legislation in a new direction. Hitherto our great staples for export have been wheat, corn, cattle and hogs. The prices paid for the transportation of these articles to New York, form a large portion of their value at that point. Indeed, wheat and corn will not bear transportation to that market during the season when the navigation of the lakes is closed. Experience has, I think, conclusively shown that our State is admirably adapted to sheep-grazing, and the value of wool in proportion to its bulk and weight is much greater, and the price of its transportation to New York in proportion to its value, much less than that of our present staples.

A great drawback upon the growing of wool is that large numbers of sheep are annually killed by dogs. I therefore recommend that a tax be levied on all the dogs in the State, and that the proceeds of the tax be applied to paying to owners of sheep killed by dogs, the value of the sheep thus killed. I would go further than this—I would exempt from taxation for a period of five years all sheep not exceeding fifty, owned by any resident of the State, and would also exempt from taxation for the same time all capital invested in the State in the manufacture of woolen goods.

I am well satisfied that the cultivation of flax can be successfully and profitably introduced in our State. It is valuable not only for the seed, but for the lint which under a new process, is converted into what is called flax cotton. I am well assured that before the commencement of the rebellion, a remunerative price could be paid in our State for the flax straw, which has heretofore been an entire loss to the farmer, the fibre separated from the wood, and the tow transported to Boston and manufactured into Flax Cotton, which could fairly compete in price and usefulness with the cotton of the Southern States. In order to stimulate our people to examine the question carefully, and if possible, introduce among us a new and profitable branch of industry, I recommend that all capital invested in the manufacture of linseed oil, or the conversion of flax straw into flax cotton, be exempted from taxation for five years.

If our industry were more diversified, we would suffer less from fluctuations of prices of particular articles, and if, as necessity re-

quires and opportunity offers, we become manufacturers as well as producers, we will increase our wealth and independence.

The Report of the Secretary of the Agricultural College shows the action of the Board of Trustees since your last session. I would gladly recommend liberal appropriations for the erection of the necessary College and other buildings, if the condition of our finances would allow, but I cannot now do so. The farm and buildings are in such condition that a failure to make appropriations will not necessarily work any injury to them. The only unfavorable result will be delay, and to that we must submit until our national difficulties are removed. I heartily approve of the policy adopted by the Trustees of reserving the lands donated by the State and by individuals, and the bonds of Story County to endow the Institution, trusting to the liberality of the State, and of individuals in more prosperous times for the erection of the necessary buildings.

LAND GRANT.

The Report of the Register of the State Land Office shows the condition of the various grants of land made by the Congress of the United States to this State.

Very serious and embarrassing questions have arisen from the conflicting interests and claims of some of the Land Grant Railroad Companies and the Des Moines Navigation and Railroad Company. There have been much vacillation and conflict of opinion and action among the heads of the Department of the Interior in regard to the extent of the Des Moines River Land Grant. That Grant has been held by one Secretary to extend only to the forks of the River at Des Moines City; by another to extend to the sources of the River in Minnesota, and by another to extend only to the north boundary of our State. One or more of the Secretaries certified to the State as part of this grant large bodies of land lying above the forks of the River within the limits of the State, and the State subsequently sold and conveyed many of these lands to individuals. Afterwards the State contracted with the Des Moines Navigation and Railroad Company to prosecute the work of improving the Des Moines River, agreeing to convey to said Company the title of the State to portions of the land so certified to the State for that purpose, as rapidly as the work progressed. Under this arrangement the title of the State to many of these lands was conveyed to the Des Moines Navigation and Railroad Company. Subsequently by settlement with the Des Moines Navigation and Railroad Company the State conveyed to said Company the title of the State to the remainder of the lands which had been certified to the State by the Secretary of the Interior, and at the same time conveyed to the Keokuk, Ft. Des Moines & Minnesota Railroad Company its title to all the lands of said grant which had not been certified to

the State by the Secretary of the Interior, except fifty thousand acres reserved for certain purposes. The Des Moines Navigation & Railroad Company have conveyed to individuals large bodies of the lands thus conveyed to them. The lines of three of the Land Grant Railroads, (the Dubuque and Sioux City, the Cedar Rapids & Missouri, and the Mississippi and Missouri,) cross the Des Moines River above its forks, and hence arises a conflict between these companies, and the companies and their grantees, and the grantees of the State who hold portions of those lands as part of the original Des Moines River Grant. These Railroad Companies claim that the Des Moines River Grant never really extended above the forks of the River at Des Moines, and that consequently all conveyances made by the State of lands above that point, as Des Moines River Grant Lands are invalid, and that by virtue of the Railroad Land Grant they acquired a title to all such lands lying within the limits of their respective grants.

The State having only conveyed what title it had to those lands may not be legally liable to make good any loss that may result to others from a failure of that title, but certainly is morally bound, at the least, to do what may be reasonably and fairly done to protect the rights and interests of those threatened with such loss. When the State granted to the Railroad Companies the lands granted to the State by Congress for Railroad purposes, it was not contemplated by the parties, certainly it was not contemplated by the State, that it was granting to these Companies lands previously conveyed by the State to others, and if since the making of these grants the Companies who are to receive the benefit of them have discovered by strict legal construction they are entitled to more than was contemplated, either by themselves or by the State, and are disposed to enforce strictly these legal rights, to the injury of innocent purchasers from the State; the State may, and I think should, hold these Companies in all things to a strict compliance with the terms of the grants made to them. If these companies are now in default, and ask the indulgence and clemency of the State, it seems to me the State may very properly, before extending such indulgence and clemency, enquire and know what indulgence and clemency these Companies will extend to the unfortunate holders of these lands, and make for the one with the other such terms and conditions as may be equitable and just to all.

In selecting the lands for the five hundred thousand acre grant, so called, by some mistake the agents of the State selected and the officers of the General Government certified to the State several thousand acres more than were covered by the terms of the grant. This mistake being discovered, application was made to my immediate predecessor by the Commissioner of the United States General Land Office to reconvey to the United States this excess of land. Upon examination it was found that part of the land had been already sold and conveyed by the State, so that all could not

be reconveyed. Under these circumstances it was agreed between Governor Lowe and the Commissioner of the General Land Office, that the unsold portion of this excess of land should be reconveyed, and that the United States should retain of the five per cent. fund coming to this State enough to pay for such of said lands as could not be reconveyed by reason of their sale at the rate of one dollar and twenty-five cents per acre. Unfortunately, at the time this agreement was made, the then unsold portion of the lands was not withdrawn from market, and since then still other portions have been sold. Governor Lowe, by letter, relinquished the title of the State in these lands, but quite recently the Commissioner of the General Land Office has applied to me for a formal deed of conveyance. I at once caused the remaining unsold portion of the lands to be withdrawn from market, and would at once have reconveyed them, but have serious doubt whether the Executive can without your authority divest the State of title to land which has been once vested in the State, whether by mistake or otherwise.

I recommend that authority be conferred to settle and adjust this matter on the terms proposed by Governor Lowe, and also to reconvey to the United States any portion of said excess of lands yet remaining unsold.

The swamp land grant is being slowly adjusted with the General Land Office at Washington City. By the terms of the law making this grant, this State will be entitled to receive from the United States in lieu of swamp lands that had been entered with land warrants, land script entitling the State to locate a "quantity of like amount upon any of the public lands subject to entry at one dollar and a quarter per acre or less."

The Commissioner of the United States General Land Office has so construed this law as to require the State to select the lands to which it may be entitled thereunder, from the lands of the United States, subject to entry, at one dollar and a quarter an acre, lying within this State. The law will not, in my opinion, bear this construction, and I am endeavoring to have it set aside, so as to allow the selection of the lands to which the State may be entitled to be made in this State or in any other State or Territory where public lands may be found subject to entry, at one dollar and a quarter per acre.

It will be necessary that an agent or agents be appointed to make these selections, and you should make some provision for such appointment. The lands thus to be selected will, by the laws of this State, belong to the Counties within which the lands in lieu of which they may be selected were originally located. The United States, however, recognize only the State as the recipient of the grant, and will probably recognize only the agent or agents of the State in making these selections, but as the benefits of the selections enure to the Counties, it would be just and proper that the

Counties should bear or refund to the State the expense of the agency.

I have thus endeavored to place before you the condition of the State, so far, as in my judgment, your action is needed for its improvement. Your wisdom will doubtless discover some, perhaps many, particulars in which legislation will be necessary, that have been overlooked by me.

The year which has just closed, has brought to our people a new experience, new trials, new responsibilities, and new duties. Let us continue to meet them as we have thus far met them, with neither an overweening confidence in, and reliance upon, our own strength, nor an unmanly and craven fear for ourselves, or of the hardships we may endure before we win by deserving success, but with patience, calmness, unflinching courage, and an abiding faith in God.

SAMUEL J. KIRKWOOD.

A B S T R A C T

OF THE VALUATION OF PROPERTY AND THE AMOUNT OF TAXES LEVIED IN THE SEVERAL COUNTIES OF THE STATE OF IOWA, FOR THE YEAR 1861.

COUNTIES.	Value of Land.	Value of Town Property.	Person-ality.	Total Valuation.	State Tax	County Tax.	County and District School Tax.	School House Tax.	Road tax	Bridge Tax, etc.	Court House and City tax.	Total taxes
Adair	\$971,319	\$15,045	\$34,372	\$1,020,736	\$2,047 27	\$8,056 85	\$6,432 04	\$.....	\$2,024 66	\$.....	\$.....	\$18,560 53
Adams	797,289	48,338	85,486	931,113	1,860 49	2,325 61	1,986 44	1,181 23	1,369 56	.....	.....	8,673 34
Alamakee	1,578,717	211,668	350,871	2,140,774	4,281 94	9,527 09	12,268 68	.....	.....	2,149 88	.....	28,227 46
Appanoose .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Audubon	342,737	5,769	82,562	381,158	763 16	636 25	727 07	161 08	841 53	.....	.....	2,629 14
Benton	2,189,591	117,062	377,468	2,664,021	5,377 02	11,474 37	19,468 01	.....	3,880 86	691 56	42,031 60	42,441 92
Blackhawk	1,710,725	337,056	342,432	2,390,213	4,780 40	10,282 74	15,860 55	.....	2,541 83	2,392 67	.....	35,908 78
Boone	1,244,639	82,296	179,371	1,506,256	3,279 09	6,397 90	6,751 23	.....	2,019 64	.....	.....	18,447 83
Bremer	1,092,436	86,023	186,307	1,364,766	2,729 53	5,450 06	4,887 49	3,756 93	1,339 61	497 00	1,056 95	19,726 59
Buchanan	1,767,438	805,173	279,992	2,852,603	4,705 21	5,594 21	12,377 24	1,002 57	2,524 31	.....	.....	26,204 04
Buna Vista .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Butler .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Calhoun	657,390	2,138	4,650	464,378	1,323 64	2,076 32	1,029 78	.....	2,275 76	.....	.....	7,250 50
Carroll	472,599	1,932	11,209	455,790	975 68	1,389 31	1,061 76	1,079 75	1,209 50	.....	.....	6,255 99
Cass	779,508	88,095	75,600	868,458	1,969 33	3,712 32	4,427 11	.....	.....	.....	.....	10,096 76
Cedar	2,344,342	220,329	619,544	3,184,415	6,377 24	13,792 22	13,415 76	7,020 88	1,594 69	.....	.....	42,191 52
Cerro Gordo	867,599	23,863	32,010	113,472	1,700 41	3,826 00	5,481 35	.....	.....	.....	.....	11,016 76
Cherokee	147,837	3,050	2,030	152,967	305 95	611 87	382 42	.....	453 90	.....	917 80	2,076 94
Chickasaw	928,219	54,666	122,490	1,105,375	2,220 32	4,414 31	7,354 88	.....	.....	966 68	.....	1,547 19
Clarke .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clay .....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....	.....
Clayton	2,265,073	682,702	810,708	3,758,483	7,555 04	15,051 42	22,960 15	.....	.....	5,754 01	.....	41,329 62
Clinton	2,539,066	882,399	867,265	4,309,390	9,324 71	15,099 58	10,428 61	10,888 21	.....	.....	1,953 69	47,694 01
Crawford	557,337	9,555	16,226	583,178	1,177 14	2,355 02	688 77	2,943 71	1,349 86	538 77	320 41	9,322 68
Dallas	1,444,964	57,251	212,727	1,714,942	3,504 64	4,641 66	3,228 11	3,332 07	1,143 17	.....	186 17	16,735 82
Davis	1,618,586	101,839	813,699	2,434,274	4,868 64	2,434 27	2,434 27	.....	.....	1,317 14	.....	10,954 22
Decatur	1,238,911	67,386	311,372	1,617,569	3,197 78	5,515 96	8,556 67	.....	.....	.....	.....	17,270 43
Delaware	1,765,924	139,532	423,691	2,329,147	4,650 33	10,559 37	15,080 79	.....	1,611 63	2,636 19	.....	34,198 53

A B S T R A C T—Continued.

COUNTIES.	Value of Land.	Value of Town Property.	Personality.	Total Valuation.	State Tax	County Tax.	County and District School Tax.	School House Tax.	Road tax	Bridge Tax, etc.	Court House and City tax.	Total taxes
Des Moines.....	\$2,040,855	\$1,190,477	\$1,238,547	\$5,264,874	\$19,744 08	\$12,744 06	\$19,405 28	\$	\$ 460 34	\$1,741 00	\$	\$47,114 78
Dickinson.....												
Dubuque.....												
Emmett.....												
Fayette.....	1,844,195	198,851	371,380	2,414,426	4,892 12	9,624 67	16,415 82		1,855 70	3,584 57		36,282 88
Floyd.....	735,405	104,690	127,635	970,643	1,943 39	2 61	7,047 81		1,381 20			10,374 51
Franklin.....	960,536	9,437	46,126	1,006,099	2,044 83	4,007 00	3,042 50		1,773 12			10,867 45
Fremont.....												
Greene.....												
Grundy.....	715,353	3,355	51,475	750,183	1,502 09	2,734 65	2,406 98	3,075 50	1,596 42			11,815 64
Guthrie.....	963,314	27,005	154,902	1,145,221	2,290 50	3,436 05	4,263 72	3,102 90				13,093 25
Hamilton.....												
Hancock.....	683,694	1,064	7,455	692,213	1,384 43	4,153 28	2,140 42			692 22		10,114 55
Hardin.....	1,154,494	108,092	161,661	1,424,247	2,817 91	7,535 11	10,503 71		1,746 20	1,462 32		23,967 71
Harrison.....	841,106	3,977	151,158	1,029,241	2,058 48	3,087 72	1,543 86					6,690 06
Henry.....	1,971,298	42,818	869,583	3,333,699	6,690 06	8,262 06	17,256 14		975 20		41 61	33,225 07
Howard.....												
Humboldt.....	288,413	3,026	13,044	299,463	598 97	1,197 93	1,151 90		598 97	299 48		3,847 25
Ida.....												
Iowa.....	2,015,343	212,301	622,584	2,850,228	5,841 74	9,685 89	8,055 63	5,917 61			254 66	29,755 53
Jackson.....	2,226,521	352,849	691,447	3,270,817	7,133 17	18,280 95	10,269 13					35,633 25
Jasper.....												
Jefferson.....	1,905,899	266,218	699,886	2,871,003	5,811 18	10,182 43	8,445 57	1,404 22				25,843 40
Johnson.....	2,516,137	685,581	1,310,872	4,512,589	9,024 70	19,902 39	16,904 85	7,499 08	10,151 69	3,384 36	2,758 78	69,129 35
Jones.....	1,892,401	152,510	599,741	2,554,652	5,097 10	10,195 49	17,588 68					32,881 27
Keokuk.....	1,805,708	143,596	670,126	2,619,430	5,241 93	9,225 49	7,703 40					22,170 89
Kossuth.....	398,462	16,284	13,737	398,483	676 64	1,846 50	1,430 16	571 77		1,727 52		5,763 59
Lee.....	2,794,667	2,873,668	1,781,712	7,450,042	14,900 54	19,802 08	11,122 21		7,450 23			73,275 06
Linn.....	3,263,904	751,854	967,148	4,982,906	9,963 95	26,840 40	27,778 70			2,475 51		67,059 26
Louisia.....												
Lucas.....	1,165,095	119,706	289,209	1,574,012	3,143 06	4,718 95	5,166 89	4,113 45	1,487 82	594 00		19,224 17
Madison.....	1,225,219	130,404	399,644	1,854,367	3,964 24	6,151 85	11,486 90			2,652 81		23,784 19
Mahaska.....	2,519,590	398,326	845,284	3,563,200	6,584 63	8,609 58	11,212 74	7,036 48				33,443 43
Marion.....	2,072,480	315,959	775,716	3,164,155	6,327 0	6,327 30	15,436 95		1,179 40	3,360 99	334 70	32,986 67
Marshall.....	1,497,796	149,847	282,004	1,927,697	3,987 21	7,721 33	6,244 36	7,772 24	2,384 59			29,640 14
Mills.....	825,587	118,890	250,966	1,195,443	2,572 31	4,838 93	5,964 70			1,658 14		15,029 28
Mitchell.....												
Monona.....	570,356	57,451	44,060	665,567	1,333 65	2,731 97	4,198 14		1,287 49			9,551 25
Monroe.....	1,831,330	102,872	440,777	1,874,979	3,757 27	5,442 68	4,964 23	2,652 52		484 76		17,301 96
Montgomery.....	534,914	16,309	59,257	610,480	1,223 96	2,441 24	3,809 78		947 07	610 48		9,032 53
Muscatine.....	2,028,142	1,096,195	110,117	4,224,454	9,505 02	12,417 01	19,146 38					41,068 35

O'Brien	447,691		747	448,744	899 27	1,247 17	1,796 23		898 27	449 08		5,359 04
Page	1,058,919	57,747	223,387	1,340,053	2,684 48	4,982 58	5,627 90	4,279 27	1,261 58	460 50		19,302 21
Palo Alto	46,686		5,996	51,682	103 26	216 70	167 29		108 38			589 81
Plymouth	90,157	10,835	5,678	106,670	217 07	448 18	595 02		80 20			1,340 42
Pocahontas	298,580		531,300	829,660	807 83	1,614 66		1,125 98	421 24	408 66		4,872 87
Polk												
Pottawattamie	1,813,183	840,277	336,728	2,450,188	5,024 50	9,969 14	6,184 94	5,773 47	2,058 90			29,501 93
Poweshiek	1,526,517	115,664	264,207	1,905,888	3,810 88	6,878 97	6,979 23	5,000 48				22,164 56
Ringgold	1,061,642	18,638	83,614	1,163,894	2,342 01	3,510 01	3,189 68					7,050 70
Sac	249,655	11,408	7,507	268,570	537 14	1,066 83	660 79	371 40	687 49	1,921 88		5,175 03
Scott	2,392,461	2,640,154	1,058,859	6,091,474	12,182 95	24,375 89	20,758 08		7,151 09			70,788 01
Shelby	546,808	15,891	41,517	604,216	1,231 59	2,525 04	1,500 70	531 41	1,188 41	615 58		7,602 73
Story	953,848	49,441	121,959	1,125,048	2,245 15	2,522 63	3,935 27	2,438 45	1,989 82	1,169 91		14,304 23
Sioux												
Tama	1,846,677	90,766	201,087	2,138,510	4,246 48	8,522 73	15,590 64			2,026 04		80,985 89
Taylor	948,629	40,250	168,768	1,157,637	2,316 43	4,637 39	3,024 11	3,132 58				13,160 50
Union	732,180	29,444	105,154	876,778	1,749 24	3,041 78	2,134 27	1,866 42	1,591 21	699 32		11,082 24
Van Buren	2,206,588	425,129	873,750	3,505,467	7,011 22	12,277 60	12,314 86			5,137 01		36,740 69
Wapello	1,841,843	530,919	912,841	3,285,603	6,564 29	14,259 97	11,228 05		282 74			32,335 05
Warren	2,029,345	158,448	347,001	2,734,794	5,501 21	10,396 88	8,088 69	4,172 26	1,614 71			29,718 85
Washington	2,517,488	855,558	975,736	3,848,732	7,696 98	15,002 21	9,009 89					31,709 03
Wayne												
Webster												
Winnebago												
Winneshiek	1,757,822	186,871	499,027	2,443,720	4,882 53	8,414 06	12,009 90		1,187 70			26,494 24
Woodbury	531,743	213,553	105,230	850,526	1,708 70	3,578 89	3,220 02		1,151 91	870 52		10,520 05
Worth	515,198	3,748	23,416	622,359	1,244 72	2,409 44	1,767 93	2,200 58	1,585 25	622 36		9,910 28
Wright	885,248	16,127	16,994	918,367	1,865 22	3,731 34	2,177 24	932 97	1,740 88	933 18		11,380 88
Total	90,763,188	19,987,977	26,545,910	146,287,025	298,214 60	534,726 51	587,698 46	110,358 57	81,486 37	59,850 06	49,306 37	1,721,585 94

On motion of Mr. Woodward the Senate adjourned.

AFTERNOON SESSION.

Senate met pursuant to adjournment.

The reading of the Governor's message was concluded.

Messrs. Lane and Kellogg of the House, were announced, who informed the Senate that the House was now organized and ready to proceed to business.

Mr. Udell on behalf of Committee on Postage, reported that he had made satisfactory arrangements with the Post Master at Des Moines, for sending off mail matter from the Senate.

Mr. Brown moved that the message of the Governor be laid on the table, and 5,000 copies in English and 2,000 copies in German be printed. Carried.

On motion of Mr. Woodward the Senate adjourned until nine o'clock to-morrow morning.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, January 15, 1862. }

The Senate convened at 9 o'clock.

Prayer by Rev. Mr. Chamberlain.

Minutes of yesterday were read and corrected.

Mr. Burdick gave notice that on to-morrow or some subsequent day of the session, he would introduce the following Bills:

A Bill punishing Forwarding and Commission Merchants and others, with whom property is stored, for selling the same without authority from the owners.

Also, a Bill fixing the compensation of Sheriffs for the performance of certain duties.

Also, a Bill to reimburse those Counties the Supervisors of which have appropriated money for uniforms and subsistence of Volunteers.

Mr. Teter gave notice that on to-morrow or some future day he would introduce a Bill constituting the several County Judges the recorders of Deeds and other instruments of record, to take effect from the change of those officers.

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 George R. Brainard be appointed Post Master of the General Assembly.

I am further directed to inform the Senate that the House has concurred in the Joint Resolution relative to canvassing the votes for Governor and Lieut. Governor.

CHAS. ALDRICH, Chief Clerk.

Mr. Dysart gave notice that on to-morrow or some future day he would introduce the following Bills :

A Bill for an Act to empower the Clerk of the District Court to act in all matters where the County Judge is a party or any way interested.

Also, a Bill for an Act to confer jurisdiction to hear and determine all appeals from Justices of the Peace, and in all civil actions wherein the amount in controversy does not exceed \$300,00.

Also, a Bill for an Act to protect Wool-growers against loss by Dogs.

Mr. Ainsworth gave notice that on to-morrow or some future day, he would introduce a Bill, repealing an Act entitled an Act for the suppression of intemperance, substituting a license law in its place.

Mr. Dungan offered the following resolution :

Resolved, That the Secretary be directed to furnish each member of the Senate with ten copies of such daily papers as the members may direct, or their equivalent in weeklies, published in this State.

Mr. Teter moved to amend so that the resolution shall read fifty copies instead of "ten."

Mr. Leake moved to amend so that papers thus taken, shall be confined to the papers published in this City and containing the proceedings of the Legislature.

The yeas and nays being called for by Mr. Ainsworth, on the amendment to the amendment, the roll was called with the following result :

The Yeas were, Senators Angle, Boardman, Dungan, Dysart, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Smith, Woodward and Woolson—19.

The nays were, Senators Ainsworth, Bowen, Brown, Burdick, Dixon, Duncombe, English, Foote, Gray, Green, Kent, McPherson, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson and Williams—19.

Absent or not voting, Senators Hammer, Neal and Jennings.

The President voting nay, the amendment was lost.

The question now being on the amendment to the original reso-

lution, Mr. Woolson called for the yeas and nays, and a vote was taken with the following result :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dysart, Gue, Hatch, Hesser, Kent, Redfield, Smith, Teter and Trumbull—14.

The nays were, Senators Ainsworth, Brown, Duncombe, Dungan, English, Foote, Gray, Green, Hagans, Hastings, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Udell, Watson, Williams, Woodward and Woolson—24.

Absent or not voting, Senators Hammer, Neal and Jennings.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has ordered the printing of 7,500 copies of the Governor's Message in English and 2,500 in German for the use of the House.

I am also further directed to inform the Senate that the House has appointed Messrs. Stanton, Dunlavy and Williams of Mahaska to confer with a similar committee on the part of the Senate in relation to the Joint Rules of the two Houses.

CHAS. ALDRICH, Chief Clerk.

Mr. Brown offered the following as a substitute for the resolution of Mr. Dungan :

Resolved, That a Committee of three Senators be appointed to act in conjunction with such Committee on the part of the House, whose duty it shall be to inquire into the expediency of electing a Reporter for each branch of the Assembly who shall perform such duty under the direction of the House in which he shall report.

A Committee from the House consisting of Messrs. Bowdoin and Bracewell were announced, who reported that the House was now ready to meet the Senate in Joint Convention to canvass the votes cast for Governor and Lieutenant Governor, and that they had appointed H. C. Loomis of Cedar County teller on the part of the House.

On motion of Mr. Angle the resolution before the Senate was laid on the table.

On motion of Mr. McPherson it was voted that the President appoint a teller on the part of the Senate.

The President appointed A. M. Pattison of Marshall County, teller.

Mr. Brown moved that the Senate now proceed to join the House in convention to canvass the votes for Governor and Lieutenant Governor. Carried.

The House was called to order when the Sergeant-At-Arms announced the Senate, who entered the Hall preceded by their President, and took the seats assigned them.

Whereupon the President of the Senate announced that the Con-

vention have met to canvass the votes for Governor and Lieutenant Governor of the State of Iowa, and declare the result.

Mr. Pattison of Marshall was appointed teller upon the part of the Senate.

On calling the roll the following members were absent:

Mr. West, member of the House; and Messrs. Bussey, Hammer, Henderson, Jennings, Neal, Powers, Scott and Taylor, members of the Senate.

The Speaker then proceeded to announce the votes of the several Counties in the State for the offices of Governor and Lieutenant Governor, pending which, Mr. Angle of Linn moved a recess till 2 o'clock P. M., which was carried.

TWO O'CLOCK P. M.

The members of the House and Senate again met in Joint Convention, when the canvass was concluded with the following result:

FOR GOVERNOR.

Whole number of votes cast.....	105,594
Of which Samuel J. Kirkwood received.....	60,252
W. H. Merritt.....	40,187
B. M. Samuels.....	4,551
Charles Mason.....	91
Henry Clay Dean.....	462
Scattering.....	51

FOR LIEUTENANT GOVERNOR.

Whole number of votes cast.....	102,978
Of which John R. Needham received.....	60,145
Lauren Dewey.....	38,617
Jesse Williams.....	4,123
Wm. H. Merritt.....	39
Scattering.....	49

Whereupon the President announced Samuel J. Kirkwood duly elected Governor of the State of Iowa for the term of two years, and that John R. Needham was duly elected Lieutenant Governor of the State of Iowa for the term of two years, they having received a majority of all the votes cast at the election in October last, and certificates of their election were read and signed as follows:

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 15, 1862. }

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. 1861, for the office of Governor of the State of Iowa, it appeared that Samuel J. Kirkwood received a majority of all the votes cast at said election for said office, and therefore was 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 the Joint Convention, this 15th day of January, 1862.

NICHOLAS J. RUSCH,
Lieutenant Governor.

[Attest:] A. M. PATTISON, Teller for the Senate.

H. C. LOOMIS, Teller for the House.

RUSH CLARK,
Speaker of the House of Representatives.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 15, 1862. }

THIS IS TO CERTIFY that upon a canvass of the two Houses of the General Assembly of the State of Iowa, of the votes cast at the October election, A. D. 1861, for the office of Lieutenant Governor of the State of Iowa, it appeared that John R. Needham 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 the Joint Convention, this 15th day of January, 1862.

NICHOLAS J. RUSCH,
Lieutenant Governor.

[Attest:] A. M. PATTISON, Teller for the Senate.

H. C. LOOMIS, Teller for the House.

RUSH CLARK,
Speaker of the House of Representatives.

Mr. Bowen, of the Senate, introduced the following Resolution which was adopted:

Resolved, That a Committee of five, two from the Senate and three from the House, be appointed to wait upon the Governor and Lieutenant Governor elect, and inform them of their election, and to report to this Convention when it will be their pleasure to be inaugurated.

Whereupon the Chair appointed the following gentlemen as such

Committee, viz: Messrs. Bowen and Duncombe of the Senate; Williams of Mahaska, Bass and Martin of the House.

The Committee reported that they had discharged their duty, and that the Governor and Lieutenant Governor elect, had signified their pleasure to be inaugurated immediately.

On motion of Mr. Bowen, the same gentlemen were appointed a Committee to conduct the Governor and Lieutenant Governor elect, to this Hall.

On motion of Mr. Woodward, a Committee of two was appointed by the Chair, to invite the members of the Supreme Bench and the officers of State to be present at the inauguration.

The Chair appointed Messrs. Woodward of the Senate, and Kellogg of the House, as such Committee.

The several Committees performed their respective duties and returned to the Hall accompanied by the Governor and Lieutenant Governor elect, the Chief Justice and Associate Justices of the Supreme Bench, and the Officers of State, who were respectively seated.

Whereupon Chief Justice Baldwin proceeded to administer the oath of office to Samuel J. Kirkwood as Governor, and John R. Needham as Lieutenant Governor, of the State of Iowa; when his Excellency addressed the Joint Convention as follows:

Gentlemen of the Senate and House of Representatives:

As this is the first time in the history of our State that the same person has been twice elected to the office, the duties of which I have for the second time just assumed, and as the transmission to you of a Message in writing, communicating the condition of the State and recommending such matters as seemed to me expedient, was among the last of the official acts of my first term of service, it was for some time a question with me whether it was proper for me in commencing my second term to conform to the custom heretofore acted on by incoming Governors of delivering an Inaugural Address. Upon reflection, I did not feel at liberty to disregard what is a well established, and what is considered a useful custom.

When two years ago, I first assumed the duties of my present office, I saw, and in my Inaugural Address alluded to, the bitter and exasperated feelings existing in certain portions of our country, which have since resulted in the present Rebellion, and pointed out what seemed to me to be some of the exciting causes of that feeling. The people of our country were then about entering upon one of those political contests by which the policy of our General Government is for a time determined—and I expressed the belief that this angry and excited feeling would not result in an appeal to arms, but that a people taught as ours have been to yield almost instinctively to the fairly expressed will of the majority, would, when the feeling engendered by its contest had passed away, again per-

mit the calm dictates of reason to resume their sway, and that we would again become a contented and happy nation. Time has shown that my belief was erroneous, and yet it seems to me it was a reasonable and just belief. All men know well that the Government against which rebellion would be made, if raised at all, was the Government which made the least exactions and conferred the most benefits upon its people of any Government in the world. All men knew well and none better than those now in Rebellion that the Administration whose accession to power their opponents declared they would consider cause for revolt, could not, during their term of office, even if so disposed, inflict upon the defeated party any wrong. And it seemed then, and seems yet to me to be a reasonable and just belief that no portion of a people, so intelligent as ours has claimed to be, could revolt against a Government which had conferred upon them only benefits, and against an Administration powerless to injure them. All men knew, too, that Rebellion must bring upon those engaged in it terrible calamities, if not sure destruction, and it did seem reasonable and just to believe that sane men would not bring upon themselves such results without cause.

Yet there were other things bearing upon this question which we did not know. We did not know—even although we were so told by some far-sighted men; it seemed too monstrous for our honest and loyal hearted people to believe; that men whom they had delighted to honor, men upon whom they had conferred the high places—even the highest place of honor, and profit, and trust under our Government—could, whilst yet holding these places and pledged in the sight of God and before men faithfully to discharge their trust, and with professions of love and attachment to our Government yet warm upon their lips, deliberately conspire to overthrow and destroy that Government which they were so strongly bound to protect and defend. I repeat it, our honest and loyal-hearted people could not believe these things to be true; they were to them too monstrously infamous for their belief. They had not yet learned the bitter lesson that honesty, truth, good faith and loyalty, were but mere words used by these men as a cover under which to deal, as they hoped, a fatal stab to that Government from which they had derived all they ever had of honor or importance. Had this not been so (and although its truth has produced such terrible results, I thank God our people could not then believe it possible,) I am well convinced we would to-day have no Rebellion. Had the occupant of the Presidential chair for the year preceding the 4th day of March, 1861, and his advisers been true men, and had they done their duty as such, and stricken Rebellion one honest, downright blow when first it reared its hateful head, we would have to-day a peaceful and united nation. But this, unfortunately, was not so. Treason and imbecility sat in our high places, and surrendered one after another the outposts of the citadel of our

strength into the hands of Rebels, until emboldened by success, they believed the citadel itself to be within their grasp. In this way the Rebellion was encouraged and strengthened, and thousands of men were induced to array themselves upon its side from the conviction that the Government was powerless to protect its friends or punish its enemies.

At last, but too late, came a change of Administration. Our Government asserted its rights, and gave evidence of its will and power to maintain them, and then came the civil war that is now upon us.

I need not undertake to point out to you the primary cause which has led to this disastrous issue. Although there may have been many minor causes, all tending to the same end, such as the disappointed ambition of bad men, and the lust for power, the clear common sense of our people has seen and accepted the fact that the one great controlling cause of this wicked rebellion, and of all the fearful consequences which have followed and must follow from it, is the system of Human Slavery. Sophistry cannot disguise this fact, nor argument illustrate it. It is patent, tangible, and sooner or later it must be accepted by our rulers as well as by our people, and acted on by all. This baneful system which has wrought such terrible results, was accepted with great reluctance by our fathers as an existing but most unfortunate fact, and its existence recognized and protected by them as such; but surrounded at the same time by influences such, as they confidently hoped, would soon eventuate in its total and peaceful extinction. That hope has been sadly disappointed. The system so reluctantly admitted into our form of Government, and so antagonistic to its vital principles, has, like a foreign substance in the human body, been to the body politic a source of constant irritation, and has been the real cause of all the heart-burnings and ill-will among our people. Circumstances, not foreseen at the beginning, have fostered and encouraged it. It has been defended, protected, and nourished by its votaries with a devotion almost unparalleled, until it has acquired a strength and power which enabled it, at first by stealthy approaches, and then by bold attack, to seize the reins of Government, and control the policy of our people. And when peacefully and constitutionally it was driven from its usurped seat of empire, and the determination expressed that for the future it should be kept in the subordination for which it was originally intended, it revolted and by civil war has sought to destroy the Republic it could no longer control, and from the remains to build a new one in which its empire should be absolute and undisputed.

I have said that our people had seen and accepted these facts, and that the time must come, sooner or later, when our rulers too, must see them, and when all, rulers and ruled, must act upon them. It is not for us to determine what that action shall be. That is the right and duty of others. But it is for us — it is our right

and duty—to advise with those others, and to point out to them the course which, in our best judgments, should be pursued. Understand me rightly. I freely accept and have cordially acted upon the theory that it is for our rulers to determine the policy to be pursued, and for us to sustain them, even if that policy should not meet our approbation. But it does not follow that we must not advise a change of policy, if our judgment teaches, or experience has shown such a change to be necessary.

What, then, if anything, have we to advise? Let us see where we stand, and what are our surroundings. More than twelve months ago this war upon our Government was begun, and it has been prosecuted up to this moment on the one side with fierce vindictiveness, and terrible earnestness. Nothing, literally nothing, has been allowed to stand in the way of the advancement of the cause for which this war has been waged, by those who advocate that cause. Officers of the Army and Navy, to advance that cause, have deserted their flag. Statesmen, to advance it have betrayed their trusts. Among all ranks, acts of fraud, words of falsehood and deeds of violence have been held good and honorable service, if thereby this cause might be advanced, and the entire energies of its advocates have been directed to that single end. The sole question they have asked has been: "What thing can we do which will most effectually and speedily break the strength of our adversaries?" And when that question has been answered, they have as one man done that thing. How have they been met? Until the 4th day of March last past, not only were no steps taken to arrest their progress, but many of those who now are not of and with them, insisted that coercion should not be used to arrest it. After that date, although the new Administration took prompt and vigorous steps to meet the crisis, many people in the loyal States still protested against coercive measures to suppress rebellion, and many others sought, as if expecting to find, some neutral ground on which to stand, some middle ground between loyalty and treason, as if a citizen could be loyal to his Government who did not lend his hand to defend it when rebels sought to destroy it. But time passed on until Sumter fell, and our nation awoke from what appeared to be the slumber of death. With fiery zeal and generous emulation, the young men of all classes and all parties in the loyal States rallied around the government, until to-day we have under our banner the best army the world has ever seen, ready and eager to meet in battle all enemies who seek the destruction of the Union. And yet it seems to me that we do not bring to this conflict the same directness, the same unity of purpose and action our adversaries do. It seems to me we do not ask ourselves what one thing can we do that will most effectually and speedily break the strength of our enemies? and when that question is answered, do that thing. It seems to me the idea still pervades and controls the minds of many of us that our duty requires of us not only the preservation and

protection of the Union, but the preservation and protection of Slavery ; that we have sometimes feared to strike an earnest blow against rebellion, lest that blow should fall on the head of Slavery ; that we regard Slavery as an essential part of the Union itself, and that the Union would not be worth preserving, unless Slavery could be preserved with and remain a part of it.

If these things be so, we are yet far from the path that will lead to success. Slavery, the leading cause of this rebellion, is an element of strength or of weakness to the rebels, just as we will it shall be. If we say to the slaves of rebels, we are your enemies, they will remain with their masters and be to them a strength and support. If we say to them, we are your friends, come to us and you shall be free, they will seek to come by thousands, and the armies now standing in battle array against our soldiers will be needed at home to restrain them. Take the case of South Carolina. Our soldiers are to-day upon her soil. She has a population of about 700,000 souls, more than one-half of whom are slaves. Experience, the best of teachers, has shown that these slaves want freedom, that they look upon our soldiers as friends, and would, if encouraged, so to do, flock to our camps by thousands. As the slaves of rebel masters, their labor in the field and in the camp, furnishes the rebel troops with food, and does for them much of that severe camp labor which exhausts the energies of the soldiers, and brings sickness upon them. Thus rebellion is strengthened by Slavery. Shall we continue to leave it this strength ? Shall we do more than this ? Shall we continue to drive back to their rebel masters these unfortunates, and compel them to be our enemies although they wish to be our friends ? Shall we continue to require of our brave soldiers who have gone forth to fight our battles, those exhausting labors that have brought sickness and death to so many of them, when these people stand ready and willing to relieve them if allowed ?

It may be said that if we proclaim freedom to slaves of rebel masters, Slavery must suffer and may be extinguished. I reply : So be it. The friends of Slavery have in its supposed interest, thrust this war with all its evils upon the country, and upon them and upon it be the consequences. It may be said the slaves of loyal masters will escape, and thus loyal men will suffer loss. This may be, probably will be so. But if we shall be successful in preserving our Government, and putting down this rebellion, we can and will make good all losses caused to them by the acts of the Government for its preservation. Besides, it is their misfortune and not our fault that they live in sections of the country in which the war is carried on and in which either a majority of the people are rebels, or the loyal men in the majority have suffered themselves to be prostrated and trampled on by the rebel minority. We regret their condition, we pity their misfortunes, we will make good the losses caused by our acts for the preservation of the Union, but we cannot allow the Union to be stricken down because efforts for its preservation

may work them present injury. War necessarily brings suffering and loss to the people among whom it is waged. This war brings suffering and loss to the loyal people of all our States, and we all must bear as well and as patiently as we may, until the end, when it will be our duty to repair, so far as we may, the losses sustained by loyal men because of their devotion to their country.

I will not be misunderstood. This war is waged by our Government for the preservation of the Union, and not for the extinction of Slavery, unless the preservation of the one shall require the extinction of the other. If the war were so prosecuted that on to-morrow the preservation of the Union were effected and secured, I would not now wage the war another day. I would not now spend further treasure or further life to effect the extinction of Slavery, although I might regret that the war of its own producing had left in it enough of life to leave it to be our bane and pest in the future as it has been in the past. But while this is true, it is also true that if I had the power on to-morrow to end this terrible strife and preserve our Union by the extinction of Slavery, while to preserve both would require a month's, or a week's, or a day's, or an hour's further war, the spending of a single additional dollar or the loss of a single additional life: so surely as the Lord lives, this war would close to-morrow. No wife should mourn her husband, no mother her son, no maiden her lover, slain in a war protracted by me a single hour to preserve to rebels that which caused them to commence and which enables them to maintain rebellion. I would not believe that I had, nor do I believe that others have the right, although they may have the power to protract this war in order to preserve that which has caused the war. My deliberate convictions are that to prosecute this war successfully, we must strike directly at Slavery, and that the time must soon come when every man must determine for himself which he loves most, the Union or Slavery, and must act accordingly.

In the meantime, and at all times, it is our duty to rally around and support the Government. We are not of those whose loyalty is doubtful or conditional. We do not say we will support the Government if it adopts our views and carries out our plans, and if not we will become neutral or join the enemy. We support it with hearts and hands and means, although we may doubt its policy, trusting time will demonstrate the correctness of our views, and bring about their adoption if found correct. The giving of honest counsel and the rendering of faithful service make up the duty of all true men.

The war has brought on us severe trials, and others are yet to come. Many of our best and bravest have died upon the battlefield or in the hospital, and many more must die. Our business operations have been interrupted, our markets have been closed, the prices of the products of our industry have been lessened, we have been compelled to wholly forego or materially to curtail the use of

some luxuries which, by use, had become to us comforts of life, and these things must continue to be. They are the inevitable attendants of war, and must be borne, as they have been borne, bravely, unflinchingly, and cheerfully. Life is valuable, but it is intended to be useful; and how can any one make his life more useful than by giving it for his country? Could our own brave men who died at Wilson's Creek, Blue Mills and Belmont, have used their lives in any other way to a better purpose than by losing them on those bloody but glorious battle fields? Their names will live after them, embalmed in the hearts of our children and our children's children, as the names of men who died for their country, and their example will fire the hearts of generations yet to come to deeds of equal and as noble daring.

We are eminently a peaceful and peace-loving people, and the interruption of our peaceful avocations by war and its incidents bears hardly upon us; but we must remember that the only way to bring back and make permanently secure to us that peace we love so well, is to convince those who have thrust this War upon us and to convince all others that although we love peace much, we love our country's honor, and the perpetuity of our Union, more. But do we not exaggerate the evils of our condition? I am well convinced there is not in the world a people of equal numbers, all of whom enjoy to-day so many of the necessaries and of the comforts of life as are enjoyed by our people. In our own State our cause of complaint is not that we have not enough of the necessaries of life, but that we cannot get high enough prices for what we can spare of our superabundance; not, that we have not food, but that we cannot sell to advantage food we do not need?

But we will have to pay heavy taxes. True, we will, and it is equally true we can. We have to do but one thing and that thing we must do. We must give up the idea of money making to a great extent until the war is over. We must be content to devote to the preservation of the country a portion of all of the surplus we have been accustomed to lay up in years gone by. We may be required to return to customs and expedients for many years abandoned. We may be compelled to do as our fathers and mothers did—clothe ourselves as they did with the products of their own farms and their own hands. What then? Our men will be none the less brave, loyal, and loving; our women none the less true-hearted, lovely and beloved. We may be required to do, and may do all these things, and yet suffering and want still be far from us. We may be required to do and may do all these things, and yet will not have done nearly so much as our fathers did to hand down to us the rich inheritance we are now striving to transmit unimpaired to our children. And if required, will we not do it promptly and cheerfully?

There may be amongst us a few men who know no impulse of patriotism, have no love of country, and can see nothing but sordid

gain! There may be amongst us a few others who, blinded by prejudice engendered by former political strife, cannot forget that the Government is guided in this struggle for its life by the hands of political opponents, and who would rather see it perish than have it saved by their hands, who will cry peace when there is no peace, and who will endeavor to turn us from the prosecution of this war by continually dwelling upon and exaggerating the misfortunes it has brought and will bring upon us. But these men are few in number and weak in influence. The great mass of our people see clearly and know well that no peace can be permanent which is made by compromising with armed rebels, and which will leave our present territory divided between jealous and hostile nations by such boundaries as it must be, if not preserved in its integrity.

I cannot close this Address without paying a well deserved tribute to the brave men who represent our State in the great army collected to do battle for our country. We may well be proud of them. We here as officers, and all our people as citizens, should feel that there is much for us to do to maintain that high reputation they have won for our State.

Trace the Iowa first on their weary way to Springfield; see them ragged and hungry but cheerful and ready; listen to their marching song as it rolls along the column, lending new vigor to themselves and their tired comrades; hear their fierce shouts and witness their daring deeds on the field where Lyon fought and fell; witness the heroic spirit of devotion and self-sacrifice with which the Iowa Third at Blue Mills, attacked, and the bravery with which they fought the enemy in overpowering numbers to delay that enemy's retreat until expected reinforcements could arrive. See the Iowa Seventh on the bloody field of Belmont, heading the attack and covering the retreat; witness the cheerful endurance, the untiring energy, the indomitable valor of all our troops whenever and wherever tried, and who does not feel proud that he too is an Iowan? We owe these gallant men much. The rank and file of our Regiments have never been surpassed. I doubt very much if they have ever been equaled. There is not a company in any of our Regiments which does not contain in its ranks men who, in intelligence and moral worth, are the peers of any man who hears me. They have left behind them the comforts and endearments of home, their business, their friends, their all, and have taken their places as privates in the ranks, with nominal pay, and almost without a hope for honor and distinction. This is patriotism, and I repeat it, "to these men we owe much." It is due to them, at least, that all shall be done that our circumstances will allow, to promote their health and comfort, and I doubt not you will see to it that the debt is paid.

When the war commenced, many of us hoped that by this time it would have been completed, or that at least we would be able to see the beginning of that desirable end. But we have been disap-

pointed. The rebellion had greater strength than we had supposed. Obstacles have arisen that we had not anticipated, and the end is not yet. But these things should not discourage, and I am glad to say they have not discouraged us. As the greater strength of the rebellion has been developed we have promptly furnished the greater needed strength to put it down, and if need be Iowa can yet send forth many Regiments as brave, as loyal, and as true as those that have already gone. As obstacles have arisen they have been met as brave men meet them. They have been trampled upon, and we have passed on. And now, when as it seems to us here that all things are ready, we are waiting patiently, but with beating hearts, for the day when the great battle shall be fought—listening intently, and oh! how anxiously, for the battle shout “God for the right,” which will on that day roll over that battle-field from the brave men who will be privileged there to rally around our dear old flag and strike in its defense, and trusting humbly and confidently that because they will strike for the right, the God of Battles will give us the victory!

On motion of Mr. McPherson, the Joint Convention adjourned *sine die*.

The Senate having returned to its Chamber, was called to order by the President, at 12 o'clock, M., and on motion of Mr. Bowen, adjourned until 2 o'clock, P. M.

AFTERNOON SESSION.

Senate convened at 2 o'clock, and proceeded to join the House of Representatives in Joint Convention, to conclude the canvass of votes for Governor and Lieutenant Governor.

HALF PAST FOUR O'CLOCK, P. M.

The Joint Convention having adjourned *sine die*, the Senate returned to its Chamber, and was called to order by the President.

Mr. McPherson moved that 5000 copies of the Governor's Inaugural address be ordered printed in English, 20,000 copies in German and 1000 in Norwegian, for the use of the Senate.

Mr. Ainsworth moved to strike out “5000” and all relating to printing the address in foreign languages, and upon this motion de-

manded the yeas and nays, which were called with the following result:

The yeas were, Senators Ainsworth, Duncombe, English, Green, Hesser, Holmes, McCrary of Van Buren, Trumbull, Udell, Watson and Williams—11.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hurley, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Woodson, Woolson—27.

The motion of Mr. Ainsworth was lost.

On motion of Mr. Ainsworth the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, January 16, 1862. }

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Mr. Chamberlain.

Minutes of yesterday read and approved.

Mr. Angle, from Committee on Credentials, offered the following Report:

The Committee on credentials of the Senators elect, have examined the credentials of J. D. Jennings of Dubuque County, Iowa, and find the same to be correct, entitling him to a seat on this floor, and recommend that he now be sworn into office.

H. G. ANGLE, Chairman.

On motion of Mr. Ainsworth, the report was adopted.

Mr. Jennings then came forward and took the oath of office.

Lieutenant Governor Rusch then addressed the Senate as follows:

Senators:

The hour has arrived at which my labors in connection with you have come to a close. When, two years ago, I entered upon the discharge of my duties as your presiding officer, it was with no little embarrassment in my mind, growing out of a want of confidence in my capability for the position, and I entreated your generous forbearance with my deficiencies. I cannot part from you without expressing my grateful acknowledgment of your generosity with which, on all occasions, you have so willingly granted that appeal.

However earnestly I have striven to discharge the duties of the

Chair with impartiality, and to the best of my knowledge, I am aware that on many occasions I may have erred. For such errors, I again entreat your kind forbearance.

Vacating the chair for the occupation of my worthy successor, I am confident he will do honor to the position, and I know that he will find it a pleasant duty to preside over your deliberations, if you meet him, as you undoubtedly will, with the same generous treatment which you have constantly shown towards me.

Parting from you, and especially from the older members of this body, for whose many demonstrations of kindness toward me, I feel duly grateful, I find no words adequate to express my deep felt emotion, and for them and all of you, I shall ever entertain feelings of gratitude and friendship.

Trusting that the deplorable condition of our common country, will inspire you with the sincerity of your duties, and that your labors may result in the greatest good to our beloved commonwealth, I now bid you adieu.

Mr. Udell responded to the parting words of the President, in the following language :

Mr. President :

I take pleasure in saying that I feel authorized by the Democrats of this body in responding to your kind, parting words in the same generous spirit, dictated as I feel assured they were, by the impulses of your heart, and I have no doubt the few thoughts I may present will be heartily echoed by my Republican friends in this House.

We met, Mr. President, at the beginning of the last regular session, soon after an uncommonly severe partisan campaign, and it would not be strange if we carried into our Senatorial associations some of the bitterness—a little of the prejudice engendered during that political strife.

If any such prejudice did exist, your uniform courtesy and kindness soon rooted it out, and planted in its stead, good feeling and regard. Nothing can more strongly demonstrate our high appreciation of the able, impartial and dignified manner in which you discharged your duties as a presiding officer, than the simple fact that you soon commanded our respect, and we part with the heart-felt regrets of warm friends.

The good wishes of every Senator will follow you to the retiracy of your home.

I hope that the resolution which I shall shortly offer will receive the unanimous endorsement of every Senator on this floor.

The Chair appointed Messrs. McPherson and Trumbull to conduct the Lieutenant Governor elect to the Chair, who, on taking his seat, addressed the Senate as follows :

Senators :

Before entering upon the active discharge of the responsible duties assigned me by the people of this State, as President of the Senate, permit me to express the earnest hope that all our deliberations will be characterized by that spirit of courtesy and mutual forbearance that will render our associations pleasant to ourselves and profitable to our constituents.

The duties of the Chair are often difficult as well as arduous, and without that experience which is essential to the prompt and correct exercise of its functions, it is but natural that I should sensibly feel the embarrassment common to other persons on first acting in this capacity. I therefore earnestly desire your generous indulgence for any errors of judgment that may occur. With your good will, and hearty co-operation, the labors of this office will be comparatively light; otherwise, embarrassing and unsatisfactory.

Relying therefore upon your sympathy, and expecting to have the benefit of your superior judgment and greater experience, I hopefully engage in the work before me, with sincere desire and fixed determination to faithfully and impartially perform it to the best of my ability.

You are convened in accordance with the formally expressed wishes of the people, and it is justly expected by them, that you will so legislate as to advance the interests and secure the welfare of a confiding constituency.

Your mission is one of great responsibility. State interests of weighty magnitude are committed to your review, and I trust that as the Representatives of an intelligent and free people, your acts will merit and receive their approbation.

Thousands of our fellow citizens are in the service of their country on the tented field as soldiers—it is for us to do service in this Hall as legislators. They are defending the Constitution with the sword—we should sustain it by the enactment of wise and wholesome laws. Traitors are laboring to trample the fundamental law under their feet, but we have sworn to support and defend it, and doubtless we all recognize this obligation to be sacred.

In conclusion, gentlemen, it will be my duty and pleasure to cheerfully co-operate with you in the performance of all the duties, which devolve upon us in this critical juncture of our affairs. I sincerely hope that all our deliberations will be conducive to the best interests and general welfare of our noble young State.

Mr. Udell offered the following resolution :

Resolved, That the members of the Senate of Iowa, tender to Lieut. Governor Rusch, their sincere thanks for the able, impartial and dignified manner in which he has discharged his duties as President of this Body.

Mr. Teter moved that the resolution be adopted by a rising vote, which motion prevailed.

Resolution unanimously adopted.

Mr. McPherson offered the following resolution :

Resolved, That the President of the Senate be empowered and authorized to appoint all Standing Committees for this Session. Adopted.

NOTICES OF BILLS.

Mr. Udell gave notice of the introduction, on to-morrow or some future day, of a Bill to amend Article 4, Chapter 84 of the Revision of 1860.

Mr. Boardman gave notice that on to-morrow or some future day he would introduce a Bill to limit the sessions of the Grand Jury to one term each year in the several counties of the State, except upon extraordinary occasions.

Also, a Bill providing for the payment of Jurors by the parties litigant, in civil cases.

Mr. Smith gave notice that on to-morrow or some future day he would introduce a Bill amending Chapter 42 of the Revision of 1860, in relation to vacancies, appointments, and resignation of certain officers.

Mr. Watson gave notice that on to-morrow or some future day, he would introduce a Bill requiring Bank Officers to stamp or mark all spurious or counterfeit bills and coin presented at their counters, and further define their duties.

Mr. Dungan gave notice that on some future day he would introduce a bill to change Section 19 of an Act of the 8th General Assembly, entitled an Act creating a County Board of Supervisors, and defining their duties and the duties of certain county officers.

Also Section 664 of the Revision of 1860, both in relation to filling vacancies in the offices of Justices of the Peace and Constables.

Mr. Bowen offered the following resolution :

Resolved, by the Senate, the House concurring, That a Joint Committee of the two Houses be appointed, to arrange the printing of documents or other matter of the same kind, directed by the concurrent action of the two Houses, so as to avoid a double charge for the same matter for composition by the State Printer or others. Adopted.

Mr. Teter offered the following resolution :

Resolved, That the Secretary of State furnish each Senator that may apply to him, a copy of Cushing's Manual. Adopted.

Mr. McCrary of Lee offered the following resolution :

Resolved, That a Committee of one from each Judicial District be appointed by the President to enquire what changes in the present Judicial Districts, if any, are expedient, and also as to the expediency of forming a new Judicial District, or of decreasing the

present number of Districts, and report by Bill or otherwise. Adopted.

Mr. McCrary of Lee offered the following resolution :

Resolved, That a Committee of three, of which the Senator from Muscatine shall be Ch'n., be appointed with instructions to enquire and report to the Senate, whether under Sections 2730 and 643 of the Revision of 1860, the Deputy Clerk of the District Court may legally draw the names of persons for Jurors, and if necessary, to report a Bill conferring that authority upon such Deputies, and legalizing such acts heretofore done. Adopted.

Reports of Committees being in order, Mr. Woodward, from Special Committee on Credentials, submitted the following majority report :

To the Hon. The Senate of Iowa :

Your Committee to whom was referred the application of Messrs. James Pollard and J. L. Dana, for seats in this House, would respectfully report :

That the Hon.'s. Cyrus Bussey and John Scott being members of this House, by virtue of an election holden in October, A. D. 1859, entered into the military service of the country as follows :

From the evidence of a certificate of the Adjutant General of the State, your Committee find that on the 26th of August, 1861, the said Cyrus Bussey was commissioned by the Governor of this State, as Colonel of the 3d Regiment of Iowa Cavalry ; and that since that time he has been and now is in the performance of the duties of that office.

And, from the evidence of a similar certificate, your Committee find that on the 26th of June, 1861, the said John Scott was commissioned by the Governor of this State as Lieut.-Colonel of the 3d Regiment of Iowa Volunteer Infantry ; and that since that time he has been, and now is, in the performance of the duties of that office.

Your Committee further find that at the regular Election held in October, A. D. 1861, James Pollard, Esq., was elected as a member of the Senate from the Third Senatorial District, being the same from which said Bussey had previously been elected, and whose term had not yet expired.

And at the same election, J. L. Dana, Esq., was elected as a member of this House from the Forty-First Senatorial District, being the same from which said Scott had been previously elected, and whose term had not yet expired.

Both these elections appear to have been held to fill vacancies ; and the first question is whether there was a vacancy in those cases under the circumstances before named.

The Constitution, in Art. 1, Section 22, provides that "No person holding any lucrative office under the United States or this State or

any other power, shall be eligible to hold a seat in the General Assembly. But offices in the Militia, to which there is attached no annual salary, or the office of Justice of the Peace, or Post Master whose compensation does not exceed one hundred dollars per annum, or Notary Public, shall not be deemed lucrative."

This provision of the Constitution renders incompetent to hold a seat in either House of the General Assembly, any person who holds a lucrative office under the United States or this State. The Committee are of opinion that any office in which a pecuniary compensation is made for services rendered, is a lucrative office in the sense of the Constitution. That this does not depend upon the amount of the compensation, is manifest from the subsequent exceptions made in the same Section. In saying that certain inferior offices shall not be deemed lucrative, it is clearly implied that they are such in fact, and would be so deemed or considered were it not for this express exception.

Then we learn from the laws of the country that a pecuniary compensation is attached to the offices of Colonel and Lieut. Colonel in the service of the United States.

The Committee is, therefore, of opinion that these offices are "lucrative" in the meaning of the Constitution.

But this conclusion does not necessarily determine the subject. The cases might fall within the qualifying clause of the same Section. Offices in the Militia to which there is attached no annual salary, shall not be deemed "lucrative."

Whether these offices are in the "Militia," the Committee deem it unimportant to determine, for if they are not, still they are "lucrative" offices under the United States or this State; and if they are in the "Militia," a majority of your Committee think they have that attached to them which is equivalent to an "annual salary." It is true that the pay of the office of a Col. or a Lt.-Col. is not under the name of a salary, and is payable monthly; but it is evident that the emphasis of the Constitution is on the fact that an office is a "lucrative" or a paying one, and not on the circumstance of when or how the compensation is rendered. The other view would limit the operation of that instrument to those which are strictly and technically salaried offices. Why the Constitution has based its restriction upon the lucrativeness, rather than upon the incompatibility of offices, is not for us to determine; that fundamental law has spoken and we are silent. We consider then, that these offices are not within the exception named in the section above quoted.

This leads us to the conclusion that the former incumbents, Messrs. Bussey and Scott, rendered themselves incompetent to hold their seats, by the acceptance of the commissions of Colonel and Lieutenant Colonel, and that their seats are now vacant.

This leads us to another branch of the inquiry. Have the gentlemen who now offer themselves for the vacant seats, been legally and constitutionally elected?

Mr. J. L. Dana, for the 41st District, presents a certificate of election sufficient in form.

Mr. Pollard presents a certificate of the County Judge of Davis county, which constitutes the 3d Senatorial District, and countersigned by the Clerk of the District Court. There is much reason to doubt whether the County Judges are now empowered to give certificates of election, and whether such an one would afford evidence of a claimant's title to a seat, but we pass this question and come to other subjects of inquiry.

From the evidence before the Committee it appears that the Governor issued no writ for an election, nor a proclamation of a vacancy in either case; nor did the county supervisors or the sheriff, in the Third District, consisting of a single county, issue any notice of a vacancy or give notice that an election would be held. In each of the cases, the people, believing that there was a vacancy, proceeded to fill it without any writ, proclamation or notice.

There are some questions arising under this state of facts, which the Committee found it necessary to examine, but which it is not requisite to discuss at this time.

Your Committee can conceive that an election in the regular course and time prescribed by the law, and held without a proclamation, call or notice directed by the statute, might be held valid and the person elect be admitted to his seat; but the Constitution, Article 3, Section 12, says, "when vacancies occur in either House, the Governor, or the person exercising the functions of Governor, shall issue writs of election to fill such vacancies."

It is a doctrine held in many cases, that the provisions of statutes directing officers in the discharge of their duty, are generally directory and not mandatory; that is, that the omission to follow such direction is not fatal, rendering the act of proceeding void, but the act or proceeding may be good, notwithstanding such omission. But such a doctrine has never been held, that your Committee is aware, of a provision in a Constitution. A Constitution is the fundamental law, and it would be new to hold that any of its provisions were merely directory and may be omitted. Your Committee are unwilling to take the initiative in introducing this so novel doctrine, and therefore they are compelled to the conclusion that the writ of the Governor was essential to the validity of the election, and consequently, that the applicants, Messrs. Dana and Pollard, cannot be admitted to take the vacant seats.

Which is respectfully submitted,

W. G. WOODWARD,
G. W. GRAY,
L. L. AINSWORTH,
J. B. LEAKE.

On the question as to a vacancy, I disagree with a majority of the Committee, and believe that Scott and Bussey are competent to hold their seats as Senators, and we would be compelled to admit

them if they presented themselves. I concur fully with the majority of the Committee that the claimants are not entitled to hold seats in this body, and for the reasons set forth in the report.

M. L. McPHERSON.

Mr. McPherson offered the following minority report :

The undersigned, a member of the Committee to whom was referred that part of the report of the Committee on Credentials, in relation to the claims of Messrs. Pollard and Dana to seats on this floor, disagreeing with the majority of the Committee as to the question of a vacancy in the seats claimed by Messrs. Pollard and Dana, begs leave to submit the following Minority Report :

The first question which addressed itself to your Committee and demanded an answer, was : " Have Messrs. Scott and Bussey, by their acts, caused a vacancy in the seats they formerly held in this body ? "

It is a matter of record that Messrs. Scott and Bussey were elected Senators for their respective districts, at the regular election in October, 1859, and for the term of four years, and entered upon the discharge of their duties, and served one session in this body. The time for which these men were elected has not yet expired, nor has either of the gentlemen resigned his seat as Senator. If then there is, or was a vacancy at the time the claimants were elected, that vacancy must have occurred in some other manner than by resignation.

It is also a matter of record that Mr. Scott is Lieutenant Colonel of the Third Regiment of Iowa Infantry, and that Mr. Bussey is Colonel of the Third Regiment of Iowa Cavalry ; and that each of them held his respective position at the time that the claimants were elected.

From this state of facts, the majority of your Committee conclude that the acceptance by Scott and Bussey of the offices they hold, really caused a vacancy in the seats formerly held by them. The law applicable to the facts before your Committee, and relied on by the majority to sustain them in their conclusion, is the following section of the Constitution of Iowa :

" No person holding any lucrative office under the United States or this State, or any other power, shall be eligible to hold a seat in the General Assembly. But offices in the militia, to which there is attached no annual salary, or the office of Justice of the Peace, or Postmasters, whose compensation does not exceed one hundred dollars per annum, or Notary Public, shall not be deemed lucrative."

If either, or both cases, come within this law, Messrs. Scott and Bussey must have held, at the time of the election of the claimants, a lucrative office under the United States, or a lucrative office under the State of Iowa, unless their offices respectively fall within the exception of the section above quoted.

I maintain that the offices which Scott and Bussey hold are offices

under the State of Iowa, and that they are, in no manner, officers of the United States.

The Constitution of the United States empowers Congress to do certain things, and withholds the power to do certain other things. Amongst the grants to Congress is the following :

“To provide for organizing, arming and disciplining the militia, and for governing such part of them as may be employed in the service of the United States, reserving to the States respectively the appointment of the officers, and the authority of training the militia according to the discipline prescribed by Congress.”

This supreme authority is, to my mind, conclusive that persons appointed in pursuance of the provision of the Constitution of the United States which I have just quoted, are State officers and their successors must be appointed by the Governors of the States respectively, and not by the United States authorities. Messrs. Scott and Bussey hold their offices by virtue of the provision of the Constitution which I have quoted, and are, therefore, in office under the State of Iowa. This being determined, is the office a lucrative one and not in the militia? So far as its being a lucrative office, the State of Iowa, whose officers Messrs. Scott and Bussey are, have made no provisions for pay in any manner, nor has the United States attached an annual salary to these offices, but the incumbents are paid monthly wages, and that by a law of Congress. They are simply employees of the United States for the time being, and can be dismissed at the will of the General Government.

The most conclusive authority, to my mind, that the seats of Scott and Bussey are not vacant, is that they fall within the exception contained in Section 22, to article 1 of the Constitution of Iowa. These men must certainly be officers in the militia, and it is as certain that there is no annual salary attached to said offices. For these reasons, I believe that Messrs. Scott and Bussey are now Senators of this House.

M. L. McPHERSON.

Message from the House, through its Chief Clerk :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has ordered the printing of 7,500 copies of the Governor's Inaugural Address, in the English, 2,500 in German, 1,000 in Holland, and 1,000 in the Danish language.

CHARLES ALDRICH, Chief Clerk.

Mr. Jennings moved that the report of the Special Committee on Credentials be laid upon the table and the usual number of copies ordered printed. Motion prevailed.

Mr. Holmes moved to take from the table the subject of printing the Governor's Inaugural Address. Motion prevailed.

Mr. Kent moved to amend by striking out “5,000” and inserting “10,000.”

Mr. Woodward moved to amend by striking out “5,000” and

inserting "2,000," upon which the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Angle, Boardman, Dixon, Duncombe, Dungan, English, Foote, Gray, Green, Hesser, Holmes, Jennings, Leake, McCrary of Van Buren, Teter, Trumbull, Udell, Williams, Woodard, Woolson—21.

The nays were, Senators Bowen, Brown, Burdick, Dysart, Gue, Hagans, Hatch, Hastings, Hurley, Kent, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Smith, Watson—18.

Absent or not voting, Senators Neal and Hammer.

The amendment of Mr. Woodward was adopted.

Mr. Watson moved to strike out "1,000" in Norwegian. The yeas and nays were called, resulting as follows :

The yeas were, Senators Angle, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hatch, Holmes, Hurley, Kent, Lewis, McCrary of Van Buren, Pattison, Redfield, Smith, Teter, Udell, Watson, Williams, Woodward—24.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Gray, Gue, Hastings, Hesser, Jennings, Leake, McCrary of Lee, McPherson, Shaffer, Trumbull, Woolson—15.

Absent or not voting, Senators Hammer and Neal.

The amendment of Mr. Watson was adopted.

Mr. Woolson called the previous question, which was refused, a majority not concurring.

Mr. Brown moved to strike out "2,000" and insert "4,000."

Mr. Gue offered the following substitute :

Resolved, That there be printed for the use of the Senate, 4,000 copies of the Governor's Inaugural Address in English, 1,000 in German and 500 in the Norwegian languages.

Mr. Woolson moved to amend by striking out all after the word "address." The yeas and nays being called, the vote resulted as follows :

The yeas were, Senators Angle, Dixon, Duncombe, English, Green, Holmes, McCrary of Van Buren, Redfield, Udell, Watson, Williams, Woolson—12.

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Shaffer, Smith, Teter, Trumbull, Watson, Woodward—28

Absent or not voting, Senators Hammer and Neal.

The amendment of Mr. Woolson was lost.

Mr. Dixon moved that the resolution and amendments be laid on the table. The yeas and nays were called, with the following result :

The yeas were, Senators Angle, Dixon, Duncombe, Green, Holmes, Leake, Redfield, Shaffer, Teter, Watson, Williams, Woodward, Woolson—13.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Foote, Gray, Gue, Hagana, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Smith, Trumbull, Udell—26.

Absent or not voting, Senators Hammer and Neal.

The question being now on the substitute offered by Mr. Gue, the substitute was adopted.

Mr. Jennings moved that when the Senate adjourn it be until to-morrow at 10 o'clock, A. M.

Mr. Hatch moved to amend by changing the hour to 2 o'clock this afternoon. The motion as amended prevailed.

On motion of Mr. Redfield, the Senate adjourned.

AFTERNOON SESSION.

Senate met at 2 o'clock, P. M.

The President announced the following Special Committee on Judicial Districts:

Messrs. McCrary of Lee, Woodward, Dixon, English, Redfield, McPherson, Smith, Holmes, Jennings, Burdick and Duncombe.

Also, a Special Committee to inquire into the powers of Deputy Clerks of the District Court, consisting of Messrs. Woodward, McCrary of Lee, and Ainsworth.

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

Resolved, That until further ordered, this House hold two sessions a day, viz: at 10 o'clock, A. M., and 2 o'clock, P. M.

Mr. Woolson moved to take up Mr. Brown's resolution in regard to employing a reporter. Carried.

Mr. Woolson moved to amend the resolution so as to require the Committee to report to-morrow morning. Carried.

The resolution as amended was then adopted.

On motion of Mr. Woolson, the Joint Resolution relative to the appointment of Post Master, was taken up.

Mr. English moved that the Senate do not concur in the resolution. Carried.

On request of Mr. Duncombe, Mr. Angle was granted leave of absence for one week.

Mr. Duncombe offered the following resolution which was adopted:

Resolved, That J. L. Dana and James Pollard be invited to occupy the seats vacated by John Scott and Cyrus Bussey in the Sen-

ate Chamber, until the Senate shall have decided their respective rights thereto.

Mr. Pattison asked leave of absence for the Sergeant-at-Arms, until Monday, which was granted.

Mr. Smith offered the following resolution which was adopted.

Resolved, That the Special Committee to whom was referred the resolution of the Senators from Lee, be also requested to report to this body whether the Deputy Clerk, under Section 328, of the Revision of 1860, has power to hear and determine road cases referred to the Clerk by the Board of Supervisors.

Mr. Bowen moved that the Senate adjourn.

Mr. Ainsworth called the yeas and nays. The vote was taken with the following result:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Gue, Hagans, Hatch, Hastings, Heaser, Holmes, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward, Woolson—23.

The nays were, Senators Ainsworth, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Hurley, McPherson, Udell, Williams—14.

Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, January 17, 1862. }

Senate called to order by the Secretary at 10 o'clock.

Mr. Watson nominated Mr. McPherson Chairman *pro tem*.

Pending the vote, the President arrived.

Prayer by Rev. Mr. Chamberlain.

During the reading of yesterday's Journal, the following message from the House was received:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House refuses to recede from its appointment of Postmaster for the General Assembly, and asks a Committee of Conference, and that Messrs. Wilson of Pottawattamie, Pendleton and Kellogg have been appointed such Committee on the part of the House.

Mr. Ainsworth moved that the remarks of the officers be omitted in reading the Journal. Carried.

The Journal was read, corrected and approved.

Mr. Brown asked leave to make a report from the Committee on Rules, which was granted, and the following report was read by the Secretary:

The Special Committee to which was assigned the duty of reporting permanent rules for the government of the Senate, respectfully recommend the adoption of the rules which were adopted at the last preceding regular session, with the following amendments and additions :

In rule 15, strike out the words "Bill" and "or." In rule 20, strike out "Jefferson," and insert "Cushing's" before "Manual." The Committee also recommend the adoption of the following additional rule, to-wit : The question upon the final passage of a Bill shall be taken immediately upon its last reading. Also the appointment of a Standing Committee on Public Printing.

Signed,

A. F. BROWN,

J. C. HAGANS.

L. L. AINSWORTH.

On motion of Mr. Leake, the report was adopted.

Mr. Bowen, from Committee on Joint Rules, asked leave to report. Leave being granted, the following report was read by the Secretary :

MR. PRESIDENT :—The Committee on the part of the Senate to meet a similar Committee on the part of the House on the Joint Rules, report that they have authorized me to report that they have performed the duty assigned them and would report the Joint Rules of the last General Assembly for the government of the present session, without amendment, and recommend their adoption, a copy of which is herewith presented.

Signed,

J. BOWEN, Ch'n.

On motion of Mr. Udell the report was adopted.

Mr. Brown offered the following resolution :

Resolved, That the Clerk be and he is hereby directed to have published for the use of the Senators, 200 copies of the Rules of the Senate, with the names, residence, place of birth, occupation, age, and religious proclivities of each Senator, and also the members of the Standing Committees.

Mr. Holmes moved the resolution lie on the table. Lost.

Mr. McCrary of Lee moved to amend by adding after the words "Joint Rules," "Provided the same are adopted by the House of Representatives. Carried.

Mr. Kent moved to amend by inserting in place of "religious proclivities," the words, "the religious society to which he belongs." Lost.

The resolution as amended was then adopted.

The Chair announced the following Senators as a Special Joint Committee on Printing, in accordance with Mr. Bowen's resolution : Messrs. Bowen, Udell and Dixon.

On motion of Mr. Ainsworth the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

The President announced the following Standing Committees for the present Session :

WAYS AND MEANS—Messrs. Holmes, Trumbull, Woolson, English, Foote, Hagans and Gray.

JUDICIARY—Messrs. Woodward, McPherson, Jennings, Duncombe, Ainsworth, Burdick and McCrary of Lee.

FEDERAL RELATIONS—McPherson, Duncombe, Brown, Gray, Teter, Holmes and McCrary of Van Buren.

AGRICULTURE—Pattison, Gue, Jennings, Kent, Shaffer, Gray and Redfield.

SCHOOLS AND UNIVERSITIES—Messrs. Boardman, Hesser, Hastings, Lewis, Hurley, English and Redfield.

RAIL ROADS—Messrs. Angle, McPherson, Ainsworth, Foote, Trumbull, English and Boardman.

BANKS—Messrs. Woolson, Woodward, Neal, Udell, Angle, Boardman and Dixon.

CLAIMS—Messrs. Bowen, Hagans, Udell, Brown and Green.

ELECTIONS—Messrs. Leake, Ainsworth, Dungan, Hesser and Smith.

PRINTING—Messrs. Gue, Bowen, Neal, Udell and Dysart.

ROADS—Messrs. Hagans, Pattison, Williams, Lewis and Hatch.

MILITARY AFFAIRS—Messrs. McCrary of Lee, Pattison, Duncombe, Leake, Dungan, Green and Burdick.

CHARITABLE INSTITUTIONS—Messrs. Teter, Trumbull, Bowen, Shaffer and Hesser.

TOWNSHIP AND COUNTY ORGANIZATION—Messrs. Dysart, Hagans, Holmes, Hammer and Hatch.

PUBLIC BUILDINGS—Messrs. Hatch, Hesser, Dysart, Gue and Smith.

INCORPORATIONS—Messrs. Brown, Hammer, Hastings, Bowen and Dixon.

COMMERCE—Messrs. Foote, Jennings, Dungan, Hurley, and McCrary of Van Buren.

INTERNAL IMPROVEMENTS—Messrs. McCrary of Van Buren, Watson, Williams, Kent and Green.

PUBLIC LANDS—Messrs. Burdick, Woolson, Smith, Redfield and Neal.

COUNTY BOUNDARIES—Messrs. Hastings, Leake, Redfield, Smith and Teter.

NEW COUNTIES—Messrs. Watson, Angle, Hurley, Williams and McCrary of Lee.

LIBRARY—Messrs. Lewis, Woodward, Hammer, Dixon and Dungan.

ENGROSSED BILLS—Messrs. Kent, Watson and Gray.

ENROLLED BILLS—Messrs. Shaffer, Udell and Dixon.

Mr. McPherson obtained leave to introduce "An Act altering and defining the boundaries of the Third, Fourth and Fifth Judicial Districts." Bill was read a first and second time, and referred to the Special Committee on Judicial Districts, of which McCrary of Lee is Chairman.

A motion of Mr. McPherson to instruct said Committee to report to-morrow morning, was lost.

Mr. Bowen obtained leave to introduce a letter from "C. C. Townsend, missionary, relating to condition of Iowa Troops and others in hospital and camp in the State of Iowa," as a petition. Petition was read.

On motion of Mr. Bowen, petition together with various other documents from the United States Sanitary Commission, was referred to Committee on Military Affairs.

Mr. Woodward presented petition from citizens of Muscatine County, relating to protection of sheep from ravages of dogs. Referred to Committee on Agriculture.

Mr. Duncombe presented petition from citizens of Webster Co., on same subject, and referred to Committee on Agriculture.

Mr. Jennings presented petition from Dubuque County Farmer's Club, on same subject, which was also referred to Committee on Agriculture.

Mr. Leake presented a petition from citizens of Scott County for the passage of a law relating to the protection of game. Referred to Committee on Agriculture.

Mr. Woolson presented petition from citizens of Henry County, relating to the protection of sheep from the ravages of dogs. Referred to Committee on Agriculture.

Mr. Teter presented petition from citizens of Keokuk County, asking the enactment of a law authorizing the rebatement of a school house tax in said County. Referred to Committee on Judiciary, with instructions to report by bill if no disabilities exist.

Mr. Gray presented petition from citizens of Alamakee County, asking an increase of the duties and compensation of County Judges. Referred to Committee on County and Township Organization.

Mr. McCrary of Lee presented petition from citizens of Lee and adjoining Counties asking legislation in relation to plank roads. Referred to Committee on Roads and Highways.

Mr. Woolson presented petitions from citizens of Henry County in relation to the taxation of rail roads. Referred to Committee on Ways and Means.

Mr. Woolson presented petition from John Tyner and E. L. Penn praying for relief. Referred to Committee on Ways and Means.

NOTICES OF BILLS.

Mr. Gue gave notice that he would on to-morrow or some future

day introduce a Bill exempting from taxation for a period of five years, all sheep not exceeding one hundred owned by any resident of the State.

Also, a Bill exempting from taxation for a period of ten years all machinery and capital employed in this State in the manufacture of woolen goods.

Also, a Bill exempting from taxation all capital invested in the manufacture in this State, of linseed oil and starch and in the conversion of flax straw into flax cotton for a period of ten years.

Also, a Bill exempting from taxation all capital invested in the manufacture and refining of sorghum sugar and syrup for a period not exceeding ten years.

Mr. Dysart gave notice that he would, on to-morrow or some future day, introduce a Bill for an Act to direct the County Recorder, to cause to be prepared and kept, a transfer book, to contain the names of the grantors and grantees in the order of time, of each tract of forty acres of land in his county, beginning with the grantee from the General Government.

Mr. Dungan gave notice that he would, on to-morrow or some future day, introduce a Bill to amend the present law relating to estrays :

Mr. McPherson offered the following resolution :

Resolved, That a Special Committee of five be appointed by the President to report upon the number of Congressional Districts Iowa is entitled to, and to report by Bill defining their boundaries.

Mr. Burdick moved to strike out from the resolution the word "five," and insert "one from each Judicial District," which amendment was adopted.

Resolution of Mr. McPherson as amended was adopted.

Mr. McCrary of Van Buren, offered the following :

Resolved, That the Secretary be requested to furnish each Senator with a map of the State.

Resolution adopted.

Mr. Dysart offered the following :

Resolved, That the Governor's Message be now taken up, and that so much thereof as relates to common schools—to the University—to charitable institutions—to revenue—to banks—to public buildings—to agriculture—to public lands—to railroads—to town and county organization—to federal relations—to military affairs—and the Judiciary, be referred to the several Standing Committees having charge of these subjects respectively.

On motion the resolution was laid upon the table.

Mr. Foote offered the following :

Resolved, That the Secretary of the Senate be instructed to receive from its members, who so desire it, the pen-knife and gold pen, received by them as Senators, and that the Secretary shall deliver such pen-knives and gold pens to the Treasurer of the State,

who shall sell the same and place the proceeds into the general fund of the State. Or if any member may choose he can at any time, pay the cost of said pen-knife and gold pen, in cash to the Secretary of the Senate, who shall hand the same to the Treasurer of the State, to be applied as above mentioned. And for the full purpose of carrying out this resolution, the Secretary of State be requested to furnish the Senate with the cost of said pen-knife and gold pen.

Mr. Ainsworth called the yeas and nays on the adoption of the resolution with the following result :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—37.

The nays were, none.

Absent or not voting, Senators Angle, Bussey, Hammer, Henderson, Neal, Powers, Scott, and Taylor.

The resolution was adopted.

Mr. Brown offered the following :

Resolved by the Senate, the House of Representatives concurring, That our Senators in the Congress of the United States be, and are hereby instructed, and our Representatives respectfully requested, to urge upon the President of the United States the immediate Brigading of the troops of this State who are now or hereafter may be engaged in the military service of the United States.

Mr. McCrary of Lee, moved to amend by adding "and to urge upon the President the appointment from this State of a number of Brigadier Generals, equal to the number of Brigades from the State. Amendment adopted.

Mr. Hagans moved to amend by adding :

Resolved, That one copy of the foregoing resolution be forwarded to the President of the United States ; one copy to the Secretary of War, and one copy to each of our Senators and Representatives in Congress. Amendment adopted.

Resolution as amended was then adopted.

Mr. Smith offered the following :

Resolved, That the Secretary of State be requested to report to this body at the end of four weeks the number of pen-knives and pens returned to him by Senators.

Mr. Duncombe moved to amend by adding "and the names of such Senators."

Mr. Foote moved to amend by adding "and the amount of money received."

Resolution with amendments laid on the table.

Mr. Shaffer offered the following :

Resolved, That Madison Dagger, of Pottawattamie County, be appointed Fireman for the Senate Committee Rooms, and that he

be requested to act as Sergeant-At-Arms of the Senate, in the absence of Mr. Edmondson.

Mr. Teter moved to amend by striking out so much as relates to Fireman of Committee Rooms. The amendment was adopted.

On motion of Mr. Udell, the resolution was laid upon the table.

Mr. McCrary, of Lee, offered the following:

Resolved, That His Excellency, the Governor, be requested to inform the Senate, whether the Hon. Charles Mason, Commissioner appointed to negotiate with the General Government in relation to the Des Moines River Grant, has made any report to the Governor and if so to furnish the Senate with a copy thereof. Resolution adopted.

Mr. Woodward, from Special Committee in regard to powers of Deputy Clerks of Supervisors, asked leave for further time and for instructions,

Mr. Ainsworth moved that the Committee be discharged from further consideration of the particular question referred to them by the resolution of the Senator from Jasper. Carried.

Mr. Brown, from Special Committee on Legislative Reporter, stated that the Committee had taken no action, the House refusing to concur in the action of the Senate. The Committee was discharged.

Mr. Leake moved to dispense with further business under the regular order, to take up the resolution relating to newspapers. Carried.

Resolution of Mr. Dungan read.

Mr. Redfield moved to strike from the resolution, the number ten and to leave a blank. Carried.

Mr. McCrary, of Van Buren, moved to fill the blank with fifteen.

Mr. Woodward moved to fill with five.

Mr. Teter moved to fill with two.

Mr. Redfield moved to fill with twenty.

Mr. Gue moved to fill with sixteen.

Mr. Hatch moved to fill with fifteen.

Mr. English moved to fill with eight.

Mr. Burdick moved to fill with nineteen.

Mr. Dixon moved to fill with fourteen.

The question being on filling the blank with twenty, the yeas and nays were called with the following result:

The yeas were, Senators Burdick, Duncombe, Dysart, Gue, Hatch, Hastings, Jennings, McCrary of Lee, Redfield, Smith and Trumbull—11.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Dungan, English, Foote, Gray, Green, Hagans, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—27.

So the motion was lost.

The question being on filling the blank with nineteen, Mr. Holmes called for the yeas and nays :

The yeas were, Senators, Boardman, Burdick, Dixon, Dysart, Gray, Gue, Hatch, Hastings, Hesser, Jennings, McCrary of Lee, Redfield, Smith and Trumbull—14.

The nays were, Senators Ainsworth, Bowen, Brown, Duncombe Dungan, English, Foote, Green, Hagans, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—24.

So the motion was lost.

Question being on filling blank with 15, yeas and nays were called :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dysart, Gray, Gue, Hatch, Hastings, Hesser, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, Redfield, Smith, Trumbull—19.

The nays were, Senators Brown, Dungan, English, Foote, Green, Hagans, Holmes, Hurley, Kent, Lewis, McPherson, Pattison, Shaffer, Teter, Udell, Watson, Williams, Woodward, Woolson—19.

Chair voted no.

So the motion was lost.

Question being upon filling blank with 15, the motion was lost.

Question being upon filling the blank with 14, Mr. Kent called the yeas and nays with the following result :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dysart, Gray, Gue, Hatch, Hastings, Hesser, Jennings, McCrary of Lee, McCrary of Van Buren, Smith, Trumbull—15.

The nays were, Senators Ainsworth, Brown, Duncombe, Dungan, English, Foote, Green, Hagans, Holmes, Hurley, Kent, Leake, Lewis, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward, Woolson—23.

So the motion was lost.

Question being upon filling the blank with 12, the yeas and nays were called :

The yeas were, Senators Boardman, Burdick, Leake, McCrary of Lee, McCrary of Van Buren—5.

The nays were, Senators Ainsworth, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Lewis, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward, Woolson—33.

So the motion was lost.

Question being upon filling the blank with 8, the yeas and nays were called :

The yeas were, Senators Boardman, Burdick, English, Hagans,

Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Watson, Williams, Woodward, and Woolson—13.

The nays were, Senators Ainsworth, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, McPherson, Redfield, Shaffer, Smith, Teter, Trumbull and Udell—25.

Lost.

Question being upon filling blank with 5, Mr. Ainsworth called the yeas and nays :

The yeas were, Senators English, Leake, Lewis, McCrary of Van Buren, Pattison, Watson, Williams, Woodward and Woolson—9.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, McCrary of Lee, McPherson, Redfield, Shaffer, Smith, Teter, Trumbull and Udell—29.

So the motion was lost.

Question being upon filling the blank with two, Mr. Jennings called the yeas and nays :

The yeas were, Senators Dungan, English, Foote, McCrary of Van Buren, Pattison, Teter, Udell, Watson, Williams, Woodward, and Woolson—11.

The nays were Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dysart, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McPherson, Redfield, Shaffer, Smith and Trumbull—27.

So the motion was lost.

Mr. Brown moved to refer to Special Committee. Lost.

Mr. McCrary moved to refer to Committee on Printing. Lost.

Mr. Teter moved Senate adjourn. Lost.

Mr. Brown moved to reconsider vote by which Senate refused to fill the blank with 15; upon which motion Mr. Woolson asked the yeas and nays :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Gray, Green, Gue, Hatch, Hastings, Hesser, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, Redfield, Smith, Trumbull and Woodward—20.

The nays were, Senators Duncombe, Dungan, Dysart, English, Foote, Hagans, Holmes, Hurley, Kent, Lewis, McPherson, Pattison, Shaffer, Teter, Udell, Watson, Williams and Woolson—18.

So the motion prevailed.

The yeas and nays were then called upon the adoption of resolution as amended.

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Jennings, Leake, McCrary of Lee, McCrary of Van

Buren, McPherson, Pattison, Redfield, Shaffer, Trumbull and Woodward—24.

The nays were, Senators Duncombe, Dungan, Dysart, English, Foote, Holmes, Kent, Lewis, Smith, Teter, Udell, Watson, Williams and Woolson—14.

So the resolution was adopted.

Mr. Teter moved that the Senate do now adjourn. Lost.

Mr. Redfield moved that when the Senate adjourn it be until Monday at 10 o'clock.

Mr. Duncombe moved that the motion be laid upon the table. Carried.

Mr. ——— moved that the Senate do now adjourn.

A division of the House was called for, with the following result: Yeas 19, nays 19.

The Chair voting yea, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, January 18, 1862. }

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Mr. Chamberlain.

Secretary commenced reading the Journal of yesterday, when Mr. Udell moved to dispense with the further reading thereof.

Mr. Hagans moved to dispense with the usual order, and take up the matter of appointing a Committee of Conference in regard to the office of Postmaster. Which motion prevailed.

Mr. Woodward moved to suspend the usual order, and that the report of Committee on vacant seats in this House be taken up. Carried.

Mr. Duncombe offered the following resolution as a substitute to the report of the Committee on vacancies:

Resolved, That J. L. Dana is entitled to a seat in this Senate from the forty-first Senatorial District, and that James Pollard is entitled to a seat in this Senate from the third Senatorial District in place of John Scott and Cyrus Bussey respectively, whose seats are hereby declared vacant.

On motion, Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. McCrary of Van Buren offered a petition for an Act to protect sheep from the ravages of dogs. Referred to the Committee on Agriculture.

Mr. Woolson, by leave of the Senate, introduced a Bill for an Act in relation to Revenue. The Bill was read a first and second time, and referred to the Committee on Ways and Means.

Mr. Woolson also presented a Bill for an Act in relation to the School Fund. Read first and second time, and referred to the Committee on Schools.

Mr. Dysart presented a Bill for an Act to empower the Clerk of the District Court to act when the County Judge is disqualified by interest or otherwise. Read a first and second time and referred to Committee on the Judiciary.

Mr. Woolson introduced a Bill for an Act relating to the Board of Supervisors and County Treasurer. Read a first and second time and referred to Committee on Ways and Means.

Mr. Duncombe introduced a Bill for an Act authorizing the formation of the Mining and Banking Company of Iowa. Read a first and second time and referred to Committee on Judiciary.

Mr. Jennings introduced a Bill for an Act to restrict and define the powers of City Courts. Read a first and second time and referred to Committee on Judiciary.

Mr. Watson offered a Bill for an Act providing for a Board of County Commissioners. Read a first and second time and referred to Committee on Military Affairs.

Mr. McCrary of Lee, presented a Bill for an Act to provide for the payment of Taxes in United States Treasury Notes and notes of the State Bank of Iowa. Read a first and second time and referred to Committee on Ways and Means, with instructions to report at an early day.

Mr. Dysart introduced a Bill for an Act to confer on County Courts Civil and Criminal Jurisdiction in certain cases. Read a first and second time and referred to Committee on County and Township organization.

Mr. Smith introduced a Bill for an Act to amend Sections 663 and 664, of Chapter 42, of the Revision of 1860. Read a first and second time and referred to Committee on County and Township organization.

Mr. Boardman introduced a Bill for an Act to limit the terms of Grand Juries in the several counties of this State. Read a first and second time and referred to Committee on the Judiciary.

Mr. Boardman presented a petition of the Board of Supervisors of Clinton County for an Act authorizing township trustees to es-

- tablish roads, and an Act in relation to Township collectors of taxes.

Mr. Leake gave notice that on to-morrow or some future day he would introduce a Bill for an Act to regulate the indorsing of deeds executed by Sheriffs and others acting in a representative or official capacity.

Also, a Bill for an Act requiring powers of Attorney to convey real estate, to be recorded previous to the execution of deeds under the powers.

Mr. Foote gave notice that on to-morrow or some future day he would introduce a Bill for an Act relating to the Recorder of Deeds and his compensation.

A message was received from the Governor, with reports from Charles Mason, Commissioner appointed to negotiate with the General Government in relation to the Des Moines River Land Grant.

EXECUTIVE OFFICE, IOWA, }
January 18, 1862. }

To the President of the Senate :

In compliance with the resolution of the Senate, passed on yesterday, I transmit herewith the report made to me by Charles Mason, Commissioner appointed to negotiate with the General Government, in relation to the Des Moines River Land Grant.

I also transmit copies of the reports made to me by the Board of Trustees, Superintendent, Steward, Board of Commissioners and Building Superintendent of the Lunatic Asylum, and by the Warden, Clerk, Physician and Chaplain of the Penitentiary.

SAMUEL J. KIRKWOOD.

On motion of Mr. Woolson, so much of the message as related to the Des Moines River Land Grant, was referred to Committee on Internal Improvements; and so much as relates to the Hospital for the Insane and Penitentiary, to Committee on Charitable Institutions.

Mr. Watson offered the following resolution which was referred to the Committee on Military Affairs:

Resolved by the Senate, the House of Representatives concurring, That our Senators and Representatives in Congress be, and are hereby instructed, to use their best endeavors to secure the passage of a law reducing the pay of Commissioned officers in the various branches of the army of the United States.

Resolved, That the Secretary of State be directed to transmit a copy of this resolution to the Iowa delegation at Washington City, D. C.

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

Resolved, That the Committee of Ways and Means be instructed to inquire into the expediency of reducing the compensation of all

salaries officers in this State, and also all such as are paid by fees, and report at an early day.

Mr. Woolson moved that the report of the Special Committee on contested seats be taken up. Carried.

Mr. Woodward asked leave of the Senate for the reading of a communication from Mr. Dana. Leave being granted, the communication was read by the Secretary.

Mr. Redfield moved that the applicants for the vacant seats be allowed to speak if such was their wish. Carried.

Mr. Pollard then addressed the Senate in defense of his claim.

Mr. Woodward offered the following substitute to the Resolution of Mr. Duncombe:

Resolved, That in the opinion of the Senate, the seats of Messrs. Bussey and Scott were vacated by their acceptance of the military commissions of Colonel and Lieutenant Colonel.

Resolved, That Messrs. Pollard and Dana have been legally elected to fill those seats and are entitled to take their respective places.

A division of the question being ordered, Mr. Gue called the yeas and nays on the first proposition. The vote was taken with the following result:

The yeas were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Smith, Teter, Trumbull, Udell, Williams, Woodward—29.

The nays were, Senators Hatch, Hastings, McPherson, Shaffer, Woolson—6.

Mr. Redfield was excused from voting.

Absent or not voting, Senators Angle, Boardman, Brown, Hammer and Neal.

The resolution was adopted.

The question being now on the second part of the resolution, Mr. Watson called the yeas and nays and the vote was taken, which resulted as follows:

The yeas were, Senators Burdick, Dixon, Duncombe, Dysart, English, Green, Gue, Hagans, Hesser, Jennings, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Teter, Trumbull, Udell, Williams—18.

The nays were, Senators Ainsworth, Boardman, Bowen, Dungan, Foote, Gray, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McPherson, Shaffer, Smith, Watson, Woodward, Woolson—19.

Absent or not voting, Senators Angle, Brown, Hammer and Neal.

The resolution was lost.

On motion of Mr. Woodward, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, January 20, 1862. }

Senate convened at the usual hour.

Prayer by Senator Watson.

Minutes of yesterday were read, corrected and approved.

PETITIONS.

Mr. Hesser presented a petition of farmers of Lee County, for an Act to protect sheep from the ravages of dogs. Referred to the Committee on Agriculture.

Also, a petition of James Schneider for relief. Referred to Committee on Judiciary.

Also, a petition of John F. Edwards for relief. Referred to Committee on Claims.

Mr. Shaffer presented a petition of farmers of Jefferson County, for an Act to protect sheep from the ravages of dogs. Referred to Committee on Agriculture.

Mr. Boardman presented a petition of farmers of Clinton County for an Act to license stallions. Referred to Committee on Agriculture.

NOTICES OF BILLS.

Mr. Udell gave notice that on to-morrow or some future day he would introduce a Bill for an Act giving certain powers to the Board of Auditing Commissioners.

Mr. Leake: Of a Bill for an Act requiring Clerks of the District Court to keep a docket to be known as an appearance docket.

Mr. Woolson: Of a Bill for an Act to amend Chapter 51 of the Revision of 1860.

Mr. McCrary of Van Buren: Of a Bill for an Act in regard to defendants in execution.

Mr. Smith: Of a Bill for an Act in regard to Sheriffs.

Mr. Watson: Of a Bill for an Act further defining the duties of County Treasurers.

RESOLUTIONS.

Mr. Watson offered the following resolution which was adopted:

Resolved, That the Governor be requested to report to this Senate whether the Emigrant Commissioner has made a report to him according to the requirement of the law, and if so, that he submit said report to the Senate.

Mr. McCrary, of Van Buren, offered the following resolution which was adopted:

Resolved, That the Committee on Judiciary be requested to examine the law allowing County Collectors and Recorders a deputy, and make report by Bill or otherwise, making the law more explicit, if in their judgment it is necessary.

Mr. Dysart offered the following resolution which was adopted :

Resolved, That His Excellency, the Governor, be requested to inform the Senate whether Col. John N. Dewey, Isaac W. Griffith and S. R. Ingham, a Board of Commissioners appointed by the Act of the Extra Session passed May 28th, 1861, to audit claims against the War and Defense Fund, have made any report and if so to furnish the Senate with a copy thereof.

Mr. Udell offered the following resolution which was adopted :

Resolved, That the Committee on Judiciary be instructed to enquire into the necessity of a record of conveyances by Probate Judges, and report by Bill or otherwise.

Mr. Woolson offered the following resolution which was adopted :

Resolved, That the Select Committee on Judicial Districts be instructed to inquire into the expediency of reducing the number of such Districts to ten, (that being as great a reduction as the Constitution allows in one year,) *Provided*, There shall be conferred upon County Judges jurisdiction to try all appeals from Justices, and, also original jurisdiction in all actions at law, (except where the title to real estate shall come into question,) to the amount of one thousand dollars.

Mr. Holmes introduced a Joint Resolution relating to the condition and treatment of Iowa troops in the service of the United States, and calling upon Congress to alleviate their condition, &c. Read a first and second time, and on motion of Mr. Watson, referred to Committee on Federal Relations.

Mr. McPherson offered the following resolution which was adopted :

Resolved, That the Governor be requested to inform the Senate whether there is any District Attorney of this State a commissioned officer in any Company of Iowa Volunteers; if so, how many and when commissioned, and also whether there are any members of the Senate so commissioned.

Mr. McPherson offered the following resolution :

Resolved, That a Committee of three be appointed to inform the Governor that the Senate has declared vacant the seats formerly held by John Scott and Cyrus Bussey in this body.

On motion of Mr. English, the resolution was laid on the table.

REPORTS OF COMMITTEES.

Mr. Woodward presented the following report, from the Special Committee appointed to enquire into the powers of Deputy Clerks of the District Courts, which was adopted:

To the Senate of Iowa :

The Committee, to whom was referred the duty to inquire and re-

port whether, under Sections 643, 2730 and 2731, of the Revision of 1860, the Deputies of the Clerks of the District Court may legally draw the names of person for jurors, and if necessary, to report a Bill conferring that authority upon such Deputies, and legalizing such acts heretofore done, would respectfully report:

That Section 643 of the late Revision enacts that in the absence or disability of the principal, the Deputy "shall perform the duties of his principal pertaining to his *own* office, but when any officer is required to act in conjunction with, or in the place of, another officer, his Deputy cannot supply his place."

Sections 2730 and 2731 enact that when jurors are to be selected, the Clerk shall write the names of the persons from whom the jurors are to be selected on separate ballots, and the County Judge and Sheriff having compared the ballots with the lists, and rejected the same, shall place the ballots in a box prepared for that purpose and after thoroughly mixing the same, the Clerk shall draw therefrom the requisite number of jurors.

Your Committee are of the opinion that this is such a case of acting "in conjunction" with another officer, as is contemplated in Section 643, and therefore is not allowed. The Committee is, consequently, of opinion that the Deputy of a Clerk of the District Court cannot legally draw the names of persons for jurors.

Besides the reason above assigned, it is to be notice that Section 643 says that the Deputy shall perform the duties of the principal pertaining to *his own* office. This language, together with the nature of the case, indicate that the duties of the Deputy are properly limited to acts pertaining to the Clerk's office as such, and do not extend to those powers or duties which are conferred or imposed upon the principal outside of his office proper.

And your Committee herewith report the accompanying Bill.

W. G. WOODWARD, Ch'n.	} Com.
GEORGE W. McCRARY,	
L. L. AINSWORTH.	

Mr. Woodward presented a Bill conferring certain powers upon Deputy Clerks of the District Court, which was read a first and second time, when on motion of Mr. Ainsworth, the 11th rule was suspended and the Bill put upon its passage.

The Bill was then read the third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—34.

The yeas were, Senators English and Williams—2.

Absent or not voting, Senators Angle, Hammer, Jennings, Neal and Udell—5.

So the Bill passed and the title was agreed to.

Mr. Woodward moved that the resolution of inquiry offered by Mr. Smith, of Jasper, be recommitted to the Special Committee. Carried.

Mr. Teter, by leave of the Senate, introduced a Bill for an Act to regulate the sale of intoxicating liquors. The Bill was read a first and second time, and referred to a Special Committee of Five, consisting of Messrs. Teter, Pattison, Hesser, Boardman and Duncombe.

Mr. Foote introduced a Bill for an Act defining further duties for the Recorder of Deeds, and his compensation. The Bill was read the first and second time, and referred to the Committee on Township and County Organization.

Mr. Leake introduced a Bill for an Act to regulate the indexing of Sheriff's deeds, &c.

On motion of Mr. Woolson, the Bill was referred to Committee on Township and County Organization.

Mr. Brown introduced a Bill for an Act to legalize the acts of John H. Brown, Notary Public. The Bill was read the first and second time.

The following Message was announced 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. 11: A Joint Resolution for the location of a United States Arsenal.

House File No. 12: A Joint Resolution instructing our Senators and requesting our Representatives in Congress, to procure the establishment of a tri-weekly mail route from Des Moines City via Adel, Panora, Guthrie Centre, &c., to Council Bluffs.

CHA'S. ALDRICH, Chief Clerk.

Mr. Brown asked that the 11th rule be suspended, and the Bill read a third time.

On motion of Mr. Holmes, the Bill was referred to the Committee on Judiciary.

Mr. Kent moved to reconsider the vote on the resolution of Mr. Woodward, to admit Messrs. Pollard and Dana to the seats vacated by Messrs. Bussey and Scott.

Mr. Holmes moved to lay the motion upon the table.

The yeas were, Senators Dungan, Hatch, Holmes, Leake, Woodward and Woolson—6.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dysart, English, Gray, Green, Gue, Hagans, Hastings, Hesser, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Williams—29.

Absent or not voting, Senators Angle, Foote, Hammer and Neal—4.

The motion to table was lost.

The question being now on the reconsideration, Mr. Teter called for the yeas and nays with the following result :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Gray, Green, Gue, Hagans, Hesser, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Teter, Trumbull, Udell and Williams—26.

The nays were, Senators Ainsworth, Foote, Hatch, Hastings, Holmes, Leake, Redfield, Shaffer, Smith, Watson, Woodward and Woolson—12.

Absent or not voting, Senators Angle, Hammer and Neal—3.

So the motion prevailed.

The question now being upon the Resolution, Mr. Boardman moved to lay the question on the table. Lost.

On motion of Mr. Watson, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The Chair stated that the question before the Senate was on the resolution to admit Messrs. Pollard and Dana to seats in the Senate.

Mr. Bowen moved a call of the Senate. The following named Senators were found to be absent and not excused : Messrs. Duncombe, Hastings, Hesser, Jennings, McPherson, Smith, and Trumbull.

Mr. Bowen moved to send for the absentees. Carried.

The Doorkeeper was sent for the absent members, and they having appeared, the resolution was read by the Secretary.

Mr. Bowen called for the yeas and nays, which were as follows :

The yeas were, Senators Burdick, Dixon, Duncombe, Dysart, English, Green, Gue, Hagans, Hesser, Jennings, Kent, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Teter, Trumbull, Udell and Williams—19.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Dungan, Foote, Gray, Hatch, Hastings, Holmes, Hurley, Leake, Lewis, McPherson, Shaffer, Smith, Watson, Woodward and Woolson—19.

Absent or not voting were, Senators Angle, Hammer and Neal.

The President voting nay, the resolution was lost.

On motion of Mr. Ainsworth, House File No. 11 : A Joint Res-

olution for the location of a United States Arsenal, was taken up and read.

Mr. Watson moved the Senate concur. Carried.

The President laid before the Senate the following documents from the Governor :

EXECUTIVE OFFICE, IOWA, }
January 20, 1862. }

To the President of the Senate :

I transmit herewith the resignation of Hon. P. P. Henderson of the office of Senator of the district composed of the county of Warren, made to me at its date, January 15, 1862. By law the resignation should have been made to you, and I now transmit it to you, that such action may be taken by yourself or the body over which you preside, as to you or them may seem advisable.

SAMUEL J. KIRKWOOD.

DES MOINES, IOWA, }
January 13, 1862. }

To his Excellency, Governor of Iowa :

The undersigned would respectfully tender his resignation of the office of Senator of the Senatorial District composed of the county of Warren.

P. P. HENDERSON.

Mr. Leake moved that the resignation be received and the Governor notified.

Mr. Duncombe moved to lay the whole subject on the table. Lost.

Mr. Brown moved to refer the resignation back to the Governor.

Mr. Boardman moved to lay the motion on the table. Carried.

The Secretary read the following communication from the Governor :

EXECUTIVE OFFICE, IOWA, }
January 20, 1862. }

To the President of the Senate :

In compliance with the resolutions of the Senate passed this day, I inform you that the Board of Commissioners appointed at the Extra Session of the General Assembly, 1861, to audit claims against the War and Defense Fund, have not made any report to me. Also that on the evening of the 18th inst., the Emigrant Commissioner delivered to me his report which I herewith transmit.

SAMUEL J. KIRKWOOD.

Mr. Ainsworth moved that the reading of the report be dispensed with, and the documents be laid on the table, and the usual number printed. Carried.

On motion of Mr. McPherson, the resolution in regard to notifying the Governor of vacancies in the Senate was taken up.

Mr. Jennings offered the following as a substitute:

Resolved, That the Secretary of the Senate be and he is hereby instructed to inform the Governor that the Senate has declared the seats of Senators Bussey of Davis and Scott of Story, vacant; and that he is requested to issue writs calling special elections in ten days to fill the vacancies thus declared to exist.

Mr. Woolson called for division of the question. The vote was taken on the first clause and carried.

The second clause was also adopted.

Mr. McPherson moved to take up the Resolution of inquiry in regard to District Attorneys and Senators in the Army. Carried.

The resolution was then read by the Secretary and adopted.

Mr. Leake, by leave of Senate, introduced a Bill for an Act regulating Powers of Attorney, which was read first and second time, and referred to Committee on Judiciary.

Also a Bill for an Act to amend the law in relation to actions of forcible entry and detainer. Read a first and second time and referred to Committee on Judiciary.

Mr. Dixon offered the following resolution:

Resolved, That Madison Daggart be elected Sergeant-at-Arms until the present incumbent, now absent, shall return.

Mr. Woolson moved to lay the resolution on the table. Carried.

Mr. McPherson gave notice that on to-morrow or some future day, he would introduce a Bill for an Act declaring vacant all county offices and the office of District Attorney, the incumbents of which are commissioned officers in the Army.

On motion of Mr. Watson the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, January 21, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Eaton.

The following message from the House was received through Charles Aldrich, Chief Clerk:

MR. PRESIDENT:—I am directed by the House 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 an Act to confirm and legalize the acts of John W. Thompson, a Notary Public in and for Scott County.

Substitute for House File No. 7 : A Bill for an Act to legalize the acts of James N. Miles, Notary Public.

A Joint Resolution asking for additional mail facilities.

I am also directed to inform the Senate that the House has passed the Concurrent Resolution of the Senate, in relation to brigading the Iowa troops, and that the same is herewith returned.

CHARLES ALDRICH, Chief Clerk.

Minutes of yesterday read and approved.

The Chair announced the following as the Special Committee on Congressional Districts in accordance with the resolution offered by Mr. McPherson : Messrs. McPherson, Foote, Udell, Hagans, Redfield, Teter, Leake, Bowen, Trumbull, Gray and Duncombe.

Mr. Smith presented a petition of citizens of Jasper county for an Act in relation to surveying lands, which was referred to Committee on Judiciary.

Mr. Hatch presented a memorial from B. B. Richards and others on behalf of the Protestant Episcopal Church of Iowa, which was referred to the Committee on Judiciary.

Mr. Kent presented a petition of tax-payers of Cedar county, for an Act to make notes of the State Bank receivable in payment of taxes. Referred to Committee on Ways and Means.

NOTICES OF BILLS.

Mr. Udell gave notice that on to-morrow or some future day, he would introduce a Bill for an Act to amend Chapter 47 of the Revision of 1860.

Also, a Bill for an Act in relation to Swamp Lands.

Mr. Woolson introduced Senate File No. 21 : an Act to amend Article 1, Chapter 51 of the Revision of 1860. Read first and second time and referred to Committee on Incorporations.

Mr. McCrary of Van Buren introduced Senate File No. 22 : An Act allowing defendants in execution to retain possession of personal property taken in Execution, by giving bonds for the delivery of the same on the day of sale or payment of the debt. Read first and second time and referred to Committee on Judiciary.

Mr. Ainsworth introduced Senate File No. 23 : A Bill for an Act to amend Section 261 of the Revision of 1860. Read first and second time, and referred to Committee on Judiciary.

Mr. Watson introduced Senate File No. 24 : A Bill for an Act requiring Bank Officers to mark or stamp spurious or counterfeit Bills or coin. Read first and second time, and referred to Committee on Banks.

Mr. Watson introduced Senate File No. 25: A Bill for an Act entitled an Act further defining the duties of County Treasurers. Read first and second time and referred to Committee on Ways and Means.

Mr. Holmes gave notice that on to-morrow or some future day, he would introduce a bill for an Act to reduce Grand and Petit Jury fees to one dollar and a half per day.

Also, a Bill for an Act to give Township Trustees control of roads.

Mr. Dungan introduced Senate File No. 26: A Bill for an Act to amend Sections 663, 664 and 312 of Revision of 1860. Read first and second time and referred to Committee on County and Township Organization.

Mr. McCrary of Lee offered Senate File No. 30: A Joint Resolution instructing our Senators and requesting Representatives in Congress to vote for an Act granting certain lands to the State of Iowa. Read first and second time.

Mr. Duncombe moved to refer to a Special Committee of five. Carried.

The Chair appointed as such Committee, Messrs. McCrary of Lee, Duncombe, Hatch, Williams and Dixon.

Mr. Woodward offered the following resolution which was adopted:

Resolved, That hereafter the Senate shall hold one session on each day, commencing at 10 o'clock in the forenoon until further ordered.

Mr. McPherson offered the following concurrent resolution:

Resolved, By the Senate, the House concurring, That a Committee of two from the Senate and three from the House of Representatives be appointed to investigate a report in regard to the contracts for clothing for the 1st, 2d and 3d Regiments of Iowa Infantry, and that said Committee be empowered to send for men and papers to aid their investigations, and that said Committee report the facts they find to this session of the General Assembly at as early a day as practicable. Adopted.

Mr. Redfield offered Senate File No. 27: A Joint Resolution in regard to establishing a mail route from Des Moines to Magnolia.

On motion of Mr. Bowen, the resolution was referred to the Committee on Federal Relations.

Mr. McCrary of Lee offered the following report of Special Committee on Judiciary:

To the Senate of Iowa:—Your Special Committee to whom was referred Senate File No. 1: A Bill for an Act to fix the boundaries of the Third, Fourth and Fifth Judicial Districts, have had the same under consideration and have instructed me to report back the accompanying Substitute therefor and recommend its passage.

G. W. McCRARY, Chairman.

The Bill entitled an Act to alter the boundaries of the Third,

Fourth and Fifth Judicial Districts was read a first and second time, when on motion of Mr. Woodward it was referred back to the Committee.

The message from the House was taken up, and House File No. 4, read a first and second time and referred to Committee on Judiciary.

House File No. 7 was read a first and second time and referred to Committee on Judiciary.

House File No. 35 was read a first and second time and referred to Committee on Federal Relations.

House File No. 5 was read a first and second time and laid on the table.

Mr. McCrary of Lee, from Special Committee, submitted the following report :

The Special Committee on Judicial Districts, to whom was re-committed the substitute for Senate File No. 1, have instructed me to report the same back and recommend the following amendments: To the first section add the words "and causes now pending in said Cass County shall be tried in said Fifth District." Add to section 2, the words "and the causes now pending in said Pottawattamie County be tried in said Fourth District.

McCRARY, Chairman.

Mr. Watson moved to amend by striking out the word "tried" and inserting "transferred." Lost.

The amendments were then adopted.

Mr. Hagans moved to amend by adding to the third section the following words: "and Council Bluffs Bugle and Nonpariel, and Cass County Gazette or any two of them." Adopted.

Mr. McPherson moved that the 11th rule be suspended and the Bill read a third time. Carried.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gne, Hagans, Hatch, Hastings, Henderson, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams, Woodward, Woolson—35.

The nays were, Senator Duncombe—1.

Absent or not voting, Senators Angle, Hammer, Jennings, Leake, Neal and Teter—6.

Bill passed and the title was agreed to.

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

Resolved, That the Committee on Elections enquire into the necessity of an amendment to the law for canvassing votes to meet cases of special elections ordered by the Governor, and that such Committee report by Bill or otherwise.

Mr. Redfield offered the following resolution :

Resolved, That the Committee on Judiciary be instructed to examine into the constitutionality of Chapter 193 of the laws passed by the 6th General Assembly, relating to restraining swine and sheep from running at large in certain cases, and report their opinion on the same to the Senate by Bill or otherwise.

On motion of Mr. McPherson, the resolution was referred to the Committee on Judiciary.

Mr. Hagans offered Senate File No. 28: A Joint Resolution for additional mail facilities. Read first and second time and referred to the Committee on Federal Relations.

Mr. Bowen moved to take up the Governor's Message. Carried.

On motion of Mr. Bowen, the Governor's Message was laid on the table, and made the special order for half past ten, to-morrow.

On motion of Mr. Watson, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, January 22, 1862. }

Senate convened at 10 o'clock, A. M.

Prayer by Rev. Mr. Eaton.

Minutes of yesterday read, corrected and approved.

PETITIONS AND MEMORIALS.

Mr. Woolson offered a petition of W. S. Marsh and others, for a law regulating the practice of Medicine. Laid on the table.

Mr. Hagans presented a memorial of the Board of Supervisors of Ringgold County, for a law in relation to School Lands. Referred to Committee on Schools and University.

Mr. Boardman presented a memorial from Physicians for a law regulating the practice of Medicine. Referred to Special Committee consisting of Messrs. Boardman, Shaffer, Trumbull, Hastings and Udell.

Mr. Duncombe presented a petition of citizens of Webster County, for the repeal of the Liquor Law. Referred to Committee on Liquor Law.

Mr. Green presented a petition of citizens of Jackson County, for repeal of the Liquor Law. Referred to Committee on Liquor Law.

Mr. McCrary, of Lee, presented a petition of citizens of Van Buren County, for a more stringent Liquor Law. Referred to Committee on Liquor Law.

Mr. Woodward presented a petition of Physicians of Muscatine, for an Act regulating the practice of Medicine. Referred to Special Committee on Medicine.

Mr. Williams, of Mahaska County, for repeal of Liquor Law. Referred to Special Committee on Liquor Law.

Mr. Brown presented a petition of farmers of Blackhawk County for an Act to protect sheep from the ravages of dogs. Referred to Committee on Agriculture.

Mr. Boardman presented a petition of physicians of Clinton County, for an Act regulating the practice of medicine. Referred to Special Committee on that subject.

Mr. Hastings presented a petition of physicians of Independence, for an Act regulating the practice of medicine. Referred to Special Committee.

REPORTS OF COMMITTEE.

Mr. Hagans, from Committee on Post Master, submitted the following Report :

MR. PRESIDENT:—Your Committee of Conference on the part of the Senate, to whom was referred the matter of the difference between the Senate and House of Representatives, upon the subject of Post Master of this General Assembly, ask leave to report that they have, in connection with the Committee on the part of the House, had the same under consideration, and they have instructed me to report that they have agreed upon Geo. R. Brainard for Post Master of this General Assembly.

J. C. HAGANS, Chairman.

The Report was accepted and laid upon the table.

Mr. Hagans offered the following concurrent resolution :

Resolved, by the Senate, the House concurring, That George R. Brainard be declared Post Master of this General Assembly, provided his compensation shall not exceed three dollars per day, including the carrying of the mails.

Resolved, further, That Isaac W. Keller be allowed a like compensation per day for what time he has or may serve as Postmaster of this General Assembly until the House shall have concurred herein, and Mr. Brainard been duly qualified.

The resolution was adopted.

The following message from the House was received :

MR. PRESIDENT:—I am directed to inform your Honorably Body that the House of Representatives has ordered to be printed the usual number of the following reports, to-wit : Reports of the Warden, Clerk, Physician and Chaplain of the Penitentiary. Also, the Reports of the Board of Trustees, Superintendent, Steward, Board of Commissioners and Building Superintendent of the Insane Asylum, and of the Commissioner of Immigration.

CHAS. ALDRICH, Chief Clerk.

Mr. Udell moved to strike out the last clause of the thirteenth rule. Lost.

On motion of Mr. McCrary of Lee, the Governor's message was taken up.

Mr. Boardman moved to defer the special order until to-morrow at 11 o'clock. Lost.

Mr. Bowen moved the Senate go into Committee of the Whole on the Governor's Message. Carried.

The Senate then went into Committee of the Whole, Mr. Duncombe in the Chair.

At half past eleven the Committee rose, and Chairman reported that they had disposed of the Governor's Message, and referred the several portions thereof to the appropriate Committees.

NOTICES OF BILLS.

By Mr. Watson : A Bill to repeal the following Acts of the Board of Education : An Act to authorize the teaching of German in common schools.

Also, an Act for the encouragement of Teachers' Institutes.

Also, Section 10 of an Act in relation to County Superintendents.

Also, an Act creating a State Board of Examiners.

Also, an Act to amend an Act in relation to the Secretary of the Board of Education.

Mr. Woolson : A Bill for an Act to authorize counties to hold real estate under certain circumstances, and to sell and convey the same.

Mr. Ainsworth : A Bill for an Act to repeal an Act for the appraisal of property sold under execution.

Mr. Gue : A Bill for an Act to repeal Sections 2860, 2862 and 2863 of the Revision of 1860.

Mr. Boardman : A Bill for an Act in relation to taxing mortgaged Real Estate.

INTRODUCTION OF BILLS.

By Mr. McPherson : Senate File No. 32 : An Act requiring officers of Railroad Companies to reside within the State of Iowa, and defining their duties. Read first and second time and referred to the Committee on Railroads.

By Mr. Holmes : Senate File No. 33 : An Act to amend Section 4154 of the Revision of 1860, in relation to Jury fees. Read first and second time and referred to Committee on Ways and Means.

By Mr. Dysart : Senate File No. 34 : An Act to protect wool-growers against loss by dogs. Read first and second time and referred to Committee on Agriculture.

RESOLUTIONS.

Mr. Duncombe offered the following resolution :

WHEREAS, Under Section 9, Article 5, of the Constitution of the State of Iowa, the salaries of Judges of the Supreme and District Courts cannot be increased or diminished during the term for which they have been elected, and

WHEREAS, The said salaries were fixed in prosperous times and at high rates with reference to such times, and

WHEREAS, The immense taxation of the people for the future for a long time at least, will doubtless be as high as they can pay with the greatest possible economy, and

WHEREAS, It is well known that legal business in hard times decreases, and that the legal business of the State will be less for four years to come than for four years past, therefore :

Resolved, That the Judiciary Committee be required to report a Bill reducing the salaries of the Judges of the Supreme Court to fifteen hundred dollars per annum, and the salaries of Judges of the District court, to one thousand dollars per annum, and the salaries of District Attorneys to five hundred dollars each.

Mr. Woolson offered the following Substitute, and moved that they be laid on the table and made the special order of business for next Tuesday at 10 o'clock. Carried.

Resolved, That in the opinion of the Senate it is expedient to reduce the compensation of all employees of the State and counties, including the pay of the members of the General Assembly.

Mr. Teter offered the following resolution which was adopted :

Resolved, That the Committee on Agriculture be instructed to inquire into the propriety of consolidating the office of the Secretary of the Agricultural College and Secretary of the Agricultural Board into one office.

Mr. McCrary of Lee, offered the following resolution which was adopted :

Resolved, That his Excellency the Governor be requested to inform the Senate whether the Sanitary Commissioners, appointed by him to visit the Iowa troops have made any report to him, and if so, to furnish a copy of the same to the Senate.

REPORTS OF COMMITTEES.

Mr. McCrary of Van Buren, presented the following report which was adopted :

The Committee on Internal Improvements to whom was referred the report of the Commissioner on Des Moines River grant, have had the same under consideration, and I am instructed to report, that the recommendation in the report of said Commissioner in favor of the passage of a Joint Resolution instructing our Senators

and requesting our Representatives in Congress, to vote for, and use their influence for the passage of an Act granting alternate sections of land within five miles of said Des Moines River, should be adopted, but inasmuch as the same general subject is now in the hands of a Special Committee, we recommend that the said Commissioners' report may be referred to said Special Committee.

McCRARY of Van Buren, Chairman.

Mr. Teter presented the following report :

MR. PRESIDENT :—The Committee on Charitable Institutions, to whom was referred the report from the Warden, Clerk, Physician and Chaplain of the Penitentiary ; and the Commissioners, Trustees, Superintendent, Steward and Treasurer of the Insane Hospital have directed me to report the same back to the Senate and to ask that the usual number of copies be printed.

TETER, Chairman.

Mr. Woolson moved to amend by adding "1000 copies" for the use of the Insane Asylum.

Mr. Udell moved to amend by adding "500 copies" to each institution.

Mr. Woolson accepted the amendment.

The report as amended was then adopted.

Mr. McPherson, from Committee on Federal Relations, reported a substitute for Senate File No. 14 : A Joint Resolution in relation to Iowa Volunteers, which was adopted.

On motion of Mr. McPherson, the 11th rule was suspended and the resolution read a third time.

By leave of Senate, Mr. McPherson moved to amend by sending copies of the resolution to the Iowa delegation in Congress, President and Secretary of War.

The amendment being accepted, the yeas and nays were called on the adoption of the resolution, with the following result :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward, Woolson—36.

The nays were, None.

Mr. Woodward, from Special Committee to inquire into the powers of Deputy Clerks of the District Court, reported.

Senate File No. 35 : A Bill for an Act to legalize acts of deputies of Clerks of District Courts in the establishment of roads.

On motion the report and Bill were referred to the Committee on Judiciary.

Mr. Holmes from Committee on Ways and Means reported a Substitute for Senate File No. 9.

Mr. Ainsworth moved to amend by adding after North Western Farmer the words "and Des Moines Times or either two of them."

The yeas and nays being called for on the amendment, the vote was as follows :

The yeas were, Senators Ainsworth, Bowen, Burdick, Duncombe, English, Gray, Green, Hagans, Hatch, Hesser, Holmes, Jennings, Redfield, Teter, Trumbull, Udell, Watson, Williams, and Woodward—19.

The nays were, Senators Boardman, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hastings, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Woolson—18.

Motion carried.

The vote was then taken on the adoption of the Substitute as amended, with the following result :

The yeas were, Senators Ainsworth, Burdick, Duncombe, English, Foote, Gray, Green, Hagans, Hastings, Hesser, Holmes, Jennings, Kent, Trumbull, Udell, Williams, Woolson—17.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Gue, Hatch, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward—18.

Mr. McCrary of Lee, moved to refer back to Committee. Carried.

The following communication from the Governor was laid before the Senate by the President :

EXECUTIVE OFFICE, IOWA, }
January 21, 1862. }

To the President of the Senate :

I transmit herewith for the Body over which you preside, a copy of the report of the agents, appointed at the Extra Session, 1861 of the General Assembly to negotiate a State loan. Also a copy of the report of the Executive Committee of the State Historical Society.

SAMUEL J. KIRKWOOD.

On motion of Mr. Udell the message and documents were referred to the Committee on Printing.

On motion the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, JANUARY 23, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. McKimmon.

The following message from the House was received :

MR. PRESIDENT :—I herewith present for your signature House File No. 11 : A Joint Resolution for the location of a United States Arsenal, the same having passed both branches of the General Assembly, and been duly enrolled in the House and signed by the Speaker.

I also return Senate Files Nos. 29 and 31, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

The Journal of yesterday was read, corrected and approved.

PETITIONS AND MEMORIALS.

By Mr. Woodward : A petition of Jonathan Jones for relief. Referred to Special Committee consisting of Messrs. McCrary of Lee, Ainsworth and Dungan.

By Mr. Hagans : A petition of the Board of Supervisors of Ringgold county for the repeal of Supervisor Laws. Referred to Committee on County and Township Organization.

By Mr. Foote : A petition of French, Gilbert and Lahu for relief. Referred to Committee on Ways and Means.

NOTICES OF BILLS.

By Mr. Dysart : A Bill to change the administration of assignments in trust for the benefit of creditors from the District to the County Court.

By Mr. Shaffer : A Bill to repeal that portion of Chapter 134 of Acts of the Fifth General Assembly relating to the Commissioners of Insane Hospital.

INTRODUCTION OF BILLS.

By Mr. McPherson : Senate File No. 35 : An Act to amend Section 662 of the Revision of 1860. Read a first and second time and referred to the Committee on Judiciary.

By Mr. Ainsworth : Senate File No. 36 : An Act to repeal an Act entitled an Act to provide for the appraisement of property sold under execution. Read a first and second time and referred to the Committee on Judiciary.

By Mr. Boardman : Senate File No. 37 : An Act in relation to taxing mortgaged real estate. Read a first and second time and referred to Committee on Commerce.

By Mr. Smith : Senate File No. 38 : An Act limiting the number of times a person shall be eligible to the offices of Sheriff or Treasurer and Recorder. Read a first and second time and referred to Committee on Judiciary.

RESOLUTIONS.

By Mr. McCrary of Van Buren :

Resolved, That the reporter for the Daily Times be requested to use a little more care in making his reports. Adopted.

By Mr. Duncombe :

WHEREAS, A civil war now exists in the United States, the object of which, on the part of the Government of the United States, is to sustain the Constitution and Laws as interpreted by the Supreme Court; and whereas, Abolitionism and Secessionism are now engaged in an attempt to destroy the Government—the one by open rebellion in arms, and the other by cowardly attempting to poison the minds of the President and Congress, for the purpose of emancipating the slaves of the slaveholding States in violation of the Constitution—therefore,

Resolved, That the Senate of the State of Iowa hereby pledges cordial support to the President of the United States in a patriotic effort to put down all rebellion against the Constitution and Laws of the United States, and in resisting secession, abolition and negro emancipation from whatever source they may come, by every Constitutional means in the power of the Government.

Resolved, That the Secretary of the Senate be, and is hereby directed, to forward a copy of this resolution to the President of the United States.

Mr. Holmes moved to refer the resolution to the Committee on Federal Relations.

Mr. Duncombe called for the yeas and nays. The vote was taken with the following result :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward, Woolson—27.

The nays were, Senators Ainsworth, Duncombe English, Gray, Green, Hesser, Kent, Lewis, Trumbull, Williams—10.

The motion prevailed.

Mr. Woolson offered the following resolution :

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of changing the rate of interest by contract, so that it shall in no case exceed six per cent per annum, and also of providing for a forfeiture of both principal and interest for a violation of the law, and that such Committee report by Bill or otherwise. Adopted.

By Mr. Foote :

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of authorizing the Auditor to issue, on return of any warrants now outstanding, or to be issued, on the

War and Defense Fund, warrants of the denominations of two, three and five dollars, which shall be receivable in the payment of State taxes; and for that purpose, the Auditor procure properly engraved plates for the said warrants, with such dies and devices as shall effectually guard against counterfeiting them; and that they report by Bill or otherwise.

Mr. Udell moved to strike out the words "two" and "three." Lost.

Mr. English moved to strike out all that portion in reference to receiving them in payment of taxes.

The yeas and nays being called for, the vote was taken with the following result:

The yeas were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Watson, Williams—8.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Woodward, Woolson—28.

The motion was lost.

The question now being upon the adoption of the resolution, Mr. Duncombe called for the yeas and nays:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward, Woolson—28.

The nays were, Senators Ainsworth, Duncombe, English, Gray, Green, Trumbull, Udell, Williams—8.

The resolution was adopted.

By Mr. Dixon: Senate File No. 39: A Joint resolution of thanks to the First, Third and Seventh Regiments of Iowa Volunteers, and requesting that our delegation in Congress use their influence to procure permission for the Third and Seventh to have the words, "Blue Mills" and "Belmont" in letters of gold on their colors.

Mr. Bowen moved to refer to Committee on Military affairs.

The yeas and nays being called, were as follows:

The yeas were, Senators Ainsworth, Bowen, Duncombe, English, Green, Hastings, Shaffer, Teter, Trumbull, Udell, Williams, Woodward, Woolson—13.

The nays were, Senators Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith—22.

The motion was lost.

Mr. Duncombe asked that the resolution be divided by separating the last clause from the others.

The resolution was so divided and both sections adopted.

By Mr. Smith :

Resolved, That the Committee on Federal Relations be instructed to inquire into the steps necessary to be taken by the State of Iowa to secure the privilege of collecting the Federal Tax, and the expediency of so doing, and report to this body at the earliest practicable moment, by Bill or otherwise.

Adopted.

Resolved, That the Committee on Agriculture, be instructed to inquire into the expediency of discontinuing the aid to Agricultural Societies as now fixed by law, and to report by Bill or otherwise.

Adopted.

By Mr. Boardman :

Resolved, That the Committee on County and Township Organization be instructed to inquire into the expediency of providing a law authorizing the filing of chattel mortgages in the office of the Township Clerk, and the same to have the same effect as the present law providing for recording such mortgages in the office of the County Recorder.

Adopted.

By Mr. McCrary, of Lee :

Resolved, That the Committee on Ways and Means, be instructed to inquire into the expediency of passing an Act remitting all interest and penalty above ten per cent., on taxes levied prior to the year 1861, and also to inquire as to the expediency of providing for the collection of taxes between the 1st of September and the 1st of February annually, and to report by bill or otherwise.

Adopted.

By Mr. Dixon : Senate File No. 41 : A Joint Resolution relating to postage of Members of the General Assembly.

On motion of Mr. Holmes, the resolution was laid on the table.

By Mr. Ainsworth :

Resolved, That the Committee on Commerce be instructed to inquire into the expediency of repealing all laws regulating the rate of interest to be paid on money due on contract, and all usury laws, and report by Bill or otherwise. Referred to Committee on Commerce.

Reports of Committees being in order, Mr. Holmes, from Committee on Ways and Means, reported Bill: Substitute for Senate File No. 9, being a Bill for an Act to provide for the payment of taxes and the interest and principal of the School Fund in Treasury Demand Notes, and Notes of the State Bank of Iowa. Laid on the table, and the usual number ordered printed.

Mr. Holmes, from Committee on Ways and Means, reported back Senate File No. 25, being a Bill for an Act further defining duties of County Treasurers, and recommended that it be indefinitely postponed.

Mr. Bowen moved to lay on the table. Carried.

Mr. Dysart, from Committee on Township and County Organization, submitted the following report, which was laid on the table, and the usual number ordered printed.

The Committee on Town and County Organization, to whom were referred Senate File No. 16: A Bill for an Act defining further duties for the Recorder of Deeds, and his compensation, and Senate File No. 17, providing for indexing Sheriff's Deeds, have had the same under consideration, and have directed me to make report thereon.

Senate File No. 16, the Committee report back with amendments:

FIRST—Preface the second section with the words: "If so requested."

SECOND—After the phrase, "in his office," substitute "whether" for "that."

THIRD—Strike out after the words "said deed," and add "of the defect or defects, but if insisted upon, the deed or other conveyance, shall be admitted of record."

FOURTH—In the third section substitute "twenty-five cents" for "fifty cents," and "ten cents" for "twenty-five cents," and strike out all after the phrase "in the same clause."

And recommend its passage.

Senate File No. 17 embraces part of the same subject and is superseded by the Bill recommended, and the Committee, therefore, report it back and recommend its indefinite postponement.

J. DYSART, Chairman.

Mr. Dysart, from Committee on Township and County Organization, reported Senate Files No. 26 and 11, being an Act to amend sections 663 and 664, and 312 of Revision of 1860, with amendments, and recommend its passage.

Upon motion of Mr. Woodward, referred to the Judiciary Committee.

Received the following message from the House:

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

Resolved by the House of Representatives, the Senate concurring, That the two Houses will go into Joint Convention, on Monday next at 11 o'clock A. M., for the purpose of electing a State Printer and State Binder for the ensuing term. I am also directed to inform the Senate that the House has appointed Messrs. Bowdoin, Bass and Wilson of Chickasaw, Committee on the part of the House to investigate the clothing contract of the 1st, 2d and 3d Iowa regiments.

CHA'S. ALDRICH, Chief Clerk.

Mr. Woodward, from Committee on Judiciary, submitted the

following report, which was received and placed upon file in regular order :

I am instructed by the Judiciary Committee to make the following report :

FIRST—That on a Bill to limit the number of grand jury terms, they recommend that it be indefinitely postponed.

SECOND—A petition of citizens of Sigourney for a rebate of a school house tax, that the petition be not granted, and that it be indefinitely postponed.

THIRD—The petition of Loring Schneider in relation to Penitentiary notes : That he has no right of a legal nature, but that there is such an equity in his claim, that the Committee recommend its reference to the Committee on Claims.

FOURTH—A Bill to incorporate a Mining and Banking Company : That it be indefinitely postponed.

FIFTH—House File No. 4 : An Act to legalize and confirm the acts of J. W. Thompson, a Notary Public : That it be reported back and recommend its passage.

SIXTH—Substitute for Senate File No. 18 : A Bill to legalize the acts of certain Notaries Public : That the Substitute be adopted and passed.

Received from the Post Master a communication in reference to the stamping of all letters and papers sent to the Post Office and inquiring into whose hands said stamps shall be placed.

Mr. Redfield moved that a Committee of three be appointed to report on Post Office matters to-morrow morning. Carried.

Whereupon the Chair appointed Messrs. Redfield, Udell and Hurley as such Committee.

Mr. Woodward moved to adjourn. Carried.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, January 24, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. McKimmons.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House has ordered printed the usual number of the following reports, to-wit : Report of the Agents appointed at the Extra Session of the General Assembly to negotiate a State Loan ; also, the report of the Executive Committee of the State Historical Society.

CHAS. ALDRICH, Chief Clerk.

Journal of yesterday read and approved.

Mr. Brown asked leave of absence for Mr. McPherson, which was granted.

The Chair announced the Special Committee on clothing contracts, consisting of Messrs. McPherson and Gray.

Mr. Woodward moved that, as Mr. McPherson was absent, some other person be substituted in his place. The Chair accordingly appointed Mr. Brown.

Mr. Redfield asked leave to submit the following resolution from the Committee on Postage:

Resolved by the Senate, the House of Representatives concurring, That the Post Master of this City be allowed one dollar per day during the session of the General Assembly for attaching stamps to letters, papers and documents franked by the members of both Houses.

Mr. Jennings moved to re-commit the resolution. Carried.

The Committee were then discharged from further action in the matter.

PETITIONS.

By Mr. McCrary of Lee: Petition of the Fire Department of the city of Keokuk to amend Chapter 156 of the Code of Iowa. Referred to Committee on Judiciary.

By Mr. Gue: Petition on the same subject from Davenport Fire Department. Referred to same Committee.

By Mr. Bowen: Petition on same subject from Iowa City Fire Department. Referred to same Committee.

By Mr. Shaffer: Three petitions for repeal of the Prohibitory Liquor Law. Referred to Special Committee on Liquor Law.

By Mr. Burdick: Petition of C. Munson and others for a change in the law relating to renewing securities for School Fund. Referred to Committee on Schools and Universities.

By Mr. Jennings: Petition of citizens of Dubuque in regard to Protestant Episcopal Church of Iowa. Referred to Judiciary Committee.

NOTICES OF BILLS.

By Mr. Gray: A Bill for an Act to preserve the Trout in the waters of Iowa.

Mr. Shaffer introduced a Bill for an Act to abolish the Board of Commissioners of the Insane Asylum. Read first and second time and referred to Committee on Charitable Institutions.

RESOLUTIONS.

By Mr. Dysart:
WHEREAS, The Federal Government for many years has endeavored

in every possible way to mitigate and extinguish the bitter and deep-seated animosity entertained by the people of the United States toward subjects of the British Crown, implanted by the fierce struggle of the Revolution and the war of 1812; and,

WHEREAS, No effort has been spared by the citizens and Government of this country to promote and encourage commercial intercourse and foster fraternal relations between the two nations; and

WHEREAS, In the late Mason and Slidell affair, the rulers and the people of England manifested so great eagerness to revive the ancient hatred, to sunder those ties of friendship and interest, united and strengthened with so much care, and to force us to accept war or national humiliation in this crisis now threatening the existence of our Republican institutions;

Resolved, therefore, by the Senate of the State of Iowa, the House of Representatives concurring, That our Senators in Congress be instructed, and our Representatives requested, to use their influence to secure the passage of a law prohibiting the President and his Cabinet, all high officers of State, and the army and municipal authorities of large cities, from feting and idolizing any scion of British Royalty who may hereafter visit our shores.

Resolved, further, That the Secretary of State be, and is hereby directed to forward a copy of the foregoing preamble and resolution to each of our Senators and Representatives in the Congress of the United States.

Referred to Committee on Federal Relations.

By Mr. McCrary of Van Buren :

Resolved, by the Senate, the House concurring, That a Committee of three, consisting of one from the Senate and two from the House, be appointed for the purpose of visiting the Penitentiary, with instructions to report to this body the condition of the same, as follows :

FIRST—The additional shop-room necessary in order to employ all the convicts.

SECOND—The additional number of cell-room required, if any.

THIRD—What improvements are necessary to be made during the next two years, if any, and the probable expenses; and any other information deemed by said Committee, of importance to the General Assembly.

Referred to Committee on Public Buildings.

By Mr. Duncombe :

Resolved, That the Committee on Public Printing be, and is hereby instructed, to report a Bill at the earliest possible time, providing for the repeal of the law providing for the election of a Public Printer by the General Assembly, and providing for the letting of the public printing to the lowest responsible bidder.

Mr. Watson moved to lay the resolution on the table.

The yeas and nays were called for, and the vote was taken as follows :

The yeas were, Senators Bowen, Brown, Dungan, Dysart, Hatch, Holmes, Kent, McCrary of Van Buren, Pattison, Smith, Watson, Woodward and Woolson—13.

The nays were, Senators Ainsworth, Boardman, Burdick, Dixon, Duncombe, English, Foote, Gray, Green, Gue, Hagans, Hesser, Hurley, Jennings, Lewis, McCrary of Lee, Redfield, Shaffer, Teter, Trumbull, Udell and Williams—22.

So the motion was lost.

Mr. Boardman moved to refer to the Committee on Ways and Means, with instructions to report to-morrow. Carried.

By Mr. Teter:

Resolved, That the Committee on County and Township Organizations are instructed to inquire into the expediency of reporting a Bill conferring power on the Board of Supervisors to remit any local tax levied for School purposes upon application of two thirds of the voters of any School District by petition asking the said tax to be remitted.

Adopted.

By Mr. Dungan:

Resolved, That the Judiciary Committee be instructed to inquire into the propriety of incorporating into their Bill for amendments to the Revision of 1860, the following provisions:

FIRST—Resignations by the members of the County Board of Supervisors shall be made to the Township Clerk of the proper Township.

SECOND—Vacancies in said Board shall be filled by the Township Trustees of the Township where the vacancy exists, the appointee to hold his office until the next regular election and until his successor is elected and qualified.

Adopted.

By Mr. Ainsworth:

Resolved, That the Committee on Judiciary be instructed to report a Bill requiring each of the Clerks of the District Courts to keep a record book in which shall be recorded the Bonds of all County Officers in their respective Counties.

Adopted.

By Mr. Gue:

Resolved, That the Committee on Ways and Means be instructed to incorporate in the Bill now before them in regard to Jury fees, a clause requiring the Clerk of the District Court to tax the same against the losing party in all Civil cases tried in said Court.

Mr. Duncombe moved to strike out "instructed" and insert "inquire into the expediency." Lost.

The yeas and nays being called, the vote was taken with the following result:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Holmes, Hurley, Jennings, Lewis, McCrary of Lee, McCrary of

Van Buren, Pattison, Redfield, Smith, Trumbull, Udell, Watson, Williams and Woolson—26.

The nays were, Senators Brown, Burdick, Dixon, Duncombe, Hesser, Kent, Shaffer and Woodward—8.

So the Resolution was adopted.

By Mr. Dixon :

Resolved, by the Senate, (the House concurring,) That the Secretary of State be directed to furnish to each member of the General Assembly, on Monday morning of each week, one cent postage stamps equal to the number of papers taken by each member, and in addition 10 one cent and 10 three cent stamps for the purpose of paying postage on documents and letters.

SECOND—That it shall be the duty of the members of the General Assembly to place stamps on all their papers, letters and other mail matter.

THIRD—That the Secretary of State shall keep a regular account of the number of stamps purchased, and the number delivered to each member and report once in two weeks to the General Assembly.

Mr. Ainsworth moved to lay the Resolution on the table.

The yeas and nays were called, and were as follows :

The yeas were, Senators, Ainsworth, Brown, Burdick, Duncombe, Dysart, Gray, Hesser, Holmes, Hurley, McCrary of Lee, Pattison, Redfield, Smith, Trumbull, Udell, Williams and Woolson—18.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, English, Foote, Green, Gue, Hagans, Hatch, Jennings, Kent, Lewis, McCrary of Van Buren, Shaffer, Watson, and Woodward—17.

Carried.

By Mr. Holmes :

Resolved, That it is the duty of the General Assembly of the State of Iowa at this session to provide for a system of Township Collectors for the collection of taxes from resident tax payers.

Referred to Committee on Ways and Means.

By Mr. Burdick :

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency and power of the General Assembly to reimburse Counties for money expended by them in equipping Volunteers and paying for their subsistence, and report by Bill or otherwise.

Adopted.

By Mr. Brown :

Resolved, by the Senate, That the standing rules of this body be amended as follows: Strike out of the second order of business the word "notices," and insert in lieu thereof the word "introduction," and strike out of the latter clause of the first section of the 11th rule the words "on giving at least one day's previous notice.

Mr. McCrary of Van Buren moved to lay the Resolution on the table. Lost.

The Resolution was then adopted.

Mr. Dysart presented the following report from the Committee on County and Township Organization, which was laid on the table and ordered to be printed.

[No report furnished.—PRINTER.]

Mr. Gue, from the Committee on Printing, submitted the following report, which was adopted :

The Committee on Printing, to whom was referred the report of the Loan Agents and also the report of the State Historical Society, have had the same under consideration and have directed me to report them back to the Senate and recommend that the usual number of copies be printed.

B. F. GUE, Chairman.

Mr. Redfield moved that when the Senate adjourn, it be until 2 o'clock, P. M. Lost.

Mr. Woodward, from Judiciary Committee, submitted the following report :

The Committee on Judiciary have instructed me to make the following report :

1st. On resolution that the Committee consider the constitutionality of Chapter 193 of the Statutes of the Sixth General Assembly relative to restraining sheep and hogs from running at large, that the question is in the province of the Attorney General and they ask to be discharged from the consideration of it.

2d. To report a Bill for an Act to enable defendants to obtain possession of personal property levied on by execution.

The President laid before the Senate communications from the Adjutant General; and, also, from the Secretary of State.

On motion of Mr. Udell, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, JANUARY 25, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Carpenter.

Minutes of yesterday read and approved.

The following Message was announced 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. 26: A Bill for an Act to assume and pay for the years 1862 and 1863, the direct tax imposed upon the State of Iowa, by Act of Congress approved August 5th, 1861, and authorize the Governor to notify accordingly the Secretary of the Treasury of the United States.

House File No. 57: A Bill for an Act authorizing County Treasurers and the State Treasurer to receive and pay as money the issues of the State Bank of Iowa and its branches, and the Demand Treasury Notes of the United States.

Mr. Gue moved to take up the concurrent resolution from the House in relation to State Printer. Carried.

The Secretary read the resolution, when Mr. Brown moved that the Senate concur.

The yeas and nays being called for, the vote was taken with the following result:

The yeas were, Senators Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Watson, and Woodward—23.

The nays were, Senators Ainsworth, Duncombe, English, Gray, Green, Hesser, Jennings, Trumbull, Udell, Williams and Woolson—11.

The resolution was concurred in.

Mr. Foote asked leave of absence for Mr. [Smith, which was granted.

INTRODUCTION OF BILLS.

Mr. Gray introduced Senate File No. 43: An Act to provide for the preservation of Trout in the waters of Iowa. Read first and second time and referred to Committee on Agriculture.

Mr. Watson: Senate File No. 44: An Act repealing certain sections of the Acts of the Board of Education. Read first and second time, and referred to Committee on Schools.

Mr. Gue: Senate File No. 45: An Act to repeal Chapter 53 of the Special Acts of the Eighth General Assembly. Read first and second time, and referred to Committee on Charitable Institutions.

Mr. Woolson: Senate File No. 46: An Act to enable the State or any county to acquire real estate under certain circumstances, and to hold, control and dispose of the same. Read first and second time and referred to Committee on County and Township Organization.

Mr. Gue: Senate File No. 47: An Act to repeal sections 2860, 2862 and 2863 of the Revision of 1860. Read a first and second time and referred to Committee on the Judiciary.

Mr. Woolson: Senate File No. 48: An Act relating to notice of elections of certain officers. Read a first and second time and referred to Committee on County and Township Organization.

Mr. Bowen: Senate File No. 49: An Act to provide for the appointment of a sealer of weights and measures, and providing for testing weights and measures for the different counties. Read first and second time, and referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Udell:

Resolved, That the Committee on Judiciary be instructed to inquire into the necessity of the County Judge keeping a record of all orders for conveyances of real estate in Probate Court, and a more complete record generally, and report by bill or otherwise. Adopted.

By Mr. Watson:

Resolved, That the Committee on County and Township Organization be instructed to inquire into the expediency of fixing a fee for Sheriffs or other officers conveying convicts to the Penitentiary and insane to the Asylum, and report by Bill or otherwise. Adopted.

By Mr. Dysart:

Resolved, That the Committee on Judiciary be instructed to enquire into the expediency of repealing Section 3308 of the Revision of 1860, and all other parts thereof calculated to discourage immigration to Iowa by discrimination against non-residents and in favor of residents. Adopted.

By Mr. Burdick: Concurrent resolution instructing our Senators in Congress and requesting our Representatives to secure if possible the enactment of a law reimbursing the State for money expended in military expeditions to Missouri. Referred to Committee on Federal Relations.

By Mr. Bowen:

Resolved, That the Attorney General be requested to inform the Senate whether the charge of the referees of ten dollars a day for their services in a cause recently determined in Lee County, between the States and the lessees of the labor of the convicts of the Iowa Penitentiary has been confirmed by the Court trying the same, and whether a motion for a new trial could yet be made. Adopted.

On request of Mr. Dungan, the Concurrent Resolution from the House in relation to postage for the General Assembly was taken up. The resolution was read by the Secretary, when Mr. Dungan offered the following substitute:

Resolved, (the House concurring), That the Sergeant-At-Arms of the two houses be required to assist the Post Master by placing the stamps upon the mail matter of the General Assembly. Adopted.

Mr. Holmes moved to lay the resolution on the table. Lost.

Mr. Dixon moved to indefinitely postpone. Lost.

The vote was then taken on the House Resolution which was lost.

Mr. Watson moved to take from the table the resolution of Mr. Dixon in relation to postage.

Mr. Ainsworth called the yeas and nays, and the vote was taken as follows:

The yeas were, Senators Boardman, Bowen, Dixon, English, Foote, Green, Gue, Hagans, Hatch, Holmes, Kent, Lewis, McCrary of Van Buren, Pattison, Shaffer, Teter, Trumbull, Watson, Williams, Woodward and Woolson—21.

The nays were, Senators Ainsworth, Brown, Burdick, Duncombe, Dungan, Dysart, Gray, Hastings, Hesser, Hurley, McCrary of Lee, Redfield and Udell—13.

So the resolution was taken up.

Mr. Woodward moved to strike out 10 one cent stamps and insert 20.

Mr. Redfield called the yeas and nays and the vote was taken as follows:

The yeas were, Senators Bowen, Burdick, Dungan, English, Foote, Gray, Gue, Hagans, Hatch, Hastings, Kent, McCrary of Lee, McCrary of Van Buren, Pattison, Shaffer, Trumbull, Udell, Watson, Williams and Woodward—20.

The nays were, Senators Ainsworth, Boardman, Brown, Dixon, Duncombe, Dysart, Green, Hesser, Holmes, Hurley, Lewis, Redfield, Teter and Woolson—14.

Carried.

Mr. Udell moved to amend by adding a pair of scales to weigh documents. Lost.

Mr. Watson moved to amend by adding a pair of scales for the use of the Senate.

Mr. Ainsworth moved to amend the amendment by adding the words "to be furnished by the State University." Lost.

The vote was then taken on Mr. Watson's amendment, which was also lost.

Mr. Redfield moved to strike out the words "10 three-cent stamps" and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Brown, Duncombe, Dungan, Dysart, Gray, Hastings, Hesser, Holmes, Redfield and Woolson—11.

The nays were Senators Boardman, Bowen, Burdick, Dixon, English, Foote, Green, Gue, Hagans, Hatch, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—24.

So the motion was lost.

Mr. Brown offered the following substitute:

Resolved, by the Senate, (the House concurring) That it is hereby made the duty of the Post Master of the General Assembly to

stamp all mail matter passing through his office, and that the Secretary of State be required to provide such stamps.

The yeas and nays were called, and were as follows :

The yeas were, Senators Bowen, Brown, Duncombe, Dungan, Dysart, Hagans, Hatch, Holmes, McCrary of Van Buren and Teter—10.

The nays were, Senators Ainsworth, Boardman, Burdick, Dixon, English, Foote, Gray, Green, Gue, Hastings, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson, Williams, Woodward and Woolson—25.

Lost.

The question now being on the Resolution, Mr. Redfield called for the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Dixon, Duncombe, English, Foote, Gray, Green, Gue, Hagans, Holmes, Kent, Lewis, Pattison, Shaffer, Teter, Watson, Woodward and Woolson—19.

The yeas were, Senators Ainsworth, Brown, Burdick, Dungan, Dysart, Hatch, Hastings, Hesser, Hurley, Jennings, McCrary of Lee, McCrary of Van Buren, Redfield, Trumbull, Udell, and Williams—16.

So the resolution was adopted.

REPORTS OF COMMITTEES.

Mr. Holmes, from Committee on Ways and Means, reported back the Resolution of Mr. Duncombe in regard to abolishing the office of State Printer, and stated that the subject required more time than the Committee were able to give it.

On motion of Mr. Gue the report was adopted, and Committee discharged from further action in the matter.

Mr. Holmes also reported a Substitute for Senate File No. 33 : An Act in relation to Jury Fees, and recommend its passage.

Mr. Gue moved to amend by striking out “\$3,00” and inserting “\$6,00.”

The yeas and nays were called, and were as follows :

The yeas were, Senators Boardman, Bowen, Dysart, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Jennings, Lewis, McCrary of Van Buren, Pattison, Redfield, Teter, Udell, Watson, Williams and Woolson—20.

The nays were, Senators Ainsworth, Brown, Burdick, Dixon, Duncombe, Dungan, English, Foote, Hesser, Hurley, Kent, McCrary of Lee, Shaffer, Trumbull and Woodward—15.

Amendment adopted.

Mr. Dixon moved to refer to the Committee on Judiciary. Lost.

Mr. McCrary of Lee moved to strike out “\$1,25” and insert “\$1,50.”

Mr. Redfield moved to lay the whole subject on the table. Lost.
On motion of Mr. Udell the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
MONDAY, JANUARY 27, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Peet.

Minutes of Saturday read and approved.

The following Message from the House was received :

MR. PRESIDENT:—I am directed to inform your honorable body that the House of Representatives has passed Senate File No. 39 : A Joint Resolution of thanks to the First, Third and Seventh Regiments of Iowa Volunteers, without amendment.

I am also directed to inform the Senate that the House has passed Substitute for Senate File No. 14 : A Joint Resolution asking relief of Congress for Iowa Volunteers, with the following amendment : After the word State, in the last line of page one, insert the words, "and the necessary female nurses to attend to our sick soldiers in the hospitals." In which the concurrence of the Senate is asked.

CHARLES ALDRICH, Chief Clerk.

Mr. English asked leave of absence for a few days for Mr. Duncombe, which was granted.

PETITIONS AND MEMORIALS.

By Mr. Boardman : Five petitions signed by 600 citizens of Clinton County, asking for the repeal of the Prohibitory Liquor Law.

Mr. Woolson moved to refer to a Special Committee of three, of which Mr. Boardman be Chairman. Carried.

By Mr. McCrary of Lee : A petition of Messrs. Lowrie & Miller for relief. Referred to Committee on Claims.

By Mr. Williams : A petition of 76 teachers and other friends of education, praying that the enactments of the Board of Education be confirmed. Referred to Committee on Schools.

By Mr. Green : A petition of 290 citizens of Jackson County, asking the repeal of the Prohibitory Liquor Law. Referred to Special Committee.

By Mr. Woodward : A petition of citizens of Muscatine County,

asking for a law to make the notes of the State Bank of Iowa a legal tender. Referred to Committee on Ways and Means.

By Mr. Gray: Petition of L. E. Fellows to amend the School Law. Referred to Committee on Schools.

By Mr. Kent: Petition of 70 citizens of Cedar County, to make Demand Treasury Notes of the United States, and Notes of the State Bank of Iowa receivable for taxes. Referred to Committee on Ways and Means.

The Chair announced the following Senators as Special Committee on the Liquor Law: Messrs. Boardman, McCrary of Lee, and Green.

By Mr. Boardman: Petition of the Board of Supervisors of Clinton County, for an Act to reimburse Clinton County for money expended for Volunteers. Referred to Committee on Military Affairs.

By Mr. McCrary of Lee: Petition of G. C. Beaman for relief. Referred to Committee on Military Affairs.

INTRODUCTION OF BILLS.

By Mr. Udell: Senate File No. 50: An Act authorizing the Auditing Commissioners and Pay Master to audit and pay claims arising out of certain Missouri expeditions. Read a first and second time, and referred to Committee on Military Affairs.

By Mr. Woolson: Senate File No. 51: An Act providing for the election of certain officers, and the employment of certain employees of the General Assembly, and fixing their compensation. Read a first and second time and referred to the Committee on Ways and Means.

By Mr. Boardman: Senate File No. 52: An Act to dispense with the September session of the Board of Supervisors. Read a first and second time and referred to Judiciary Committee.

RESOLUTIONS.

By Mr. McCrary, of Lee:
Relating to the opinion of the Attorney General concerning the liability of one Jonathan Jones on the official bond of James D. Eads.

By Mr. Lewis:
Resolved, That the Committee on Printing be instructed to inquire into the expediency of reducing the price of State Printing, and report by Bill or otherwise.

Adopted.

By Mr. Hurley:
Resolved, That the Committee on Public Lands be instructed to report a Bill, at their earliest convenience, providing for the appointment of an agent or agents to locate the land scrip issued by

the United States to this State, in lieu of the swamp lands that have been entered with Land Warrants since the passage of the Act of Congress donating the swamp and inundated lands within the borders of this State to said State.

Adopted.

REPORTS OF COMMITTEES.

Mr. Teter, from Committee on Charitable Institutions, presented the following report:

Your Committee having under consideration an Act to abolish the Board of Commissioners of the Iowa Hospital for the Insane, have instructed me to report it back to the Senate with the following amendment: "That the duties heretofore devolving upon said Board of Commissioners, shall be performed by the Board of Trustees of said Iowa Hospital for the Insane, and recommend its passage.

[Signed.]

TETER, Chairman.

The Bill—Senate File No. 41—was then read with the amendment, and the amendment adopted.

On motion of Mr. Holmes, the Bill was ordered to be engrossed and read a third time to-morrow.

Mr. Dysart, from Committee on County and Township Organization, submitted the following report:

The Committee on Township and County Organization, to whom was referred a Bill for an Act to enable the State or any County to acquire real estate under certain circumstances, have had the same under consideration, and have instructed me to report the same back and recommend its passage.

Also; A Bill for an Act relating to notice of certain officers, which the Committee have instructed me to report back and recommend its passage.

J. DYSART, Chairman.

Senate File No. 48: An Act relating to notice of election of certain officers, was read the second time.

Mr. Woolson moved the Bill be engrossed and read a third time to-morrow. Carried.

Senate File 46: An Act to enable the State or any County to acquire real estate under certain circumstances, and to hold, control and dispose of the same, was read a second time, and on motion of Mr. Woolson it was ordered that the Bill be laid on the table and the usual number printed.

Mr. Hatch, from Committee on Public Buildings, asked for further time to report in regard to a Committee to visit the Penitentiary, which was granted.

Mr. Leake, by leave, introduced Senate File No. 53: An Act to amend Section 2,834, of the Revision of 1860. Read a first and second time, and referred to the Committee on Judiciary.

Mr. Teter, from Committee on Charitable Institutions, submitted the following report:

MR. PRESIDENT:—The Committee on Charitable Institutions, to whom was referred the Fourth Biennial Report of the Iowa Institution for the education of the Deaf and Dumb, have directed me to report the following Bill for the support of said Institution, and recommend its passage.

[Signed:]

I. P. TETER,
J. BOWEN,
J. M. SHAFFER,
G. M. TRUMBULL.
F. HESSER.

Senate File No. 54: An Act to provide for the education of the Deaf and Dumb, was read a first and second time and referred to the Committee on Ways and Means.

Mr. Foote, from Committee on Commerce, submitted the following report which was adopted:

The Committee on Commerce, to whom was referred a Bill entitled "An Act in relation to taxing mortgaged real estate," would report, that, as the matter of taxes and revenue is now before the Committee of Ways and Means, we would recommend the reference of the Bill to them.

JOHN G. FOOTE, Chairman.

Senate File No. 37: An Act in relation to taxing real estate, was read and referred to Committee on Ways and Means.

Mr. Teter, by leave of the Senate, referred petitions relating to the Liquor Law, to the Special Committee, of which Mr. Boardman was Chairman.

Mr. Woolson, from Committee on Banks, reported back Substitute for Senate File No. 24: An Act authorizing Bank officers to stamp counterfeit and spurious coin and bills.

Mr. Brown moved to recommit the Bill. Lost.

A Committee from the House, consisting of Messrs. Curtis and Martin, was announced, who reported that the House was ready to meet the Senate in Joint Convention, to elect State Printer and State Binder.

On motion of Mr. Leake, Senator Ainsworth was appointed Teller on the part of the Senate.

On motion, the Senate proceeded to meet the House in Joint Convention.

Pending the reading of Mr. Gibson's report, the Chair announced that the hour appointed for the Joint Convention, had arrived.

Mr. Curtiss moved that a Committee of two be appointed to inform the Senate that the House is now ready to meet the Senate in Joint Convention, for the purpose of electing a State Printer and State Binder.

The resolution prevailed, and the Chair appointed as such Committee Messrs. Curtiss and Martin.

The Committee reported that they had performed their duty, and were discharged.

The Senate, preceded by the Lieutenant Governor, then entered the Hall of Representatives and took the seats assigned them.

The Joint Roll was then called. The following absentees were excused, viz: Messrs. Angle, Cleaves, Dorr, Duncombe, Glanville, Hammer, Hastings, McPherson, Moser, Neal, Pierce, Sarver and Smith. The other members being present, the President of the Convention announced that the first business before the Convention, was the election of a State Printer, and that nominations were in order.

Mr. Bowdoin nominated Francis W. Palmer.

Mr. Dunlavy nominated Gniffkee of Dubuque.

Mr. Ainsworth nominated John Gharky.

Upon calling the roll the result was as follows:

Whole number of votes cast.....	120
Necessary to a choice.....	61
Francis W. Palmer received.....	84
John Gharky received.....	28
F. A. Gniffkee received.....	6
J. Mahin received.....	1
Blank received.....	1

Mr. Francis W. Palmer having received a majority of the whole number of votes cast, was declared duly elected State Printer for two years from and after the expiration of the present term.

Those gentlemen voting for Mr. Francis W. Palmer, were Messrs. Bowdoin, Baker, Blackford, Boardman, Bracewell, Brown, Burdick, Burton, Calfee, Castor, Clark of Tama, Clark of Johnson, Converse, Curtis, Cutler, Dixon, Dungan, Dysart, Eaton, Foote, Frisbie, Fuller of Fayette, Fuller of Harrison, Gibson, Gordon, Gue, Guthrie, Hagans, Hatch, Holmes, Holyoke, Hood, Hurley, Kent, Lake, Lakin, Lane, Leake, Lewis, Loomis, Lowrie, McCall, McCrary of Lee, McCrary of Van Buren, McQuinn, Mercer, Meyer, Milburn, Mitchell of Polk, Moir, Nelson, Parker, Pattison, Pendleton, Porter, Price, Redfield, Rothrock, Rowles, Russell of Dallas, Russell of Jones, Shaffer, Shipman, Stanton, Stevenson, Teter, Van Anda, Walker, Walton, Wasson, Watson, White, Whittemore, Wilcox, Williams of Des Moines, Williams of Mahaska, Wilson of Chickasaw, Woodward, Woodworth, Woolson, Wright and Young.

Those gentlemen voting for Mr. Gharky, were Messrs. Ainsworth, Bass, Bracewell, Denlinger, Eichorn, English, Fairall, Ferguson, Flint, Gault, Gray, Green, Hesser, Hudnutt, Kellogg, Lorab, Martin, Maxwell, Schramm, Smeltzer, Stewart, Thompson, Wetherall, Williams of Mahaska, Wilson of Pottawattamie.

Those voting for Mr. Gniffkee, were Messrs. Dunlavy, Hardie, Knoll, McLennan, Speer and Trumbull.

Voting for Mr. Mahin, Mr. McQuinn.

The President announced that nominations for State Binder were now in order.

Mr. Mitchell of Polk nominated Frank M. Mills of Polk County.

Mr. Fairall nominated Wm. Lee of Johnson County.

Mr. Moir nominated A. P. Luse of Scott County.

The House then proceeded to vote for State Binder, with the following result:

Whole number of votes cast.....	117
Necessary to a choice.....	59
Frank M. Mills received.....	87
Wm. Lee received.....	23
A. P. Luse received.....	5
Blank.....	2

Those gentlemen who voted for Mr. Mills, were Messrs. Bowdoin Baker, Bass, Blackford, Boardman, Bowen, Brown, Burdick, Burton, Calfee, Castor, Clark of Tama, Clark of Johnson, Chase, Converse, Curtiss, Cutler, Dixon, Dungan, Dysart, Eaton, Foote, Frisbie, Fuller of Fayette, Fuller of Harrison, Gibson, Gue, Guthrie, Hagans, Hatch, Holmes, Hollingsworth, Holyoke, Hood, Hurley, Jackson, Kent, Lake, Lakin, Lane, Leake, Lewis, Loomis, Lowrie, Maxwell, McCall, McCrary of Lee, McCrary of Van Buren, McQuinn, Mercer, Meyer, Milburn, Mitchell of Polk, Nelson, Parker, Pattison, Pendleton, Porter, Price, Quinn, Redfield, Rothrock, Rowles, Russell of Dallas, Russell of Jones, Shaffer, Shipman, Smeltzer, Stanton, Teter, Van Anda, Walker, Walton, Wason, Watson, White, Whittemore, Wilcox, Williams of Des Moines, Williams of Mahaska, Wilson of Chickasaw, Wilson of Pottawattamie, Woodward, Woodworth, Woolson, Wright, Young—87.

Those voting for Mr. Lee, were Messrs. Ainsworth, Bracewell, Denlinger, Eichorn, Fairall, Dunlavy, Ferguson, Flint, Gault, Gray, Green, Hardie, Hesser, Kellogg, Knoll, Lorah, Martin, McLennan, McGlothlen, Stevenson, Stewart, Thompson, Trumbull, Williams of Mahaska—24.

Those voting for Mr. Luse, were Messrs. English, Hudnutt, Moir, Speer—4.

The following certificates were then signed by the President of the Senate and Speaker of the House of Representatives, attested by the tellers in presence of the Joint Convention, and read by the Clerk of the House:

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 27, 1862. }

This will certify that at an election by the Senators and House of Representatives of the State of Iowa, in Joint Convention assembled at the Capitol, on Monday, the 27th day of January, A. D. 1862, for the purpose of electing a State Printer, Francis W. Palmer 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 1st day of May, A. D. 1863, or until his successor is elected and qualified.

Signed in the presence of the Joint Convention, the day and year first above written.

JOHN R. NEEDHAM,
President of the Joint Convention.

RUSH CLARK,

Speaker of the House of Representatives.

[Attest:]

L. L. AINSWORTH, Teller for the Senate.

ISAAC PENDLETON, Teller for the House.

HALL OF THE HOUSE OF REPRESENTATIVES, }
DES MOINES, January 27, 1862. }

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 Monday, January 27th, 1862, for the purpose of electing a State Binder, Frank M. Mills having received a majority of all the votes cast for said office, was duly declared elected State Binder for the term of two years from and after the expiration of the present incumbent, or until his successor is elected and qualified.

Signed in the presence of the Joint Convention, this 27th day of January, A. D. 1862.

JOHN R. NEEDHAM,
President of the Joint Convention.

RUSH CLARK,

Speaker of the House of Representatives.

[Attest:]

L. L. AINSWORTH, Teller of the Senate.

ISAAC PENDLETON, Teller of the House.

Upon motion of Mr. Kellogg, the Joint Convention dissolved.

The Senate was again called to order at 15 minutes before 12.

Mr. Holmes moved that the Senate take a recess until 2 o'clock P. M. Lost.

Mr. Udell moved to indefinitely postpone the Substitute for Senate File No. 24. Carried.

The Chair laid before the Senate a communication from the Governor in relation to the Sanitary Commission appointed to visit the Iowa Volunteers in the United States service, which was read by the Secretary, and on motion of Mr. Dungan was referred to Committee on Military Affairs.

The Secretary also read a communication from the Governor in relation to a memorial from the officers of the 8th Regiment of Iowa Volunteers which together with the memorial was referred to the Committee on Military Affairs.

The Secretary also read a communication from the State Librarian.

On motion of Mr. Ainsworth the communication and accompanying report were ordered to be laid on the table and printed.

Mr Bowen moved that the Senate take a recess till 2 o'clock P. M.

Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Foote, Gray, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Watson, Williams, Woodward, and Woolson—25.

The nays were, Senators Ainsworth, Dysart, English, Green, Shaffer, Teter, Trumbull and Udell—8.

Absent or not voting, were Senators Angle, Duncombe, Hammer, Hastings, Jennings, McPherson, Neal and Smith.

Motion prevailed.

AFTERNOON SESSION.

Senate convened at 2 o'clock, P. M.

The Chair stated that the business before the Senate was a Bill in relation to Jury Fees, a Substitute for Senate File No. 33: on which Mr. McCrary of Lee, had offered an amendment which was still pending, to strike out \$1,25 and insert \$1,50.

Mr. McCrary of Lee, call for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Burdick, Dysart, English, Gray, Green, Hagans, Hatch, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Shaffer, Teter, Udell and Williams—21.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Gue, Holmes, Redfield, Trumbull, Watson, Woodward and Woolson—12.

Absent or not voting, were Senators Angle, Hammer, Hastings, McPherson, Neal and Smith.

The amendment prevailed.

The question now being upon the adoption of the Substitute, Mr. Ainsworth moved to amend by inserting after "six dollars," provided that if any trial shall consume more than one day's time, then six dollars per day for each day so consumed."

The yeas and nays being called, were as follows:

The yeas were, Senators Ainsworth, Brown, Burdick, Dixon, English, Hatch, Kent, McCrary of Van Buren, Pattison, Redfield, and Williams—11.

The nays were, Senators Boardman, Bowen, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hesser, Holmes, Hurley, Jen-

nings, Leake, Lewis, McCrary of Lee, Shaffer, Teter, Trumbull, Udell, Watson, Woodward and Woolson—23.

Absent or not voting, Senators Duncombe, Hammer, Hastings, McPherson, Neal and Smith.

The amendment was lost.

Mr. Woodward moved to amend by inserting the words "Revision of 1860" in the first Section. Adopted.

Mr. Leake offered the following amendment which was adopted :

In Section one strike out all after "amount of" and insert "of fees for jurors, whether grand or petit jurors in attendance upon the District Court.

Mr. Woolson offered the following amendment which was adopted :

In Section 4 strike out the words "who shall take of the Treasurer a receipt therefor, and file the same subject to the inspection of the Board of Supervisors" and insert "who shall charge the same up to said Treasurer and report the amount thereof at each regular meeting of the Board of Supervisors of said county.

The Substitute was then adopted.

On motion of Mr. Holmes the Bill was ordered to be engrossed and read a third time to-morrow.

The Substitute for House File No. 26 : was read a first and second time, and referred to the Committee on Ways and Means.

On motion of Mr. Dysart, Senate File No. 10 was taken from the table.

On motion of Mr. Jennings the Senate went into Committee of the Whole on the Bill.

At half past four the Committee rose, reported progress and asked leave to sit again, which was granted.

On motion the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, JANUARY 28, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Peet.

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 a concurrent resolution relating to the distribution of the report of the Adjutant General of the State of Iowa, in which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

Journal of yesterday read and approved.

The Chair announced that the special order of the day was the resolution offered by Senator Duncombe.

On motion of Mr. Woolson the special order was postponed one week.

PETITIONS AND MEMORIALS.

By Mr. Watson: Petition of citizens of Iowa County for a law to open school houses for religious meetings. Referred to Committee on Schools.

By Mr. Holmes: A memorial from the Board of Supervisors of Jones County, for a law for the collection of taxes and transaction of road business by the Townships. Referred to Committee on Ways and Means.

By Mr. McPherson: A petition of farmers for an Act to protect sheep from the ravages of dogs. Referred to the Committee on Agriculture.

Also a petition for an Act to prohibit live stock from running at large. Referred to same Committee.

On motion of Mr. McPherson, the Concurrent Resolution from the House in regard to the distribution of the Adjutant General's Report was taken up and passed.

INTRODUCTION OF BILLS.

By Mr. McCrary of Lee: Senate File No. 55: An Act to authorize the Governor to appoint one additional Assistant Surgeon and two nurses for each Regiment of Iowa Volunteers, and to provide for their compensation. Read a first and second time and referred to the Committee on Military Affairs.

By Mr. Leake: Senate File No. 56: An Act to require Clerks of the District Courts to keep an appearance docket. Read first and second time and referred to the Judiciary Committee.

RESOLUTIONS.

Mr. Shaffer offered the following resolution:

Resolved by the Senate, the House of Representatives concurring, That Rule 5, of the Joint Rules of the Senate and House, be stricken out and the following inserted in its stead:

5. When Bills are enrolled, they shall be examined by a Committee of three from the body in which they originate, who shall carefully compare the enrollment with the engrossed Bills, as passed in both Houses, correct any errors therein, and make report forthwith to the House of which they are the Committee. Lost.

Mr. Kent offered the following resolution which was adopted:

Resolved, That the Committee on Judiciary be instructed to en-

quire what legislation, if any, is necessary to enable the Supervisors of Roads to collect in cash the Road Tax levied by the Trustees as contemplated in Section No. 892 of the Revision of 1860, and report by Bill or otherwise.

Mr. Brown offered the following resolution :

Resolved, That the Committee on Agriculture be instructed to enquire into the expediency of providing by law for the draining of land so as to authorize any person the right to open such drain through the land of any person whenever the same may be necessary, and report by Bill or otherwise.

On motion of Mr. Ainsworth, the Resolution was referred to the Committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. Dysart, from Committee on Township and County Organization, submitted the following report :

The Committee on Township and County Organization, to whom a resolution was referred instructing the Committee to inquire into the expediency of reporting a Bill to confer the power on Boards of Supervisors to remit school district taxes on application of two-thirds of the voters of the district, have had the same under consideration and have instructed me to report a Bill granting such power only in case of school house taxes and recommend its passage.

J. DYSART, Chairman.

The Bill, Senate File No. 57: An Act to authorize Boards of Supervisors to remit school house taxes in certain cases, was read a first and second time, and recommitted with instructions to report to-morrow.

Mr. Kent submitted the following report :

The Committee on Engrossed Bills respectfully report that they have examined Senate Files Nos. 33, 41 and 48 and find them correctly Engrossed.

J. M. KENT, Chairman.

The President laid before the Senate a communication from the Attorney General stating that in his opinion, Chapter 193 of the Acts of the Sixth General Assembly, relating to restraining sheep and swine from running at large was constitutional and giving his reasons therefor.

Mr. Redfield moved to lay the communication on the table, and print 1,000 copies. Lost.

Mr. Teter moved to print 500 copies.

Mr. Shaffer moved to amend by substituting 1,100 copies for 500.

The yeas and nays were called.

The Yeas were, Senators Gue, Hagans, Hastings, Holmes, Kent, McCrary of Lee, Pattison, Redfield, Shaffer, and Trumbull—10.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown,

Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Hesser, Hurley, Leake, Lewis, McCrary of Van Buren, McPherson, Teter, Udell, Watson, Williams, Woodward and Woolson—24.

Absent or not voting—Senators Angle, Duncombe, Hammer, Hatch, Jennings, Neal and Smith.

Motion was lost.

On motion of Mr. Udell the communication was laid on the table.

On motion of Mr. Holmes the Bill in relation to the payment of taxes in United States Treasury Notes and Notes of the State Bank of Iowa, was taken up.

On motion the Senate went into Committee of the Whole on the Bill. Senator McPherson in the Chair.

The Committee rose at 15 minutes past 12. The Chairman reported progress and asked leave to sit again at 11 o'clock to-morrow, which was granted and the report adopted.

On motion of Mr. Ainsworth, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, JANUARY 29, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Peet.

Minutes of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Kent: A petition of 41 citizens of Cedar county, for a law making the notes of the State Bank of Iowa receivable for taxes. Referred to Committee on Ways and Means.

By Mr. McCrary of Van Buren: A petition of Farmers for a law to protect sheep from the ravages of dogs. Referred to Committee on Agriculture.

By Mr. Smith: A petition of 111 citizens of Jasper county for a more stringent Prohibitory Liquor Law. Referred to the Special Committee of which Mr. Teter is Chairman.

By Mr. Smith: A petition of 91 farmers of Jasper County for a law to protect sheep from the ravages of dogs.

Also, a petition of 61 farmers of Jasper County to prohibit live stock from running at large.

Also, a remonstrance of 100 citizens of said County against the same, all of which was referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

By Mr. Dungan : Senate File No. 58 : An Act to amend Chapter 60 of the Revision of 1860, in relation to lost goods and estrays. Read a first and second time and referred to the Committee on Agriculture.

RESOLUTIONS.

By Mr. Udell :

Resolved, That the Committee on County and Township Organization be instructed to inquire into the necessity of giving the Board of Supervisors additional time for doing the business of the County, and report by Bill or otherwise.

Adopted.

By Mr. McCrary of Van Buren :

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of reducing the salary of special Aids-de-camp to the Commander in Chief, and report by Bill or otherwise.

Adopted.

REPORTS OF COMMITTEES.

Mr. McCrary of Lee submitted the following report :

The Committee on Military Affairs, to whom was referred Senate File No. 55 : A Bill for an Act to authorize the Governor to appoint an additional Assistant Surgeon and two Nurses for each Regiment of Iowa Volunteers and to provide for their compensation, have had the same under consideration and have instructed me to report the same back with a recommendation that it be amended by adding the following words to the 7th section thereof, viz : and also requesting that such additional Assistant Surgeon may receive the rank of Assistant Surgeon in the Army, and be received and treated accordingly.

G. W. McCRARY, Chairman.

The amendment was adopted and the Bill laid on the table, and the usual number ordered printed.

Mr. Leake submitted the report of Committee on Military Affairs, as follows :

I am instructed by the Committee on Military Affairs, to whom was referred the accompanying Resolution "that our Senators and Representatives in Congress be and are hereby instructed to use their best endeavors to secure the passage of a law reducing the pay of commissioned officers in the various branches of the army

of the United States," to report the same back to the Senate and recommend its indefinite postponement.

LEAKE, of Scott.

On motion of Mr. Brown, the whole subject was laid on the table.

Mr. McCrary of Lee submitted the following report:

Your Committee on Military Affairs to whom was referred Senate File No. 8: A Bill for an Act providing a Board of Sanitary Commissioners, have had the same under consideration, and have directed me to report the same back and recommend its indefinite postponement. Signed,

G. W. McCRARY, Chairman.

On motion of Mr. Bowen, the subject was laid on the table.

Mr. Holmes from Committee on Ways and Means reported back petitions of John Tyner and E. L. Penn and French Gilbert and Lahee, and asked that they be referred to the Committee on Military Affairs.

Mr. Holmes also reported a Substitute for House File No. 26: entitled an Act assuming the collection and payment of the quota apportioned to this State of the direct tax annually laid on the United States by the Act of Congress approved Aug. 5th, 1861, and authorizing notice thereof to the Secretary of the Treasury of the United States. The Bill was read a first and second time, and made the special order for to-morrow at 10½ o'clock.

Mr. Pattison from Committee on Agriculture submitted the following report:

The Committee on Agriculture to whom was referred Senate File No. 43: A Bill for an Act to provide for the preservation of Trout in the waters of the State, have had the same under consideration, and have instructed me to report the same back without amendment, and unanimously recommend its passage.

A. M. PATTISON, Chairman.

On motion of Mr. Burdick, the 11th rule was suspended, and the Bill read a third time. On the question "shall the Bill pass?"

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—33.

In the negative, Senator Lewis—1.

Absent or not voting, Senators Angle, Duncombe, Hammer, Hesser, McPherson, Neal and Williams.

So the Bill passed and the title agreed to.

Mr. Dungan submitted the following report:

The Committee on Military Affairs to whom was referred that portion of the Governor's Message relating to Military Affairs, have had the same under consideration and instructed me to report

to the Senate the following Joint Resolution on the subject of procuring arms for the State.

W. S. DUNGAN,

By order of the Committee.

Resolved by the Senate, the House of Representatives concurring, That His Excellency, the Governor of the State, is hereby authorized and empowered to demand and receive from the General Government, the balance of the quota of arms due the State of Iowa from said Government for the year A. D. 1861, and the full quota for the year 1862 in improved rifles of long range in lieu of United States muskets.

Resolution adopted.

On motion of Mr. Woolson, the special order was postponed for a half hour.

Mr. Woodward, from Committee on Judiciary, submitted the following report, which was adopted :

To the Senate of Iowa :

Your Committee, to whom was referred the question whether the deputy of the Clerk of the District Court has authority under Section 328 of the Revision of 1860, to hear and determine road cases referred to the Clerk by the Board of Supervisors, would respectfully report :

That Section 319, of the Revision, enacts that "The Clerk of the District Court, or in his absence, his deputy shall be the Clerk of the Board of Supervisors; and by this Section his duties are declared to be to record the proceedings of the Board; to make entries of their resolutions and decisions, in certain cases; to record the votes, when required; to sign orders for the payment of money; to preserve and file accounts, &c., and to perform such special duties as are or may be required of him by law.

These provisions are contained in the Act creating the County Board of Supervisors, passed March 22, 1860, and taking effect July 4th, 1860.

By a separate Act, passed the 2d of April, 1860, entitled "An Act in relation to Roads and Highways," taking effect January 1st, 1861, in Sections 327 and 328, it is enacted that "When duties are to be performed by the Board of Supervisors without too much delay or inconvenience, such Board may confer the power to perform such duties upon the Clerk of the District Court, and it shall be the duty of such Clerk to exercise authority so conferred and discharge the duties so required."

The ordinary and usual duties of the Clerk are defined in Section 319, and these are those which the deputy may perform for his principal. The other power, given in Section 327, is contained in a distinct and separate Act, and the power is one not lying in the usual line of the Clerk's duties, as such, but is special.

Again, Section 643 says the deputy shall perform the duties of

the principal pertaining to *his own* office. This language, as well as the nature of the case, indicates that the duties of the deputy are properly limited to acts done in, and by virtue of, the office of the Clerk *as such*, and do not extend to powers conferred, or duties imposed, on the principal outside of his office proper.

It is not by virtue of his office as Clerk, that we can perform the acts intended in Section 328, but only by virtue of a special power conferred by Statute.

Again, and further, it does not appear from the matter before us what acts or duties either the Clerk or his Deputy has been called upon to perform, but in the question referred it is implied that they are discretionary powers. Many of the powers of the Supervisors are judicial, discretionary, resting in the exercise of the judgment. Such powers your Committee do not think the Supervisors can delegate to the Clerk, for we do not think such the intent of the Statute, and still less can his deputy perform them. In the words "To hear and determine road cases," there is involved the discretionary power of the Judge. Such a power can be exercised, we think, neither by the Clerk nor by his deputy.

Which is respectfully submitted, with the accompanying Bill to legalize certain roads.

W. G. WOODWARD, Chairman Com.

Mr. Woolson, from Committee on Ways and Means, reported back Senate File No. 60: An Act authorizing the reception of certain Auditors' Warrants in the payment of State taxes. Read first and second time and ordered to lay on the table, and that the usual number of copies be printed.

Mr. Woolson, from Committee on Ways and Means, reported back Senate File No. 61: An Act providing for the taxation of the property of Railroad Corporations as is required by the Constitution. Read first and second time and ordered to lay on the table, and the usual number printed.

Mr. Woolson introduced Senate File No. 59: An Act to amend Section No. 3677 of the Revision of 1860, in reference to acknowledgment of arbitration agreements. Read first and second time and referred to Judiciary Committee.

Mr. Pattison submitted the following report:

The Committee on Agriculture, to whom was referred Senate File No. 49: An Act to provide for the appointment of a sealer of weights and measures, and providing for listing weights and measures for different Counties," have had the same under consideration and have instructed me to report the same back and recommend its indefinite postponement.

A. M. PATTISON, Chairman.

On motion of Mr. Dixon, the Bill was laid on the table.

On motion of Mr. Holmes, the Senate went into Committee of the Whole to consider the Bill in relation to receiving United States

Treasury Notes and Notes of the State Bank of Iowa in payment of taxes.

The following message was received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives have passed the Concurrent Resolution of the Senate in relation to the postage of members of the General Assembly with the following amendment :

In the fourth line of the first resolution after the words "General Assembly," add the words "and the Clerks thereof."

The Concurrent Resolution is herewith returned. The House has also passed the following Bills :

House File No. 73 : A Bill for an Act relating to the incorporation of the Iowa Conference Seminary, now known as Cornell College.

House File No. 93 : A Joint Resolution authorizing the Adjutant General to send to Iowa troops, in Missouri, certain clothing, &c.

In all which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

The Committee rose at 12 o'clock and the Chairman reported progress, and asked leave to sit again to-morrow at 11 o'clock, which was granted.

On motion of Mr. Teter, the Senate took a recess until 2 o'clock, P. M.

AFTERNOON SESSION.

The Senate was called to order by the President at 2 o'clock, when Mr. Brown moved to take up the Joint Resolution in relation to the postage of the General Assembly, which was carried.

On motion of Mr. Ainsworth, the words "Secretaries of the Senate," were added after the words "the Clerks thereof."

On motion of Mr. Woodward, the Senate went into Committee of the Whole for the consideration of Senate File No. 10 : An Act to confer civil and criminal jurisdiction in certain cases on County Judges.

Senator Udell in the Chair.

The following message from the House was received :

MR. PRESIDENT :—I am directed to inform your Honorably Body that the House of Representatives has passed the following Bill : House File No. 83 : A Bill for an Act entitled an Act to fix the times for holding Courts in the Fifth Judicial District of the State of Iowa.

In which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

At 30 minutes past 4 o'clock, the Committee rose, reported progress, and asked leave to sit again. Leave granted.

On motion of Mr. Hagans, the Bill under consideration in Committee of the Whole, was referred to the Judiciary Committee.

On motion of Mr. Bowen the concurrent resolution of the House, authorizing the Adjutant General to send to Iowa troops in Missouri, certain clothing, &c., was taken from the table and adopted. On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, January 30, 1862. }

Senate convened at the usual hour.
Prayer by the Rev. Mr. Turner.
Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Holmes : A petition of Alvin H. Persons, P. L. Persons and Philena Louisa Gier, to change the name of Philena Louisa Gier. Referred to Committee on Judiciary.

By Mr. Hatch : Two petitions from owners of land in Des Moines Valley for a confirmation of the Land Grant. Referred to the Special Committee of which Mr. McCrary of Lee is chairman.

On motion of Mr. McCrary of Lee, Mr. Woodward was added to the Committee.

By Mr. Leake : Petition of John Hornby for relief. Referred to Committee on Claims.

By Mr. Woolson : Memorial from 76 citizens of Henry county to exempt from taxation certain lands of P. E. Church. Referred to Committee on Judiciary.

RESOLUTIONS.

By Mr. Dysart :

Resolved, That the Committee on Federal Relations be instructed to inquire whether Congress has passed a law to provide for allotment certificates among the Volunteer forces, and if so what legislation may be necessary to render the law effective in this State. Adopted.

Mr. Redfield, by leave, introduced a Bill for an Act to regulate the tolls of Mills. Read a first and second time and referred to Committee on Agriculture.

REPORTS OF COMMITTEES.

Mr. Dysart from Committee on County and Township Organization reported back Senate File No. 57 : An Act to authorize Boards

of Supervisors to remit school house taxes in certain cases, with amendment to Section 1, and recommend the passage of the Bill.

The amendment having been adopted, Mr. Teter moved that the Bill be engrossed and read a third time to-morrow. Carried.

The regular file of Bills was then taken up, and Senate File No. 33: An Act in relation to jury fees was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Smith, Trumbull, Udell, Watson, Williams and Woolson—23.

The nays were, Senators Ainsworth, Brown, Burdick, Dixon, Dungan, English, Hesser, Kent, Leake, McPherson, Shaffer, Teter and Woodward—13.

Absent or not voting, were Senators Angle, Duncombe, Jennings, Hammer and Neal.

The Chair decided that the Bill had received a constitutional majority.

Mr. Ainsworth appealed from the decision of the Chair, and a vote being taken the decision of the Chair was sustained.

On motion of Mr. Redfield the vote on the passage of the Bill was reconsidered.

The yeas and nays being called on the passage of the Bill, were as follows:

The yeas were, Senators Boardman, Bowen, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams and Woolson—25.

The nays were, Senators Ainsworth, Brown, Burdick, Dixon, Dungan, English, Hesser, Kent, Leake, McPherson, Shaffer and Woodward—12.

Absent or not voting, were Senators Angle, Duncombe, Hammer and Neal.

So the Bill was passed and the title agreed to.

On motion of Mr. Woolson the special order, Substitute for House File No. 26: An Act assuming the collection and payment of the quota apportioned to this State of the direct tax annually laid on the United States by the Act of Congress, approved August 5th, 1861, and authorizing notice thereof to the Secretary of the Treasury of the United States, was taken up, read a second time, when on motion of Mr. Leake, the 11th rule was suspended and the Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee,

McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, English, Gray, Green, Jennings, McCrary of Van Buren, and Williams—7.

Absent or not voting, Senators Angle, Duncombe, Hammer, and Neal.

The Bill passed and the title was agreed to.

Mr. Woolson moved that the rule be suspended and the Bill sent into the House. Carried.

On motion of Mr. Hatch, House File No. 83: An Act fixing the times of holding courts in the Fifth Judicial District of the State of Iowa, was taken up, read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Udell, Williams, Woodward, Woolson—35.

The nays were, None.

Absent or not voting, Senators Angle, Duncombe, Hammer, Neal, Teter and Watson.

Bill passed and the title was agreed to.

On motion of Mr. Woolson, the Senate went into Committee of the Whole on the special order, Substitute for Senate File No. 9: An Act to provide for the payment of taxes and the interest and principal of the School Fund, in Treasury Demand Notes issued by the authority of the Government of the United States, and the notes issued by the several branches of the State Bank of Iowa.

Mr. McPherson in the Chair.

The following message from the House was received:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the Senate Substitute for House File No. 26: An Act assuming the collection and payment of the quota apportioned to this State, of the direct tax annually laid on the United States by the Act of Congress approved August 5th, 1861, and authorizing notice thereof to the Secretary of the Treasury of the United States.

CHARLES ALDRICH.

The Committee rose at 12½ o'clock, P. M. The Chairman reported back the Bill with amendments.

On motion of Mr. Dixon, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, January 31, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Turner.

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 amendment to the amendment of the House to the concurrent resolution of the Senate, in relation to the postage of the members of the General Assembly.

CHARLES ALDRICH, Chief Clerk.

Journal of yesterday read and approved.

PETITIONS.

By Mr. Jennings: A petition of citizens of Dubuque, to restrict the power of City Courts.

Also, a petition of members of the City Council, for the same, both of which were referred to the Judiciary Committee.

By Mr. Boardman: A petition of the Board of Supervisors of Clinton County, for an Act in relation to certain duties of Clerks of the District Court. Referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Smith: Senate File No. 62: An Act Supplementary to an Act entitled an Act for the suppression of Intemperance, passed January 22d, 1855, and the Act entitled an Act supplementary and amendatory to an Act for the suppression of Intemperance, passed January 28th, 1857. Bill read a first and second time and referred to a special Committee consisting of Senators Smith, Trumbull and Watson.

By Mr. Hesser: Senate File No. 63: An Act to more effectually secure a part of the judgment in favor of the School Fund and against James D. Eads and his securities, and for a partial relief of said securities. Bill read a first and second time and referred to the Judiciary Committee.

By Mr. Hurley: Senate File No. 64: An Act to amend Section 1332 and 1334, of the Revision of 1860. Read a first and second time and referred to Committee on Railroads.

By Mr. McCrary of Lee: Senate File No. 65: An Act to amend that portion of Chapter 159, of the Revision of 1860, relating to perpetuating testimony.

Also, Senate File No. 66: An Act to allow defendants in criminal causes time to prepare for trial.

Also, Senate File No 67: An Act to provide for the trial of

causes in the Supreme Court when one or more of the Judges are disqualified by interest or from other cause. All of which were read a first and second time and referred to the Committee on Judiciary.

By Mr. Smith: Senate File No. 68: An Act fixing the time of holding Courts in the Sixth Judicial District. Read a first and second time and referred to a special Committee of one from each County in the Sixth Judicial District, of which Senator Shaffer is Chairman.

RESOLUTIONS.

By Mr. Woodward:

Resolved, That the Secretary of the Senate take immediate measures to supply the members of this House with the number of postage stamps required by resolution, until Monday morning next. Adopted.

By Mr. Dungan:

Resolved, That the Secretary of State be requested to inform the Senate, whether the Rail Road Companies of this State which have received grants of land from the State, have filed annual reports in his office, as required by Section 1312, of the Revision of 1860; and if so, that he be requested to furnish the Senate with a copy of the last annual report so filed, by each of said companies. Adopted.

By Mr. Dungan:

Resolved, That the Committee on Judiciary be required to examine into the expediency of so amending the penal clause of Section 1568, of the Revision of 1860, that the same shall read, "and if found guilty he shall pay a fine of \$10 and the costs of prosecution, or shall be imprisoned in the County jail for ten days. Adopted.

Resolved, That the Committee on Judiciary be instructed to inquire into the expediency and justice of so amending the penal clause of section 4,246, of the Revision of 1860, that it shall read as follows:

He shall be punished in all cases of robbery or burglary, or when the value of the property stolen exceeds the sum of twenty dollars, by imprisonment in the Penitentiary not more than five years, or by fine not exceeding five hundred dollars, and imprisonment in the County Jail not more than one year, and when the value of the property stolen does not exceed the sum of twenty dollars, by fine not exceeding one hundred dollars, or imprisonment in the County Jail not exceeding thirty days.

Adopted.

By Mr. Boardman:

Resolved by the Senate, the House of Representatives concurring, That the Secretary of the Board of Education be authorized to procure 1,500 additional copies of his report for the use of the General Assembly and 500 copies for the use of his office.

Referred to the Committee on Printing.

REPORTS OF COMMITTEES.

Mr. Foote, from Committee on Commerce, reported back Senate File No. 69: An Act to regulate the interest on money.

On motion of Mr. Gray the Bill was laid on the table, and ordered to be printed.

Mr. Woodward, from the Judiciary Committee, submitted the following report:

MR. PRESIDENT: The Judiciary Committee have instructed me to report:

FIRST—On a resolution concerning recording bonds of officers: A Bill for an Act providing for the record of such bonds.

SECOND—On a Bill to require Clerks of District Courts to keep an Appearance Docket: That the Bill be reported back with an amendment and a recommendation that it pass.

THIRD—On a Bill for an Act to repeal Sections 2,860, 2,862 and 2,863, of the Revision of 1860: That it be indefinitely postponed.

FOURTH—On a petition to change the name of Philena Louisa Gier: That the Court denies us the power. Adopted.

FIFTH—On resolution in regard to the collection of road tax in money: That the same will be provided for among amendments.

SIXTH—On resolution on acknowledging submission to arbitrations: That it will be provided for in amendments to Revision.

Senate File No. 70: An Act providing for the recording of officers' bonds, was read a first and second time.

On motion of Mr. Hagans, the word "ten" in the third section, was stricken out and "six" inserted.

Mr. McCrary, of Van Buren, moved to strike out the publication clause of the last section, and insert "from and after its publication according to law." Lost.

On motion of Mr. Leake, the exception in favor of Justices of the Peace and Constables was stricken out.

On motion of Mr. Udell, the words "one dollar" in the third section were stricken out and "fifty cents" inserted.

The Bill was then ordered to be engrossed and read a third time to-morrow.

Senate File No. 56: An act to require Clerks of the District Courts to keep an Appearance Docket, was read a first and second time, and ordered to be engrossed and read a third time to-morrow.

Mr. Woodward moved that the remainder of the report be adopted.

On which motion Mr. Gue called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Brown, Bnrldick, Dixon,

Jennings, Leake, McCrary of Lee, Trumbull, Udell, Woodward and Woolson—13.

The nays were, Senators Boardman, Bowen, English, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson and Williams—23.

Absent or not voting, Senators Angle, Duncombe, Foote, Hammer and Neal—5.

Motion was lost.

On motion of Mr. Woodward, the motion was laid on the table.

On the report in regard to Philena L. Gier, Mr. Woolson moved to strike out the last section. Carried.

The report was then adopted.

Mr. Kent, from Committee on Engrossed Bills, submitted the following report:

Your Committee on Engrossed Bills would respectfully report that they have examined Senate File No. 57, and find it correctly engrossed.

[Signed.]

J. M. KENT.

Mr. Shaffer from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT: The Joint Committee on Enrolled Bills of the General Assembly, have examined the following, and find them correctly enrolled, viz:

A Joint Resolution concerning the Third and Seventh Infantry Regiments of Iowa Volunteers.

An Act assuming the collection and payment of the Direct War Tax.

A Joint Resolution authorizing the Adjutant General to send what articles can be spared from our military stores, to camps in Missouri.

A Joint Resolution instructing the Adjutant General in relation to the distribution of his Reports.

We present them for your signature.

J. M. SHAFFER, Chairman.

Mr. Teter, from Committee on Charitable Institutions, submitted the following report:

Your Committee on Charitable Institutions having had under consideration the recommendation of the Superintendent of the Hospital for the Insane, have instructed me to offer the following resolution, and ask the concurrence of the Senate.

Resolved, That we deem it expedient that a Committee of three, one on the part of the Senate and two on the part of the House be appointed to visit said institution and make all necessary examination of its management and wants, and report to this body.

On motion of Mr. Bowen the report was laid on the table.

The President laid before the Senate the following communication from the Governor, which was read and laid on the table:

EXECUTIVE OFFICE, IOWA, }
January 31, 1862. }

Gentlemen of the Senate :

In response to your Resolution asking me "whether there is any District Attorney of this State a commissioned officer in any Company of Iowa Volunteers, if so, how many, and when commissioned? and, also, whether there are any members of the Senate so commissioned?" I have the honor to inform you that P. Gad Bryan, District Attorney for the Fifth Judicial District, holds the commission of Captain in the First Regiment of Iowa Volunteer Cavalry, said commission bearing date of the 23d day of September, 1861. That William P. Hepburn, District Attorney for the Eleventh Judicial District, holds the commission of Major in the Second Regiment of Iowa Volunteer Cavalry, said commission bearing date of the 14th day of September, 1861. That John Scott, elected October, 1859, to the Senate, now holds the commission of Lieutenant Colonel in the Third Regiment of Iowa Volunteer Infantry, bearing date in the month of June or July, 1861. That Cyrus Bussey, elected October, 1859, to the Senate, now holds the commission of Colonel of the Third Iowa Volunteer Cavalry, bearing date on the 26th day of August, 1861. That P. P. Henderson, elected to the Senate, October, 1859, now holds the commission of Captain in the Tenth Regiment of Iowa Volunteer Infantry, bearing date on the 24th day of September, 1861. That William E. Taylor, elected to the Senate in October, 1859, now holds the commission of Captain in the Fourth Regiment of Iowa Volunteer Infantry, bearing date in the month of July, 1861; and that J. H. Powers, elected to the Senate in October, 1859, now holds the commission of Captain in the Ninth Regiment of Iowa Volunteer Infantry, bearing date on the 13th day of September, 1861.

On the mistaken supposition that Mr. Hepburn had resigned the office of District Attorney for the Eleventh Judicial District, a proclamation was issued for an election to fill the supposed vacancy at the regular election in October last, and D. D. Chase, Esq., was elected.

After the action of your body declaring the seats of John Scott and Cyrus Bussey vacant, by reason of their having accepted the above named commissions, I issued on the 21st day of January instant proclamations to fill these vacancies and also the vacancies caused by the acceptance by P. P. Henderson, William E. Taylor and J. H. Powers of their commission.

SAMUEL J. KIRKWOOD.

Also, a communication from the Attorney General in relation to Jonathan W. Jones, security for J. D. Eads.

On motion of Mr. McCrary the communication was ordered to be laid on the table and the usual number printed.

Also, the following communication from the Attorney General :

OFFICE OF ATTORNEY GENERAL, }
DES MOINES, IOWA, January 31, 1862. }

To the Senate of the State of Iowa:

I have the honor to acknowledge the receipt of your resolution of inquiry in regard to the case of the Wardeu of the Penitentiary *vs.* Winterbotham and Jones. The District Court of Lee County at its last term rendered judgment in accordance with the report of the referees.

FIRST—In favor of the Warden *vs.* Winterbotham and Jones for the sum of \$1,130 11. The whole amount of the costs in the case including the charges of the referees is \$582 39, one half of which amount is taxed to the Warden of the Penitentiary.

The Court allowed the referees the sum of \$110 each for their services. No motion for a new trial can now be made in the case, as judgment has been entered and defendants have taken a stay of execution thereon.

Respectfully submitted,

C. C. NOURSE.

Substitute for Senate File No. 9, was taken up, and on motion of Mr. Brown it was made the special order for next Wednesday at 11 o'clock A. M.

Senate File No. 41 : An Act to abolish the Board of Commissioners of the Insane Asylum, was taken up, read a third time, and on the question "Shall the Bill pass?" the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—34.

The nays were, none.

Absent or not voting, Senators Angle, Brown, Duncombe, Hammer and Neal.

Bill passed and title was agreed to.

Senate File No. 48, was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Dixon, Dungan, Dysart, Gue, Hagans, Hatch, Hastings, Hurley, Kent, Leake, McCrary of Lee, McPherson, Pattison, Redfield, Teter, Trumbull and Woodward—18.

The nays were, Senators Ainsworth, Bowen, Brown, Burdick, English, Gray, Green, Hesser, Holmes, Jennings, Lewis, McCrary of Van Buren, Shaffer, Smith, Udell, Watson and Williams—16.

Absent or not voting, Senators Angle, Duncombe, Hammer and Neal.

The Bill was lost.

On motion of Mr. Udell the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, February 1, 1862. . }

Senate convened at the usual hour.

Prayer by Rev. A. J. Kynett.

Journal of yesterday 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. 8: A Bill for for an Act in relation to Life Insurance Companies.

Substitute for House File No. 32: A Bill for an Act to repeal Chapter 81, of the Acts of the Eighth General Assembly, entitled an Act for the establishment of a Commissioner in the City of New York, to promote immigration to the State of Iowa.

Also, Substitute for House File No. 28: An Act to change the time of holding Courts in the Eighth Judicial District of the State of Iowa.

I also return herewith Senate File No. 43: A Bill for an Act to provide for the preservation of trout in the waters of this State, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

PETITIONS AND MEMORIALS.

By Mr. Watson: A petition to amend the Prohibitory Liquor Law. Referred to the Special Committee, of which Mr. Teter is Chairman.

By Mr. Hurley: A memorial of J. B. Latta and others, for a change in the Estray Law. Referred to the Committee on Township and County organization.

By Mr. Teter: A memorial of Judge Rogers in relation to County Courts. Referred to Judiciary Committee.

By Mr. Shaffer: A memorial of A. R. Parker, for relief. Referred to Committee on Claims.

RESOLUTIONS.

By Mr. Redfield:

WHEREAS, It appears, by a communication transmitted to the Senate by the Governor, that Hon. Wm. E. Taylor, Senator from the Fifth Senatorial District, and Hon. J. H. Powers, Senator from the Fortieth Senatorial District of this State, hold commissions as Captains in the army of the United States; and whereas, the Senate has declared that no person holding such commission in the army under pay, can also hold a seat in this body; therefore,

Resolved, That the seats heretofore held by said W. E. Taylor and J. H. Powers, are hereby declared to be vacant.

Mr. Woodward moved to amend by adding, "and that the seat of Hon. P. P. Henderson is vacant, both by the acceptance of a similar commission and by resignation.

The amendment was accepted by Mr. Redfield and the resolution passed.

Mr. Teter offered the following resolution:

Resolved, That the Committee on Ways and Means be and are hereby instructed to inquire into the expediency of providing a Bill taxing the salaries of county and State officers ten per cent. where said salaries exceed five hundred dollars; embracing, also, the officers of our Charitable Institutions.

Mr. Leake moved to amend by adding "ministers of the Gospel whose salaries exceed \$500."

Mr. Gue offered the following as a substitute:

Resolved, That the Committee on Ways and Means be instructed to inquire into the expediency of levying a tax on the excess over \$400 of the salaries of all State, Judicial and county officers, whether such payment is made by fees or otherwise, and also a tax on the excess of all cash incomes over \$400, received by all other persons, and report by Bill or otherwise.

B. F. GUE.

Mr. Leake moved to amend by adding "all growing crops the value of which exceeds \$500."

The question being on Mr. Leake's amendment, Mr. Teter called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Gray, Hatch, Hesser, Jennings, Leake, Trumbull, and Williams—7.

The nays were, Senators Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hastings, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—27.

Absent or not voting were, Senators Angle, Duncombe, Hammer, Holmes and Neal.

The amendment was lost.

Mr. Ainsworth offered the following Substitute which was accepted by Mr. Gue.

Resolved, That the Committee on Ways and Means be instructed to report a Bill taxing the excess over \$400 of the salaries and incomes of all persons within this State, ten per cent upon such excess.

Mr. Jennings moved to lay the whole subject on the table.

Mr. Gue called for the yeas and nays, which were as follows:

The yeas were, Senators Burdick, Dixon, Hesser, Jennings, Leake, McCrary of Lee, Shaffer, Trumbull, Watson and Williams—10.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Udell, Woodward and Woolson—27.

Absent or not voting, were Senators Angle, Duncombe, Hammer and Neal.

The motion was lost.

Mr. Leake moved to amend by inserting after the words "this State" the words "farm products harvested for one year previous to the listing. Lost.

Mr. Woolson moved to strike out the word "four" from the substitute and leave the amount blank. Carried.

The question now being on the adoption of the Substitute, Mr. Teter called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Dysart, English, Foote, Gray, Green, Gue, Hatch, Hastings, Hurley, Jennings, Kent, Lewis, McCrary of Van Buren, Pattison, Redfield, Teter, Udell, Williams and Woolson—23.

The nays were, Senators Burdick, Dungan, Hagans, Hesser, Holmes, Leake, McCrary of Lee, McPherson, Shaffer, Smith, Trumbull, Watson, and Woodward—13.

Absent or not voting, were Senators Angle, Duncombe, Hammer, and Neal.

The Substitute was adopted.

The question now being on the adoption of the Resolution as amended, Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dysart, Foote, Gray, Green, Gue, Hatch, Hastings, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Udell, Watson, Williams, and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Dixon, Dungan,

English, Hagans, Hesser, Holmes, Jennings, Leake, Shaffer, Trumbull, and Woodward—13.

Absent or not voting were, Senators Angle, Duncombe, Hammer, and Neal.

The resolution was adopted.

Mr. Redfield offered the following resolution which was adopted.

Resolved, That the Auditor of State be requested to transmit to the Senate a statement of the amounts paid as expenses of the terms of the Supreme Court held at Davenport.

Mr. Brown offered the following resolution which was adopted :

Resolved, That the President of the Senate be and he is hereby authorized and required to appoint a Committee of three Senators, whose duty it shall be, to inquire into and report to the Senate, what amount of expenses have been incurred by Colonels Bussey, Edwards and Morledge in their efforts to protect the Union people of Missouri, that are chargeable to the General Government of the United States.

Mr. Woodward from Judiciary Committee reported Bill with amendments conferring civil and criminal jurisdiction on county courts. Laid on the table and the usual number of copies ordered printed.

Mr. Holmes from Committee on Ways and Means submitted the following report :

The Committee to whom was referred Senate File No. 72: An Act to provide for the support of the Institution for the Education of the Deaf and Dumb report, that they have examined into the condition of that Institution, together with the Institution for the Education of the Blind, and find that the two Institutions above named have expended within the past two years the sum of \$28,937 82, of which sum the Institution for the education of the Deaf and Dumb has received \$14,000 and the Blind \$13,937 83. The report of the Principal of the Institution for the Education of the Blind reports forty pupils in attendance, but your Committee are informed that the attendance will not average that number. The report of the Principal of the Institution for the Education of the Deaf and Dumb reports the number of pupils in attendance for each class two years to be fifty-nine. Your Committee report that there is nothing in either of those reports showing the average number of pupils in attendance in any one year at either of those Institutions. It will be seen by those reports that the whole number of pupils in attendance upon both Institutions (taking the reports as correct) was ninety-five, making the cost per pupil in attendance \$304 50, or \$152 25 per year.

Your Committee find that there has been no effort made by those who have had the management of the Institution for the Education of the Deaf and Dumb to teach them any useful employment. The excuse offered is a want of room and means. Yet most of the ordinary work of that Institution has been performed by persons out-

side of the Institution who have been employed for that purpose, while there were those in attendance as pupils who were able to perform such work.

Your Committee believe from the best information they can obtain that the parents of many of the pupils in attendance at each of those Institutions are able to support such pupils without expense to the State. Your Committee have therefore prepared a Bill which is herewith submitted providing for the Education of indigent pupils at the expense of the State, and for the Education of all others by the parents or guardians thereof, paying to the Principal of such Institution the sum of \$25 per quarter, and as the Institutions are in operation about three fourths of the year the advantages thereof, as provided by the Bill, can be enjoyed at about (\$75) seventy-five dollars per year.

All of which is respectfully submitted,

W. H. HOLMES, Chairman.

Which was laid on the table.

Bill read first and second time, and upon motion of Mr. Brown laid on the table, and the usual number of copies ordered printed.

Mr. Brown from Committee on Federal Relations reported back concurrent resolution instructing our Senators in Congress, and requesting our Representatives to secure, if possible, the enactment of a Law reimbursing the State for money expended in military expeditions to Missouri, and recommended it be laid on the table, which was done.

Mr. McPherson from Committee on Federal Relations reported back Joint Resolution to Congress for act of Congress prohibiting the feting and idolizing of scions of British Royalty in future, with a recommendation that it be laid on the table, which was done.

Mr. Leake from Committee on Elections submitted the following report:

REPORT OF THE COMMITTEE ON ELECTIONS.

The Committee on Elections, to whom was referred a Resolution directing them to enquire into the necessity of amendment to the law for canvassing votes, to meet cases of special elections, ordered by the Governor, find that there is no law specially providing for the canvassing of votes cast at such elections; and as such elections are only ordered when there is necessity for haste, by reason of the meeting of the Legislative body in which the vacancy occurs, before a general election could be held; the Committee think that the time prescribed by law for canvassing votes cast at general elections is unnecessarily long, and might, if fully taken by the Boards of Canvassers, in some instances defeat the object for which the election was called, and have, in order to remedy the defect, instructed me to report the accompanying bill, and recommend its passage.

J. B. LEAKE, Chairman.

Senate File No. 73 read first and second time.

Mr. Redfield moved to amend "that the Board of Canvassers meet on the sixth instead of third day after election." Carried.

Mr. Udell moved to engross and read a third time to-morrow. Carried.

Mr. Shaffer from Committee on Enrolled Bills reported as follows:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly have examined an Act fixing the times for holding Courts in the Fifth Judicial District, and find the same correctly enrolled.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Gue from Committee on Printing reported as follows:

The Committee on Printing, to whom was referred a resolution authorizing the Secretary of the Board of Education to have printed an additional number of copies of his Report, have had the same under consideration, and a majority of the Committee have directed me to report it back to the Senate and recommend its passage.

B. F. GUE, Chairman.

Mr. Bowen offered the following Resolution as a substitute for the Report of the Committee on Printing, which was adopted:

Resolved, By the Senate, (the House of Representatives concurring,) That the Secretary of the Board of Education be authorized to procure 2,000 additional copies of his Report, for the use of his office and for distribution in such manner as he may deem expedient.

Mr. Gue submitted the following Report:

The Committee on Agriculture to whom was referred Senate File No. 71, have had the same under consideration, and have directed me to report the following substitute and recommend its passage:

B. F. GUE, Chairman.

Substitute for Senate File No. 71: An Act for the protection of Game, was read a first and second time, adopted, and ordered to be engrossed and read a third time to-morrow.

On motion of Mr. Holmes, Substitute for H. F. No. 28: An Act to change the times of holding Courts in the Eighth Judicial District of this State, was read a first and second time.

On motion of Mr. Holmes the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Trumbull, Udell, Watson, Williams, Woodward and Woolson—34.

The nays were, none.

Absent or not voting, Senators Angle, Duncombe, Hammer, Hastings, Neal, Shaffer and Teter—7.

The Bill passed and its title agreed to.

On motion of Mr. Udell the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
MONDAY, February 3, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Fleming.

The journal of yesterday read and approved.

The Chair announced the following Senators as the Special Committee to investigate the Military expenses of Cols. Edwards, Morledge and Bussey, in accordance with the Resolution of Mr. Brown, to-wit: Messrs. Brown, Udell and Hagans.

PETITIONS AND MEMORIALS.

By Mr. Shaffer: A petition of 53 farmers for a law protecting sheep from the ravages of dogs.

Referred to the Committee on Agriculture.

Also a memorial of the officers of the 12th Regiment Iowa Volunteers for relief.

Referred to the Committee on Military Affairs.

INTRODUCTION OF BILLS.

By Mr. McCrary of Van Buren: Senate File No. 74: An Act to amend Section 548 of the Revision of 1860, in relation to giving notice of election of Township and Road District officers and their qualifications. Read first and second time and referred to the Committee on Elections.

By Mr. Leake: Senate File No. 77: An Act to remove an escheat. Read first and second time and referred to Judiciary Committee.

By Mr. McCrary of Lee: Senate File No. 75: An Act to amend Chapter 105 of the Revision of 1860, concerning the guardians of the property of minors. Read first and second time and referred to the Judiciary Committee.

By Mr. Burdick: Senate File No. 76: An Act for the extension of the time of payment of money due the school fund. Read first

and second time and referred to the Committee on Schools and Universities.

RESOLUTIONS.

By Mr. Leake :

Resolved, That the Committee on Ways and Means be and are hereby instructed to enquire into the expediency of enacting a law requiring the Board of Supervisors to procure and keep from year to year a book to be called the Grand Levy of the County, in which all the real estate situated in their County shall be entered under the names of the owners thereof; and, also of requiring all conveyances of real estate situated in the County to be transferred on said Grand Levy before the same shall be recorded and report by Bill or otherwise.

Adopted.

By Mr. Leake :

Resolved, That the Committee on Ways and Means be and they are hereby instructed to enquire into the expediency of requiring cities and other municipal corporations having the power to levy a tax to certify the amount of tax levied by them, to the County authorities for collections and of abolishing the offices of City Assessors, Boards of Equalization and all others erected for the purpose of collecting taxes, and report by Bill or otherwise.

Adopted.

At the request of Mr. Ainsworth, leave of absence was granted for Mr. Gray.

Mr. Ainsworth introduced Senate File 78: An Act to repeal an Act to regulate the foreclosure of Deeds of Trust and Mortgages with power of sale on real estate. Read first and second time and referred to Judiciary Committee.

Mr. Woolson offered the following resolution :

Resolved, That the Committee on Banks be instructed to inquire into the expediency of amending the Act incorporating the State Banks and to report by Bill or otherwise upon the following points, viz :

1st. To provide for the appointment of Bank Commissioners by the Legislature to decide upon the admission of new Branches; such Commissioners to be empowered to examine minutely at any time into the condition of any Branch or the Parent Branch on complaint of any Branch or stock-holders, to hear and investigate any complaints or charges made by any stock-holder of the misconduct of any Bank officer, &c., with power to redress such grievances, &c.

2d. To provide that the right should be absolute in any associations of persons bringing themselves within the terms of the law, to be admitted as a Branch.

3d. To provide some efficient safeguard for the protection of the

holders of a minority of the stock against combinations by the majority to use the funds for other purposes than legitimate banking.

4th. To provide for proper investigation from time to time by the authority of the General Assembly into the condition of the Bank or any of its Branches.

5th. To make any other regulations respecting said Bank and its Branches, said Committee deem proper and necessary for the better security of the public and the stock-holders.

Adopted.

REPORTS OF COMMITTEES.

Mr. Dysart, from Committee on Township and County Organization, submitted the following report which was adopted :

The Committee on Township and County Organization, to whom was referred a resolution directing an inquiry into the expediency of passing a law to authorize the filing of chattel mortgages with the Township Clerk to have the same effect as the recording of them among the records of the County, have considered the same and have instructed me to report their views thereon.

The majority of the Committee are of the opinion that such a law in the large and thinly populated Counties of this State would subject persons purchasing personal property to much inconvenience and liability to incur fraud. The necessary intercourse between the County-Seat and all parts of a County, renders it an easy matter for the individual desiring to buy a particular chattel to cause the records of the County to be examined to ascertain whether the same is free from incumbrance. If on the other hand the purchaser were obliged to find out the locality and reach the offices of every Township Clerk in a County containing twenty organized Townships, or run the risk of gross imposition, he would refrain from buying chattel property out of his own immediate vicinity. The tendency of such a Statute would be to hinder the ready sale and exchange of personal property, than which nothing is more essential to the prosperity of communities of varied pursuits and interests. Therefore, the Committee recommend that the resolution be laid on the table.

The Committee have also inquired into the expediency of fixing the compensation of the Sheriff for conveying convicts to the Penitentiary and insane persons to the Hospital for the Insane and have instructed me to report a Bill and recommend its passage.

J. DYSART, Chairman.

The resolution reported back by the Committee in reference to the filing of Chattel Mortgages in the office of Township Clerks, was laid on the table.

Senate File No. 79: An Act to regulate fees of Sheriffs for taking convicts to the Penitentiary, was read a first and second time.

Mr. Neal moved to strike out the second Section. Lost.

The Bill was then ordered to be engrossed and read a third time to-morrow.

Mr. Woodward, from Judiciary Committee, submitted the following report :

MR. PRESIDENT :—The Judiciary Committee have instructed me to report back the enclosed Bill for an Act to repeal an Act requiring appraisement in certain cases, without recommendation.

W. G. WOODWARD, Chairman of Com.

Senate File No. 36 : An Act to provide for the appraisement of property sold under execution, was read a first and second time and laid on the table.

Mr. Kent submitted the following report :

The Committee on Engrossed Bills would respectfully report that they have examined Senate Files Nos. 56, 70 and 73, and find them correctly engrossed.

J. M. KENT, Chairman.

On motion of Mr. Holmes, Senate File No. 60 : "An Act in relation to receiving certain Auditors' Warrants in payment of Taxes" was taken up and read a second time.

Mr. Neal moved to strike out all after the word "in" of the second section. Lost.

The following message from the House was received :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has passed the following Bills :
House File No. 82 : A Bill for an Act to amend Section 4607, Chapter 195, of the Revision of 1860.

House File No. 6 : A Bill for an Act authorizing Cities, Towns and Villages to regulate and license the sale of property by auctioneers. In which the concurrence of the Senate is asked.

I also return herewith Senate File No. 13 : A Bill for an Act authorizing the Deputy Clerk of the District Court to act instead of his principal in certain cases, and to legalize certain acts heretofore done, the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Mr. Smith moved to insert in the 8th line, after the word "same," the words "under oath." Adopted.

Mr. Dixon moved to insert in 3d line of Section 2, after the word "of," the word "one." Lost.

Mr. Ainsworth moved to strike out Section 4.

Mr. Holmes moved to amend by inserting after the word "sold," the words "by the State." Carried.

The question now being on striking out Section 4, Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Bowen, Burdick, Dungan, Dysart, English, Green, Gue, Hagans, Hatch, Hastings, Hesser, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith and Woodward—23.

The nays were, Senators Boardman, Brown, Dixon, Foote,

Holmes, Hurley, Jennings, Neal, Teter, Trumbull, Udell, Watson, Williams and Woolson—13.

Absent or not voting, Senators Angle, Duncombe, Gray, Hammer.

Motion to strike out prevailed.

On motion of Mr. Holmes, the Bill was ordered to be engrossed and read a third time to-morrow.

Senate File No. 57: An Act to authorize Boards of Supervisors to remit School House Taxes in certain cases, was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows;

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dungan, Dysart, English, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams Woodward and Woolson—34.

The nays were, Senators Burdick, Dixon, Green—3.

Absent or not voting, Senators Angle, Duncombe, Gray and Hammer.

Bill passed and its title agreed to.

Senate File No. 56: An Act to require Clerks of the District Courts to keep an Appearance Docket, was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Trumbull and Woodward—22.

The nays were, Senators Dungan, Dysart, English, Green, Hatch, McCrary of Van Buren, Neal, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams and Woolson—15.

Absent or not voting, Senators Angle, Duncombe, Gray, Hammer.

Bill passed and title agreed to.

On motion of Mr. Brown, Senate File No. 18: An Act in relation to Notaries Public, was taken up and referred to Judiciary Committee.

On motion of Mr. McCrary of Lee, Senate File No. 55: An Act in relation to appointing an Assistant Surgeon and two nurses for each regiment of Iowa Volunteers, was taken up and referred to a Special Committee consisting of Messrs. Bowen, Shaffer, Udell, Trumbull and Hastings.

On motion the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, February 4, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Fleming.

Minutes of yesterday read and approved.

The Chair announced that a resolution of Senator Duncombe, in regard to the salaries of Judges of the Courts was the special order for this hour.

On motion of McPherson, the special order was postponed until Saturday at half-past ten A. M.

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 :

House File No. 121 : A Bill for an Act for the encouragement of hedging.

House File No. 130 : A Joint Resolution authorizing the Auditor of State to draw warrants on the General Fund for the salary of the Adjutant General.

I am also directed to inform the Senate that the House has adopted the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the State Printer be, and he is hereby instructed to furnish the State Binder with 250 copies of all documents in pamphlet form printed at this session, for the use of the House and Senate, or the General Assembly, provided the same can be had without republication, who shall cause the same to be bound in one volume, with leather backs and tips and pasteboard sides ; and that one copy of said volume shall be delivered to each member and officer of this General Assembly, ten copies to the State Librarian, and the remainder deposited in the office of the Secretary of State, provided, however, that the cost of binding does not exceed fifty cents per copy.

In all of which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

PETITIONS AND MEMORIALS.

By Mr. Hagans : A petition of 68 citizens of Ringgold County, for an Act to prevent live stock from running at large. Referred to Committee on Agriculture.

By Mr. Smith : A petition of 91 citizens of Mahaska County for a more stringent Liquor Law. Referred to Special Committee of which Senator Teter is Chairman.

By Mr. Shaffer : A petition of 46 citizens of Jefferson County,

for a law to exempt the lands of the Protestant Episcopal Church from taxation. Referred to Judiciary Committee.

By Mr. Jennings: A petition of Attorneys of Dubuque, for a law restricting the powers, or abolishing the City Court of Dubuque. Referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. McPherson: Senate File No. 80: An Act to amend Section 17, of Article third of the New Constitution of the State of Iowa. Read a first and second time, and referred to a Special Committee consisting of Messrs. McPherson, Ainsworth, Leake, Neal and Boardman.

By Mr. Hurley: Senate File No. 81: An Act to authorize the Governor to appoint Agents in relation to swamp land belonging to the State of Iowa, and defining their duties. Read a first and second time, and referred to Committee on Public Lands.

By Mr. Dysart: Senate File No. 82: A Bill for an Act to punish disturbers of Schools and Literary Societies. Read a first and second time and referred to Judiciary Committee.

RESOLUTIONS.

By Mr. Udell:

Resolved, by the Senate, the House concurring, That His Excellency, the Governor, be instructed to use his best endeavors to procure a settlement with the Land Department at Washington, of the lands and money due to this State for swamp lands entered by warrants and money after the passage of the Act granting said lands, and prior to their selection by the State.

Resolved, That the Secretary of State is hereby directed to present a copy of this resolution to the Governor of Iowa.

Adopted.

By Mr. Watson:

Resolved, That Messrs. Dewey, West and Ingham, the Auditing Board, be requested to report to the Senate, at their earliest convenience, in tabular form, a statement of the claims presented to them, the dates when presented, what claims allowed, and what not allowed.

Adopted.

By Mr. Boardman:

Resolved, That a Committee of Seven be appointed, of which Senator Gue shall be Chairman, to report on State, Senatorial and Representative Districts of the State of Iowa.

Adopted.

By Mr. Woodward:

Resolved, That the Committee on Military Affairs be and are hereby instructed to inquire into the expediency of authorizing and

empowering the Governor of the State to pay out of the contingent fund, from time to time, such amounts as may be necessary to defray the expenses of the Iowa Army Sanitary Commission, in their generous efforts to relieve our sick and wounded soldiers.

Adopted.

REPORTS OF COMMITTEES.

Mr. Boardman submitted the following report:

I am instructed by the Committee on Schools and Universities to report a substitute for Senate File No. 3, which substitute is entitled an Act for the better protection of the School Fund, and recommend its passage. The Bill was read a first and second time by title, and ordered to be laid on the table and printed.

Mr. Brown, from Committee on Incorporations, reported back Senate File No. 21: An Act to amend Chapter 51, of the Revision of 1860, entitled an Act for the Incorporation of Cities and Towns with amendments, which were not concurred in.

On motion of Mr. McCrary, of Lee, the last section of the Bill was stricken out.

On motion of Mr. Woolson, section two of the amendments of the Committee, was substituted for section two of the original Bill.

On motion of Mr. Leake, the Bill was laid on the table.

Mr. Holmes, from the Committee on Ways and Means, reported Senate File No. 83: An Act for the assessment, levy and collection of the quota of the tax levied on the United States by the Act of Congress approved August 5th, 1861, which was read a first and second time, and ordered to be laid on the table, and 500 copies printed.

Mr. Shaffer submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following Bills, and find them correctly enrolled, viz:

House File No. 28: An Act to change the times of holding Courts in the Eighth Judicial District of the State of Iowa.

Senate File No. 43: An Act to provide for the preservation of trout in the waters of this State.

J. M. SHAFFER,

Chairman Senate Committee.

Mr. Woodward, from Judiciary Committee, submitted the following Report:

MR. PRESIDENT:—The Judiciary Committee have instructed me to make the following report:

FIRST—Upon a resolution to inquire into the expediency of so amending Chapter 97, of the Revision, as to place all matters therein pertaining "to assignments for the benefit of creditors," within the jurisdiction of the County Court and County Judges.

That such a measure would involve the necessity of conferring upon the County Court a very wide jurisdiction in Equity. The administration of the law relating to assignments, arises in almost every case, necessarily in an Equity proceeding; and is, besides, a delicate and difficult branch of the law. There is hardly any one more unsuited to the administration of an inferior court. Your Committee, therefore, report adversely to the conferrence of such jurisdiction, and recommend its indefinite postponement.

SECOND—Upon an Act to amend Section 2834, of the Revision of 1860, by striking out the concluding words, "without regard to the number of days intervening." That they find a difference of opinion in respect to the effect of these words, a majority believing they have their appropriate effect; and others doubting, at least. Such a difference of opinion would, alone, constitute an argument against the expediency of striking them out; whilst the view of the majority, that the words have their proper effect, leads us to recommend that the Bill be indefinitely postponed.

THIRD—Upon a resolution to amend Sections 312, 662, 663 and 664, in Revision of 1860, relating to vacancies and the mode of filling them. That these subjects will be provided for in certain amendments in contemplation.

FOURTH—Upon the petitions of sundry persons that Sections 1764 and 1765, Chapter 69, of Revision of 1860, be so amended as to require five years', instead of ten years', service from members of Fire departments to entitle them to exemption from military and jury duty. That such amendment will be reported in the body of amendments to the Revision.

FIFTH—Upon Senate File No. 77: An Act to remove an escheat of the lands of Theodore Effey. The Committee report the same back with one amendment, and recommend its passage.

SIXTH—Upon Senate File No. 78: An Act to repeal an Act concerning the foreclosure of deeds of trust and mortgages. They report the same back and recommend its passage.

SEVENTH—Upon Senate File No 75: An Act to amend Section 1050, concerning the guardians of the property of minors. That the same be passed with slight amendments; which is respectfully submitted.

W. G. WOODWARD, Chairman.

Mr. McCrary of Lee, moved that the resolution referred to in Section 1, of the Report, be indefinitely postponed. Carried.

On motion of Mr. Leake, the Bill referred to in Section 2, of the Report, was recommitted to the Committee.

Pending the consideration of the Report, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 WEDNESDAY, February 5, 1862. }

Senate convened at the usual hour.
 Prayer by Rev. Mr. Golliday.
 Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. McCrary of Van Buren: A petition of Messrs. Brown & Allender for relief. Referred to the Committee on Des Moines River Land Grant.

By Mr. Dungan: A petition of Farmers for an Act to protect sheep from the ravages of dogs. Referred to Committee on Agriculture.

Also a petition of Tax-payers, that no appropriations be made to the Agricultural College. Referred to the Committee on Agriculture.

By Mr. Watson: A petition of citizens of Hardin county, for a law to open all school-houses for religious services. Referred to Committee on Schools and Universities.

By Mr. Ainsworth: A petition of 166 citizens of Floyd county, for the repeal of the Prohibitory Liquor Law. Referred to Special Committee on License Law.

By Mr. Hesser: A memorial from the First Regiment Iowa Cavalry, in relation to Supplies furnished by the City of Fort Madison. Referred to Committee on Military Affairs.

By Mr. McCrary of Lee: A petition of the Board of Supervisors of Lee county, for the enactment of a law making the county organization similar to that of New York. Referred to Committee on Township and County Organization.

Also, a memorial from Col. Worthington of the Fifth Regiment Iowa Volunteers, in regard to supplies for troops. Referred to Committee on Military Affairs.

By Mr. Hatch: A memorial from J. A. Williamson, in relation to debts due the School Fund. Referred to Committee on Schools and Universities.

INTRODUCTION OF BILLS.

By Mr. McPherson: Senate File No. 84: An Act to amend an Act entitled "An Act to amend Chapter 83 of the Code." Read first and second time, and referred to Judiciary Committee.

By Mr. Teter: Senate File No. 85: An Act to amend section 5066 of the Revision of 1860. Read first and second time, and referred to Judiciary Committee.

By Mr. Boardman: Senate File No. 86: A Bill for an Act defin-

ing a cheat, and providing for the punishment of the same. Read first and second time, and referred to Judiciary Committee.

RESOLUTIONS.

By Mr. Teter :

Resolved, That the "Postmaster" shall keep his office open during the following hours, to-wit: From 7½ A. M. till 12 M. From 2 P. M. till 4 P. M. From 6½ P. M. till 9 P. M. On Sabbath from 8 till 10 A. M., and from 2 till 4 P. M.

Mr. Redfield moved to strike out the words "from 6½ till 9 P. M." Lost.

Mr. McCrary of Lee moved to amend by making the hours from 2 till 4 P. M. on Sunday. Lost.

Mr. Woodward moved to strike out the words "2 till 4 P. M.," and insert "1 till 5." Carried.

Mr. Neal moved to strike out "5" and insert "6." Lost.

The Resolution as amended was adopted.

REPORTS OF COMMITTEES.

Mr. Bowen, from Special Committee, submitted the following report :

MR. PRESIDENT:—The Select Committee, to whom was referred Senate File No. 55: A Bill for an Act to authorize the Governor to appoint assistant Surgeons and nurses, &c., have directed me to report a Substitute and recommend its passage.

The Substitute for Senate File No. 55, was read a first and second time.

Mr. Watson moved to amend the first Section by adding "provided that such assistant Surgeon shall have a certificate of qualification from the State Board of Medical Examiners. Adopted.

The Substitute as amended was then adopted.

The Chair announced that there was a special order for this hour.

On motion of Mr. Ainsworth, the Special Order was postponed one week.

The following message was received from the House :

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

Resolved by the House of Representatives, the Senate concurring, that it shall be the duty of the Post Master of the General Assembly to keep his Post Office open for the delivery of mail matter each day during the remainder of the Session, from 8 o'clock, A. M., to 12 o'clock, M.; and from 1 o'clock, P. M., to 5 o'clock, P. M.; and from 7 o'clock to 9 o'clock in the evening; and that he be also required to have the mails brought to the Capitol, if practica-

ble, on the same day of their arrival at the Post Office in Des Moines.

CHAS. ALDRICH, Chief Clerk.

On motion of Mr. Teter, the 11th Rule was suspended and the Bill read third time.

And on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Green, Gue, Hagens, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—37.

The nays were, none.

Absent or not voting, Senators Angle, Duncombe, Gray and Hammer.

The Bill passed.

On motion of Mr. Hagens, the title was amended by adding the words "and the employment of nurses."

The title as thus amended was then agreed to.

Mr. Dysart, from Committee on County and Township Organization, submitted the following report:

The Committee on Township and County Organization, to whom was referred a petition of Andrew Johnston and four other members of the Board of Supervisors of Ringgold County, praying the Legislature at this session to abolish the Supervisor System, and in lieu restore the County Judges, or create a Board of Commissioners, have considered the same and directed me to report their conclusion.

The Committee are divided in opinion on the merits of the system and its adaptation to the condition of the people of Iowa, but all agree that it would be impolitic to abandon it without a fair trial. In many counties, during the year just past, the Supervisors managed the financial affairs thereof much more judiciously and economically than any of the judges who preceded them. It is equally true that in others, the cost of the county government greatly exceeded that of former years. Whether the system or the civil war now wasting our country should be charged with these extraordinary expenses, is not well settled. The large sums in many counties, voted under patriotic impulses to fit out military companies and to support the suffering families of soldiers evidently contributed much to increase their proportions. Until then it has been satisfactorily demonstrated that the system will not operate as well in Iowa as in adjoining States, where it has been in favor for many years. The Committee think it should not be abolished, and therefore recommend that the petition be laid on the table.

J. DYSART, Chairman.

Mr. Redfield moved the report be adopted.

The yeas and nays were called for, and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Foote, Green, Gue, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Leake, Lewis, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—26.

The nays were, Senators Dungan, English, Hagans, Hesser, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Udell and Williams—11.

Absent or not voting, Senators Angle, Duncombe, Gray and Hammer.

Report adopted.

On motion of Mr. Dysart the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, February 6, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Childs.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. McCrary of Van Buren: A petition of Joel Walker and 83 other citizens of Van Buren county, that the State will protect the title to the lands in the Des Moines River Valley conveyed by it, and for other purposes. Referred to Committee on Des Moines River Land Grant.

By Mr. Burdick: A memorial of T. W. Burdick, Recorder of Winnesheik county, in relation to money due the State from said County. Referred to committee on Ways and Means.

By Mr. Dungan: Memorial from A. C. Cameron of the Sixth Regiment Iowa Volunteers, in relation to the wants of the troops. Referred to the Committee on Military Affairs.

By Mr. Watson: A petition of 149 citizens of Iowa county, to make the Prohibitory Liquor Law more stringent. Referred to Special Committee on Prohibitory Liquor Law.

By Mr. Ainsworth: Petition of 119 citizens of Fayette county, for the repeal of the Prohibitory Liquor Law. Referred to Special Committee on License Law.

Also, a petition of citizens of Bremer county, for the creation of a new Judicial District. Referred to Special Committee on Judicial Districts.

Also, a petition of 64 citizens of Fayette county, for the repeal of the Prohibitory Liquor Law. Referred to special Committee on License Law.

INTRODUCTION OF BILLS.

By Mr. Leake: A Bill for an Act to authorize Boards of Supervisors to divide townships into election precincts in certain cases. Read first and second time by title, and ordered to be engrossed and read third time to-morrow.

Mr. Hatch asked leave of absence until Monday for Mr. Redfield, which was granted.

Mr. Trumbull introduced a Bill for an Act to provide for the investment of the Permanent School Fund, and for raising revenue. Read first and second time and referred to Committee on Ways and Means.

By Mr. Dysart: A Bill for an Act to authorize Boards of Supervisors to provide a Seal. Read first and second time and referred to Committee on County and Township Organization.

Mr. Holmes moved to suspend the regular order and take from the table Senate file No. 63: An Act for the assessment, levy and collection of the quota of this State of the Tax laid on the United States by the Act of Congress approved August 5th, 1861. Carried.

Mr. Kent from the Committee on Engrossed Bills submitted the following Report:

The Committee on Engrossed Bills would respectfully report that they have examined Senate Files Nos. 60, 71 and 79, and find them correctly engrossed.

J. M. KENT, Chairman.

Mr. Shaffer submitted the following Reports:

MR. PRESIDENT:—The Committee on Enrolled Bills of the Senate presented to His Excellency, the Governor, the following Bills for his signature, on Tuesday, February 4th, viz:

Senate File No. 43: An Act for the preservation of Trout in the waters of this State.

House File No. 28: An Act to change the time of holding Court in the Eighth Judicial District of the State of Iowa.

J. M. SHAFFER, Chairman.

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly report that they have examined the following Bills and find the same correctly enrolled:

Senate File No. 13: An Act to authorize the Deputy Clerk of the District Court to act instead of his principal, in certain cases, and to legalize certain acts heretofore done.

Senate File No. 14: A Joint Resolution relating to the sickness and distress of the Iowa Volunteers, &c.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Ainsworth from Committee on Elections reported back Sen-

ate File No. 74, and recommended its indefinite postponement. Report concurred in.

Mr. Gue moved that the Senate go into Committee of the Whole for the consideration of the Bill before the Senate. Lost.

Senate File No. 63 was then read by sections.

On motion of Mr. Ainsworth the word "some" in 3d section was stricken out, and "each" inserted; also, "one" stricken out and "any" inserted.

On motion of Mr. Holmes the words "as a Federal tax," were inserted in 3d section, 4th line. Also, the words "as shown by the tax books of 1861," in 5th line.

On motion of Mr. Ainsworth the words "not collected and paid over by him," were inserted after the word "County" in 8th line.

Mr. Brown offered the following as section 4 of the Bill: "And the Treasurer of each county in this State shall execute an additional Bond with sureties to be approved by the Clerk of the District Court, County Judge and Sheriff, in the sum of \$10,000, conditioned for the faithful performance of the duty hereby required of such Treasurer.

On motion of Mr. Dixon the words "of \$10,000" were stricken out and the following inserted: "equal to double the amount of State Tax on his tax books for 1861, said Bond to be given on or before the first day of April next."

The section as amended was then adopted.

On motion of Mr. Holmes the 3d line of section 5th was amended by inserting the word "other" after "on," and striking out all after the word "taxes."

On motion of Mr. Leake section 6 was amended by striking out the words "in pursuance of law," in the last line.

On motion of Mr. Ainsworth the words "by the Boards of Supervisors" was stricken out of the same line.

On motion of Mr. Dungan the word "also" in section 8 was stricken out, and "each" inserted.

Mr. Holmes offered the following Substitute for section 10:

The fund created by and arising from the tax hereby imposed shall be used and applied as follows:

FIRST—To the payment of any balance that may be due the Government of the United States, after applying the amount of the said adjusted claims against said Government as above provided.

SECOND—To the redemption of Auditor's Warrants not otherwise redeemed, issued and that may be issued on the War and Defense Fund.

Mr. English moved to strike out section 10.

Mr. Ainsworth moved to amend Mr. Holmes' Substitute by striking out the last clause.

Mr. Ainsworth moved that the further consideration of the Bill be postponed until to-morrow at 2 o'clock P. M.

On motion of Mr. McPherson the Senate took a recess until 2 P. M.

AFTERNOON SESSION.

Senate called to order at 2 o'clock, P. M.

The President announced that the question before the Senate was the motion of Mr. Ainsworth to postpone the Bill until to-morrow at 2 o'clock, P. M., and on this question the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Duncombe, Dysart, English, Green, Hesser, Jennings, Leake, Teter, Trumbull, Udell, Watson, Williams and Woodward—14.

The nays were, Senators Boardman, Bowen, Burdick, Dixon, Gue, Hagans, Hastings, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Smith and Woolson—19.

Absent or not voting, Senators Angle, Brown, Gray, Hammer, Hatch, Kent and Redfield.

The motion was lost.

Mr. Holmes, by leave, withdrew his substitute for Sec. 10.

On motion of Mr. Foote, section ten was amended by striking out the words "Four hundred and fifty thousand dollars," and inserting the words, "the amount of the fund created by this Act," and striking out of the second line the words, "out of the Fund created by the tax hereby imposed."

On motion of Mr. Dungan, the words, "the equalization of the valuations of," in the first line of Section 11, were stricken out, and the words, "determining the rate of State Tax for," inserted.

On motion of Mr. Holmes, the following words were added to sec. 11 : "And the Boards of Supervisors, or the Clerks of the Boards of Supervisors, of the several Counties shall, at the time of levying other taxes levy the per centum stated in such notice as a Federal Tax for such year."

On motion of Mr. Udell, the following words were added to section 8 : "The Treasurer of State shall give an additional bond in the sum of \$50,000 to be approved and filed as provided in sections 560 and 563, of Chapter 36 of the Revision of 1860, on or before the first day of April, 1862.

On motion of Mr. Woolson, the following words were added to section 8 : "And in case any Treasurer shall neglect to give such bond on or before the first day of April, his office may be declared vacant by the Board of Supervisors, at their June meeting, and they may appoint a successor who shall qualify by giving bond and taking the oath in the same manner as the like officers elected."

On the question shall the Bill be engrossed and read a third time to-morrow, Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Gue, Hagens, Hatch, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Dysart, English, Green, Hastings and Jennings—7.

Absent or not voting, Senators Angle, Brown, Duncombe, Gray, Hammer, Hesser, Neal, Redfield, Trumbull, and Williams—10.

So the Bill was ordered to be engrossed and 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 Bill: House File No. 99: A Bill for an Act legalizing certain acts of Louis Case, a Notary Public in and for Bremer County, Iowa, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

Mr. Burdick submitted the following report :

MR. PRESIDENT:—Your Committee on Public Lands, to whom was referred Senate File No. 81: A Bill for an Act to authorize the Governor to appoint Agents in regard to swamp lands, have directed me to report that they deem the legislation indicated in the Bill necessary, but deeming the measure one of general interest, they would report the Bill back with the following amendments, and recommend that it lie on the table, and the usual number of copies be printed :

FIRST—Amend the 11th section by inserting in first line, after the word "appointed," the words "by the Board of Supervisors."

SECOND—Between sections 11 and 12, insert sec. 12: "The agents appointed by the Governor, under the provisions of this Act, shall receive, as a full compensation for the services rendered by virtue of said appointment, the sum of four dollars per day including expenses, which said compensation shall be paid by the State; but the amount so paid shall be divided pro rata among the several counties, according to the amount in value of the money and lands secured to such county by the provisions of this Act, the lands to be valued at \$1.25 per acre, and the amount so found due, by each county to the State, shall be paid before such county shall receive its share of the money and lands, which may be obtained under the provisions of this Act.

THIRD—The number of Sections 12 and 12 shall be changed to 13 and 14.

All of which is respectfully submitted.

M. V. BURDICK, Chairman.

On motion of Mr. McPherson, the Bill with amendments, was laid on the table, and ordered to be printed.

Mr. Teter submitted the following report :

Your Committee on Charitable Institutions, having had under

consideration the propriety of completing the west wing of the Iowa Hospital for the Insane, have instructed me to report the following Bill, and recommend its passage :

The Bill entitled "An Act making appropriations further for the Hospital for the Insane," was read a first and second time, and on motion of Mr. McPherson, was laid on the table.

Mr. Smith submitted the following report :

The Special Committee, to whom was referred Senate File No. 62: An Act supplementary to an Act entitled an Act for the suppression of Intemperance, passed January 22, 1855, and the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of Intemperance, passed Jan. 28, 1857," report the same back to the Senate and recommend its passage.

S. G. SMITH, Chairman.

The Bill, Senate File No. 62, was read first and second time and ordered to be engrossed and read a third time to-morrow.

Mr. Woodward submitted the following reports, which were concurred in :

MR. PRESIDENT:—The Committee on Judiciary have instructed me to make the following report upon a Bill for an Act to secure part of the judgment against James D. Eads and sureties, and for partial relief of said sureties :

They report a Substitute and recommend its passage. Upon the subject of this Bill, your Committee would add that they believe it prudent for the State sometimes to manage its affairs as private interest would dictate to an individual standing in a similar position, and that that mode of concluding an arrangement, called a compromise, may be as advisable and as necessary on the part of the State as of a single person. Your Committee are convinced that if this debt is pressed by executions, levies and the machinery of the law, little or none of it will be realized. Although the bond upon which the judgment was rendered, may have been, originally, entirely available, and although there is a large number of persons embraced in the judgment, yet we are persuaded that the \$29,000 00 in default cannot now be made from them.

Some years have passed since the bond was executed, and in those years is that of 1857 and the disastrous financial sequences of that period, much of the property and means of the obligors, our debtors, consisted in real estate, and much of this in unimproved lands, the depreciation and the impossibility of selling which, all are cognizant of. But, further, we are not to doubt that these men like others when they saw the storm-cloud of ruin coming upon them and their families, may have made provision therefor. However we may blame this course, the result and the effect on the possibility of collecting a debt by law, remain the same, and whatever may, in fact, have been done in this respect, we find that

probably not a man who signed the bond of Eads, has anything beside the homestead, which the law allows and protects.

Although they cannot pay thousands, and though the State may not be able to compel, even hundreds; yet in order to take away the impending weight of a threatening judgment, they will exert themselves and find the means to pay a few hundred.

Though there are above forty names upon the bond and in the judgment; yet we are informed, upon good evidence, that among them there is not one who is now solvent.

Exercising, therefore, that judgment which prudent men apply to their own similar affairs, and considering it better to obtain a part, even though it be a small part, the Committee concur in recommending the measure suggested in the Bill, by which we hope to obtain about one-third of the debt.

The Committee is sustained in these views by the representations and mature opinion of the counsel, who prosecuted the claim in behalf of the Government, and they also refer to the affidavits annexed.

W. G. WOODWARD, Ch'n, L. L. AINSWORTH, GEORGE W. McCURARY, M. L. McPHERSON, M. V. BURDICK, JOHN D. JENNINGS.	}	Committee.
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STATE OF IOWA, }
 POLK COUNTY. }

I, Thomas G. Stephenson, on oath say that I reside in Lee Co., and have resided there over twenty years. I know personally a majority of the Eads securities which are named in the Bill pending before the Senate, for their partial relief, and I have reliable information as to them all, and from my information concerning their pecuniary condition, I am satisfied that it is for the interest of the State to pass the Bill referred to, providing that each of said sureties shall pay \$200, and be thereupon released. I have made no personal examination of the records, but from my personal acquaintance with the said sureties and from their reputation for solvency, I have no hesitation in saying that I believe the State will realize more money by compromising on the terms proposed, than by attempting to collect by execution.

THOS. G. STEPHENSON.

Subscribed and sworn to by Thomas G. Stephenson, before me, this 5th day of February, 1862.

LEWIS KINSEY,
 Clerk of Supreme Court.

STATE OF IOWA, }
 POLK COUNTY. }

I, Godfrey Eichorn, being sworn, make the following statement under oath :

I have resided in Lee County for some twenty-three years. I know personally a large number of the sureties of Jas. D. Eads, on the last bond, which is named in the Senate Bill for their partial relief, &c., and I know nearly all the balance by reputation. From my knowledge of these sureties and from information which I deem perfectly reliable, I am well satisfied that little or nothing can be made by execution, while many of them would in my opinion pay the \$200, as provided for by said Bill, in order to be released. I think the State will make more money by the compromise than by attempting to collect by execution.

GODFREY EICHORN.

Subscribed and sworn to by Godfrey Eichorn, before me, this 5th day of February, 1862.

LEWIS KINSEY,
 Clerk of the Supreme Court.

STATE OF IOWA, }
 POLK COUNTY. }

I, F. Hesser, being duly sworn make the following statement :

I am a citizen of Lee county, Iowa, and have resided there for some fifteen years. I am personally acquainted with nearly all of the securities on the third official bond of James D. Eads, against whom judgment has been rendered. While very few of said securities own property, out of which any money can be made by execution, it is my opinion that most of them would pay, or secure, the sum of two hundred dollars, if they could be thereby released.

It is my opinion from my knowledge of the parties and their condition, that more money will be realized by the State if the Bill now before the Senate were passed, and each of said securities comply with it, than if the attempt were made to collect by execution. I make this statement at the request of the Senate Committee on Judiciary.

FRANK HESSER.

Subscribed and sworn to by Frank Hesser before me this Fifth day of February, 1862.

LEWIS KINSEY, Clerk S. C.

MR. PRESIDENT :—The Judiciary Committee instruct me to make the following report :

FIRST—Upon a resolution concerning surveying land and the

payment of the expense. They recommend an indefinite postponement. Concurred in.

SECOND—Senate File No. 38: A Bill for an Act to limit the number of terms of office for which the Sheriff and Recorder may be elected. The Committee does not think any further provision of law is necessary.

THIRD—In reference to a resolution concerning the exemption of property provided in Section 3308. That no change is required at present.

FOURTH—Senate File No. 66: A Bill to amend Section 4723, allowing defendants in criminal cases time to prepare for trial. That they recommend a provision to be embraced in the Bill of amendments.

FIFTH—Upon Senate File No. 67: A Bill for a change of venue from the Supreme Court. That the same be indefinitely postponed.

SIXTH—Upon a resolution on an amendment of Section 4246 in reference to receiving stolen goods. That the change will be recommended in the Bill of amendments.

SEVENTH—That the resolution of Board of Supervisors of Clinton county in reference to the tax list, be referred to the Committee on Ways and Means. So referred.

EIGHTH—Upon the resolution concerning the amendment of Section 1568 in the penal clause. That the same be referred to the Special Committee on the Prohibitory Liquor Law, of which the gentleman from Jasper is chairman. So referred.

NINTH—Senate File No. 82: Bill to punish disturbers of schools and literary meetings. That an amendment of broader extent will be recommended in the Bill for amendments.

W. G. WOODWARD, Chairman.

The Substitute for Senate File No. 63: A Bill in relation to securing a part of the judgment in favor of the School Fund and against James D. Eads and sureties, and for partial relief of said sureties, was read first and second time.

On motion of Mr. McCrary of Lee, the blank in the rate of interest was filled with "ten."

Mr. Woolson moved to recommit with instructions to amend so that on the payment of \$9,800, the sureties should be released. Lost.

The Substitute was then adopted, and ordered to be engrossed and read a third time to-morrow.

Mr. McCrary of Lee, submitted the following report:

Your Committee on Military Affairs to whom was referred resolution instructing said Committee to inquire into the expediency of authorizing the Governor to pay out of the contingent fund from time to time such an amount as may be necessary to defray the expenses of the Iowa Army Sanitary Commission in their efforts to relieve our sick and wounded soldiers, have had the same under

consideration and have instructed me to report that, in the opinion of your Committee, a sum of money ought to be set apart by this General Assembly for the general object specified in the resolution, but your Committee are of opinion that it should be left to the discretion of the Governor to determine as to the manner of its expenditure, and as to the person, society or association to whom it should be paid. Your Committee accordingly report the accompanying Bill and recommend its passage.

G. W. McCrARY, Chairman.

The Bill entitled an Act to appropriate money for the relief of sick and wounded soldiers among the Iowa Volunteers, was read a first and second time.

Mr. Bowen moved to insert after the word "sums" the words "to aid the Army Sanitary Commission of the State of Iowa." Lost.

Mr. Dixon moved to strike out "\$3,000" and insert "\$5,000." Lost.

On motion of Mr. Leake the 11th rule was suspended and the Bill read a third time.

On the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—34.

The nays were, none.

Absent or not voting, Senators Angle, Gray, Hammer, Neal, and Redfield.

Bill passed and title agreed to.

Mr. McCrary of Lee, submitted the following report:

Your Committee on Military Affairs to whom was referred the petition of the Company Commissioned officers of the 12th Iowa Regiment, asking to be paid for time spent by them in recruiting their respective companies, have had the same under consideration and have directed me to report, that in the opinion of the Committee, the prayer of said petition should not be granted, and your Committee recommend that the said petition be indefinitely postponed.

G. W. McCrARY, Chairman.

Mr. Ainsworth moved to amend by striking out the words "laid on the table" and insert "indefinitely postponed," which was carried and the report as amended was concurred in.

The President laid before the Senate the following communication:

OFFICE OF SECRETARY OF BOARD OF EDUCATION, }
 DES MOINES, IOWA, February 6, 1862. }

Lieutenant-Governor J. R. NEEDHAM,

President of the Senate:

SIR:—I hand you herewith a Special Report to the General Assembly, relative to the investment of the School Fund, and suggesting certain amendments to the School Law.

I am very respectfully, your obedient servant,
 THOMAS H. BENTON, JR.,
 Secretary of the Board of Education.

The communication and report were laid on the table and ordered to be printed.

Also, a communication from the Secretary of the Iowa State Agricultural College and Farm, accompanied with the Third Annual Report of the Trustees of said College and Farm.

On motion of Mr. McPherson, the report was referred to the Committee on Agriculture.

Mr. McPherson offered a Concurrent Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the passage of a law punishing with death all persons who are found guilty of fraud in the performance of army contracts; which was read a first and second time.

Mr. Watson moved to strike out the word "death" and insert "imprisonment."

Mr. Watson called for the yeas and nays, which were as follows:

The yeas were, Senators Bowen, Burdick, Gue, Watson, Williams—5.

The nays were, Senators Ainsworth, Boardman, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Woodward and Woolson—30.

Absent or not voting, Senators Angle, Brown, Gray, Hammer, Neal and Redfield.

The motion was lost.

The question now being on the adoption of the resolution, the vote was taken as follows:

The yeas were, Senators Ainsworth, Boardman, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Woodward, and Woolson—31.

The nays were, Senators Bowen, Burdick, Watson and Williams—4.

Absent or not voting, Senators Angle, Brown, Gray, Hammer, Neal and Redfield.

The resolution was adopted.

On motion of Mr. Dungan, the vote on Senate File No. 63 was reconsidered, and the Bill recommitted to the Special Committee, of which Mr. Smith is Chairman.

On motion of Mr. Holmes, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, February 7, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Childs.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Ainsworth: A petition of 93 citizens of Fayette County, for the repeal of the Prohibitory Liquor Law. Referred to Special Committee on License Law.

By Mr. Bowen: A memorial from Wm. B. Allison, in regard to certain claims before the Auditing Committee. Referred to Committee on Military Affairs.

The President being unwell, called Senator Bowen to the Chair.

Mr. Jennings offered a petition of the Board of Supervisors of Dubuque County, for amendments to the Supervisor Law. Referred to the Committee on Township and County Organization.

INTRODUCTION OF BILLS.

By Mr. Duncombe: Senate File No. 92: A Bill for an Act authorizing the County Treasurer of Webster County to apportion certain taxes. Read a first and second time and referred to Judiciary Committee.

By Mr. McCrary of Lee: Senate File No. 93: A Bill for an Act to amend Section 432, of the Revision of 1860. Read a first and second time and referred to the Judiciary Committee.

RESOLUTIONS.

By Mr. Foote:

Resolved, That on and after this day, the Senate hold two sessions per day, commencing at 9 o'clock, A. M., and 2 o'clock, P. M., each day.

Mr. Ainsworth moved to strike out "2" and insert "1 o'clock."

Mr. Neal moved to lay the resolution on the table; and Mr. Gue calling for the yeas and nays, the vote was taken with the following result:

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Green, Hagans, Hatch, Hesser, Jennings, Kent, McCrary of Lee, Neal, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Williams and Woodward—24.

The nays were, Senators Brown, Foote, Gue, Hastings, Holmes, Hurley, Leake, Lewis, McCrary of Van Buren, McPherson and Woolson—11.

Absent or not voting, Senators Angle, Bowen, Gray, Hammer, Redfield and Watson.

The resolution was laid on the table.

Mr. Dysart offered the following resolution:

Resolved, That the Clerks of the Senate be furnished with the same number of copies of daily or their equivalent in weekly newspapers, now allowed members of the Senate.

On motion of Mr. Leake, the resolution was laid on the table.

Mr. McPherson offered the following resolution:

Resolved by the Senate, the House of Representatives concurring, That our Senators be instructed, and our Representatives be requested, to vote for and use their influence to procure the passage of a law reducing the pay of army officers at least 20 per cent upon what they are now allowed.

Mr. Neal moved to strike out "20" and insert "25;" and the yeas and nays being called, the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Brown, Dixon, Duncombe, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Kent, Lewis, McCrary of Van Buren, Neal, Shaffer, Smith, Teter, Watson and Williams—23.

The nays were, Senators Burdick, Dungan, Dysart, Jennings, Leake, McCrary of Lee, McPherson, Pattison, Trumbull, Udell and Woodward—11.

Absent or not voting, Senators Angle, Bowen, Gray, Hammer, Holmes and Woolson.

The motion prevailed.

Mr. Teter moved to refer the resolution to the Committee on Military Affairs, and called for the yeas and nays, which were as follows:

The yeas were, Senators Gue, Kent, Leake, McCrary of Van

Buren, Shaffer, Smith, Teter, Udell, Watson and Woodward—10.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Trumbull, Williams and Woolson—25.

Absent or not voting, Senators Angle, Bowen, Dixon, Gray, Hammer and Redfield.

The motion was lost.

Mr. McCrary of Lee moved to amend by inserting after "officers," the words, "except company officers."

Mr. Neal moved to amend the amendment by inserting the words "non-commissioned" after "except."

Mr. Dixon called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McPherson, Neal, Smith, Teter, Trumbull, Watson and Williams—23.

The nays were, Senators Boardman, Burdick, Dixon, English, Jennings, McCrary of Lee, McCrary of Van Buren, Pattison, Shaffer, Udell and Woodward—11.

Absent or not voting, Senators Angle, Bowen, Brown, Gray, Hammer, Redfield and Woolson.

The amendment prevailed.

Mr. Gue offered the following substitute :

Resolved by the Senate, the House concurring, That our Senators in Congress be instructed, and our Representatives requested to use their influence to secure the passage of a Bill providing that the salaries of all commissioned officers in the army be reduced 25 per cent., and the amount thus saved be added to the pay of non-commissioned officers and privates.

Upon which Mr. Gue demanded the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman Brown, Burdick, Dixon, Dysart, Gue, Hagans, Kent, Lewis, Neal, Teter, Udell and Watson—14.

The nays were, Senators Duncombe, Dungan, English, Green, Hastings, Hesser, Holmes, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Trumbull, Williams, Woodward and Woolson—18.

Absent or not voting, Senators Angle, Bowen, Foote, Gray, Hammer, Hatch, Hurley, Redfield and Smith—8.

The substitute was lost.

Mr. Udell moved to include Army Surgeons in the exception.

Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Brown, Dixon, Gue, Leake, Udell and Woodward—6.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hastings, Hesser, Holmes, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Teter, Trumbull, Watson, Williams and Woolson—27.

Absent or not voting, Senators Angle, Bowen, Hammer, Hatch, Hurley, Redfield and Smith—7.

The motion was lost.

Mr. Brown moved to lay the whole subject on the table.

On which motion, Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Brown, Burdick, Leake, McCrary of Lee, Pattison, Shaffer, Trumbull, Udell and Woodward—10.

The nays were, Senators Ainsworth, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hastings, Hesser, Holmes, Jennings, Kent, Lewis, McCrary of Van Buren, McPherson, Neal, Teter, Watson, Williams and Woolson—23.

Absent or not voting, Senators Angle, Bowen, Gray, Hammer, Hatch, Hurley, Redfield and Smith—8.

The motion was lost.

The question now being on the amendment of Mr. McCrary, it was adopted.

The question now being on the adoption of the resolution, as amended, Mr. Jennings called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Brown, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Teter, Watson and Williams—24.

The nays were, Senators Ainsworth, Burdick, Dixon, Jennings, Pattison, Shaffer, Trumbull, Udell, Woodward and Woolson—10.

Absent or not voting, Senators Angle, Bowen, Gray, Hammer, Hurley, Redfield and Smith.

The resolution was adopted.

Mr. Watson wished to enter his protest against a preference being shown for the resolution of one Senator over that of another, as was done in this case.

Mr. McCrary, of Van Buren, offered the following resolution :

Resolved, That the Senate proceed to the careful consideration of subjects of the most pressing necessity to the State and lay aside all unnecessary business, and adjourn as speedily as possible.

Mr. Leake offered the following Substitute :

Be it resolved by the Senate, the House of Representatives concurring, That the General Assembly will adjourn on or before Wednesday, March 5th, 1862.

Mr. Woolson moved to strike out March 5th, and insert February 26th.

On motion of Mr. Dixon, the whole subject was laid on the table.

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

Resolved, That the Senate hereafter, till otherwise ordered, will hold two sessions a day to commence at 10 o'clock, A. M., and 2 o'clock, P. M.

On motion of Mr. English, the Senate adjourned.

AFTERNOON SESSION.

Senate was called to order at 2, P. M.

Mr. Ainsworth moved a call of the Senate. Carried.

The Secretary called the roll, and the following Senators were found to be absent :

Senators Duncombe, Hatch, Hastings, Hurley, Jennings, Kent, McCrary of Lee, Neal, Trumbull and Williams.

Mr. Woodward moved that further proceedings under the call be dispensed with. Carried.

Mr. Woodward moved that the Senate adjourn.

Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Green, Hagans, Hesser, Holmes, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Udell and Woodward—18.

The nays were, Senators Ainsworth, Brown, Dysart, Foote, Green, Smith, Teter, Watson and Woolson—9.

Absent or not voting, Senators Angle, English, Gray, Hammer, Hatch, Hastings, Hurley, Jennings, Kent, Neal, Redfield, Trumbull and Williams.

The Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, February 8, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Nash.

Journal of yesterday read and approved.

Mr. Angle, from Committee on Credentials, reported that the Committee had examined the Credentials of James Pollard, and found that he was entitled to a seat in the Senate.

Mr. Pollard then took the usual oath of office.

PETITIONS AND MEMORIALS.

By Mr. Ainsworth: A petition of 72 citizens of Fayette County, for the repeal of the Prohibitory Liquor Law. Referred to the Special Committee on License Law, of which Mr. Boardman is Chairman.

By Mr. Bowen, from Committee on Claims: A petition of John Hornby for relief. Referred to the Committee on Military Affairs.

By Mr. Angle: A petition of citizens of Linn County, for a law to protect sheep from the ravages of dogs. Referred to the Committee on Agriculture.

By Mr. McCrary of Lee: A petition of citizens of Webster County, for a law to make the present Liquor Law more efficient. Referred to Special Committee, of which Mr. Teter is Chairman.

The following message was received from the House:

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

House File No. 88: A Bill for an Act relating to the incorporation of the Fayette Seminary, now known as the Upper Iowa University.

House File No. 110: A Joint Resolution for the amendment of Naturalization Laws.

House File No. 102: A Bill for an Act to legalize the Acts of certain persons therein named in the establishment of a certain State road.

I am also directed to return to the Senate the following Bills, the same having passed the House without amendment:

Senate File No. 41: A Bill for an Act to abolish the Board of Commissioners of the Insane Asylum.

Senate File No. 91: A Bill for an Act to appropriate money for the relief of sick and wounded soldiers among the Iowa Volunteers.

CHA'S. ALDRICH, Chief Clerk.

INTRODUCTION OF BILLS.

By Mr. Duncombe: Senate File No. 94: An Act to legalize the acts of J. D. Barkholder, Clerk of the District Court of Webster County. Read a first and second time and referred to the Judiciary Committee.

Also; Senate File No. 95: An Act to amend the Revision of 1860, in relation to appeals from the District to the Supreme Court and requiring the Clerk to publish a docket of the causes for trial

at each term of the Supreme Court. Read a first and second time and referred to Committee on Judiciary.

By Mr. Teter: Senate File No. 96: A Bill for an Act to amend the law in reference to the sale of intoxicating liquors. Read a first and second time, and on motion of Mr. Woodward it was laid on the table and ordered to be printed.

By Mr. Hesser: Senate File No. 97: A Bill for an Act to amend the Charter of the Town of Fort Madison. Read a first and second time and referred to Committee on Incorporations.

By Mr. Dixon: Senate File No. 98: An Act for the payment of Taxes and the interest and principal of the School Fund in Treasury notes issued by the authority of the United States. Bill read a first and second time.

Mr. Bowen moved to refer to the Committee on Ways and Means.

Mr. Dixon moved to amend by instructing the Committee to report on Monday morning.

The President announced that there was a Special Order for this hour.

Mr. Dixon moved to suspend the Special Order for half an hour. Lost.

On motion of Mr. McPherson, the Special Order was taken up, being a Joint Resolution in relation to the salaries of Judges of the Courts, to which Mr. Woolson had offered a Substitute providing for the reduction of the salaries of all State and County officers at least 20 per cent.

The question being on the Substitute, Mr. Dixon moved to strike out "20 per cent." Carried.

The Substitute as amended was then rejected.

Mr. Dixon moved to lay the resolution on the table.

The yeas and nays being called for, the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Foote, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Smith, Teter, Udell, Woodward and Woolson—22.

The nays were, Senators Duncombe, Dungan, Dysart, English, Green, Gue, Hagans, Hatch, Hastings, Hesser, Neal, Shaffer, Trumbull, Watson, Williams and Pollard—16.

Absent or not voting, Senators Gray, Hammer, Jennings and Redfield.

The resolution was laid on the table.

The question now being on the motion to refer Senate File 98, the Bill introduced by Mr. Dixon, to the Committee on Ways and Means with instructions to report Monday morning, the yeas and nays were called for and the vote resulted as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Foote, Green, Hastings, Hesser, Kent, Neal, Shaffer, Smith, Teter, Udell, Williams, Woolson and Pollard—17.

The nays were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Trumbull, Watson and Woodward—18.

Absent or not voting, Senators Angle, Gray, Hagans, Hammer, Jennings and Redfield.

The motion was lost.

On the question of referring the Bill to the Committee on Ways and Means, without instructions, Mr. Burdick called for the yeas and nays, which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison and Woodward—17.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Foote, Green, Gue, Hastings, Hesser, Jennings, Kent, Neal, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woolson and Pollard—22.

Absent or not voting, Senators Gray, Hammer and Redfield.

The motion was lost.

Mr. Dungan offered the following amendment to be inserted as Section 2, of the Bill:

“The County Treasurer, as above mentioned, shall also receive, in payment of such taxes and interest and principal of the School Fund, the notes issued by the several Branches of the State Bank of Iowa, provided that the Treasurers as aforesaid shall not be allowed to receive the notes of the said Branches of the State Bank, or any one of them, at any time after any one of said Branches shall have refused specie payment.”

Mr. Dixon calling for the yeas and nays, the vote was taken with the following result:

The yeas were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Teter and Woodward—19.

The nays were, Senators Ainsworth, Angle, Burdick, Dixon, Duncombe, English, Foote, Green, Hastings, Hesser, Jennings, Kent, Shaffer, Smith, Trumbull, Udell, Watson, Williams, Woolson and Pollard—20.

The amendment was lost.

Mr. Smith offered the following amendment: Add to the end of Section 4 the words, “*Provided further*, the provisions of this Act shall not apply to Ex-Treasurers who have not settled with the proper authorities as required by law.”

Mr. Teter moved to lay the Bill on the table and make it the Special Order for next Wednesday, at 2 o'clock.

The yeas and nays being called for, were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dun-

gan, Dysart, Gue, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Teter, Trumbull, Williams, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Foote, Green, Hastings, Hesser, Jennings, Kent, Smith, Udell, Watson and Pollard—15.

Absent or not voting, Senators Gray and Hammer.

The Bill was postponed.

Mr. Duncombe introduced Senate File No. 99: A Bill for an Act fixing the salaries of State officers, which was read first and second time and referred to the Judiciary Committee.

Mr. Brown introduced Senate File No. 100: A Bill for an Act to legalize the acts of Joseph T. Knapp, a Notary Public in and for Black Hawk County, which was read first and second time and on motion of Mr. Brown, the 11th Rule was suspended, the Bill read third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Woodward, Woolson and Pollard—35.

The nays were, Senators English and Williams—2.

Absent or not voting, were Senators Gray, Gue, Hammer and Watson.

The Bill was passed and the title agreed to.

Mr. Shaffer submitted the following report:

MR. PRESIDENT:—The Committee on Enrolled Bills of the Senate has presented to His Excellency, the Governor, the following Bills for his approval, February 6th, viz:

Senate File No. 13: An Act to authorize the Deputy Clerk of the District Court to act in stead of his principal in certain cases, and to legalize certain acts heretofore done.

Senate File No. 14: A Joint Resolution, relating to the sickness and distress of the Iowa Volunteers.

J. M. SHAFFER,
Chairman Senate Committée.

On motion of Mr. Woodward, the general order was amended by excepting Saturdays from the rule requiring two sessions of the Senate each day.

On motion of Mr. Kent, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, February 10, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Schæffer.

The journal of Saturday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Lewis: A petition of the Board of Supervisors of Washington County for a change in law of Township Organization. Referred to the Committee on Township and County Organization.

INTRODUCTION OF BILLS.

By Mr. Boardman: Senate File No. 101: An Act to prevent fraud in Warehousemen and others. Read first and second time and referred to Committee on Commerce.

By Mr. Burdick: Senate File No. 102: An Act to punish Forwarding and Commission Merchants, Warehousemen and others, with whom property is stored, for selling the same without authority from the owners. Read first and second time and referred to Committee on Commerce.

REPORTS OF COMMITTEES.

Mr. Woodward, from Judiciary Committee, submitted the following report which was adopted:

MR. PRESIDENT:—The Judiciary Committee have instructed me to make the following report:

1st. Upon Senate File No. 92: A Bill authorizing the County Treasurer of Webster County, to apportion certain taxes assessed on certain lands and town lots in said County.

They report the same back without amendment, and recommend its passage.

2d. On the petitions of sundry citizens, to relieve from taxation certain lands of the Protestant Episcopal Church.

They recommend that the same be referred to the Committee on Ways and Means.

W. G. WOODWARD, Chairman Com.

On motion of Mr. Duncembe, the 11th Rule was suspended and the Senate File No. 92: An Act authorizing County Treasurers of Webster County to apportion certain taxes assessed on certain lands and town lots in said County, was read third time and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon Duncombe, Dungan, Dysart, English,

Foote, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Smith, Teter, Trumbull, Watson, Williams, Woodward and Pollard—37.

The nays were, None.

Absent or not voting, Senators Gray, Redfield, Shaffer, Udell and Woolson.

Bill passed and its title was agreed to.

On request of Mr. Ainsworth leave of absence for one week was granted to Senator Gray.

On request of Mr. Foot leave of absence for one week was granted to Senators Shaffer and Woolson.

Mr. Pattison from Committee on Agriculture submitted the following report :

The Committee on Agriculture to whom was referred Senate File No. 58 : Being a Bill for an Act to amend Chapter 60 of the Revision of 1860, in relation to lost goods and estrays, have had the same under consideration, and have instructed me to report a Substitute for the same and recommend its passage.

A. M. PATTISON, Chairman.

Mr. Leake moved to lay the Bill and Substitute on the table.

Mr. Kent moved to amend by having the Bill and Substitute printed. Adopted.

The motion of Mr. Leake as amended was then lost.

On motion of Mr. Gue the Bill and Substitute were recommitted to the Committee on Agriculture.

Mr. Dysart from Committee on County and Township Organization submitted the following report which was adopted :

The Committee on County and Township Organization have considered the petition of J. B. Latta and others, asking certain changes in the Stray Law, which the Committee do not think would increase its efficiency if introduced, and therefore recommend the indefinite postponement of the petition.

The Committee report back Senate File No. 89 : A Bill for an Act to authorize Boards of Supervisors to procure a seal, and recommend its passage.

J. DYSART, Chairman.

Mr. Kent from Committee on Engrossed Bills submitted the following report which was adopted :

The Committee on Engrossed Btlls have instructed me to report that they have examined Senate Files Nos. 63, 83, and 87 and find them correctly Engrossed.

J. M. KENT, Chairman.

Mr. Smith from Special Committee submitted the following report :

The Special Committee to whom was referred Senate File No. 47 : A resolution of instruction as to the expediency of amending the penal clause of Section 1568 of the Revision of 1860, report that

the same will be more appropriately embodied in the Bill of amendments and will be there considered.

Senate File No. 62: A Bill making liquor sellers liable to civil damages arising from intoxication caused by them, report the same back and recommend its passage.

S. G. SMITH, Chairman.

On motion of Mr. McCrary of Lee the Bill was laid on the table and ordered to be printed.

On motion of Mr. Ainsworth House File No. 99: An Act to legalize certain acts of Lewis Case, Notary Public of Bremer county, was taken up, and read a first and second time, the 11th rule suspended and the Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—37.

The nays were, none.

Absent or not voting, Senators Gray, Gue, Redfield, Shaffer, and Woolson.

Bill passed and title agreed to.

On motion of Mr. Leake, report of the Judiciary Committee offered February 4th was taken up.

On motion of Mr. Woodward, that portion of the report relating to amendments to the Revision of 1860, was adopted.

Senate File No. 78: An Act to repeal an Act concerning the foreclosure of deeds of trust and mortgages.

On motion of Mr. Leake the Bill was referred to the Judiciary Committee, with instructions to report a Section allowing redemption upon sales under deeds of trust, and also that injunctions may be granted when defenses of usury or other defenses upon which a court would restrain the sale without requiring the amount admitted to be due to be tendered.

On request of Mr. Smith leave of absence was granted Senator Watson for one week.

On motion of Mr. McCrary of Lee, Senate Files Nos. 53, 75 and 77 were placed on file with other Bills.

Mr. McCrary of Lee moved that this afternoon at 2 o'clock, the regular file of Bills be taken up. Carried.

On motion of Mr. Ainsworth the Senate adjourned.

AFTERNOON SESSION.

Senate called to order at 2 o'clock, P. M.

Mr. Udell from Committee on Enrolled Bills submitted the following report:

The Joint Committee on Enrolled Bills have examined Senate Files Nos. 41 and 91 and find them correctly Enrolled.

UDELL, Chairman.

The President laid before the Senate a communication from the Secretary of State in relation to the statements of Railroad Companies filed in his office.

On motion of Mr. Dungan the communication was referred to the Committee on Railroads.

Senate File No. 6: An Act authorizing the reception of certain Auditor's Warrants in payment of taxes, was then taken up and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gue, Hagaus, Hatch, Hastings Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Smith, Trumbull, Udell, and Woodward—28.

The nays were, Senators Ainsworth, Angle, Duncombe, English, Green, Jennings and Williams—7.

Absent or not voting, Senators Hammer, Gray, Redfield, Shaffer, Teter, and Watson.

Bill passed and title agreed to.

Senate File No. 63: An Act to more effectually secure a part of the School Fund, and against James D. Eads, and his sureties, and partial relief of said sureties, was read a third time, and on the question shall the Bill pass?"

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Green, Hammer, Hatch, Hesser, Hurley, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Smith, Trumbull, Williams and Woodward—24.

The nays were, Senators Angle, Brown, Dysart, English, Foote, Gue, Hagaus, Hastings, Holmes, Kent, Lewis, and Pattison—12.

Absent or not voting, Senators Gray, Redfield, Shaffer, Teter, Udell, Watson and Woolson—7.

The Bill passed and the title was agreed to.

Senate File No. 70: A Bill providing for the recording of Officers' Bonds, was read a third time, and on the question, "Shall the Bill pass?"

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burkick, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagaus, Hammer, Hatch, Hastings, Hesser, Holmes,

Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Shaffer, Trumbull, Udell, Williams and Woodward—32.

The nays were, Senators Dixon, Neal and Smith—3.

Absent or not voting, Senators Gray, Redfield, Teter, Watson and Woolson—5.

The Bill passed and the title was agreed to.

Senate File No. 71 : A Bill for the protection of game, was read a third time, and on the question, " Shall the Bill pass ? "

The yeas were, Senators Bowen, Gue, Hatch, Holmes, Jennings, Kent, Leake, McCrary of Lee, McPherson, Pattison and Woodward—11.

The nays were, Senators Ainsworth, Angle, Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Hagans, Hammer, Hastings, Hesser, Hurley, Lewis, McCrary of Van Buren, Neal, Pollard, Smith, Trumbull, Udell, and Williams—25.

Absent or not voting, Senators Gray, Redfield, Shaffer, Teter, Watson and Woolson—25.

The Bill was lost.

Senate File No. 73 : An Act to define the manner of canvassing votes cast at Special Elections. Read a third time, and on the question, " Shall the Bill pass ? "

The yeas were, Senators Ainsworth, Angle, Bowen, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Williams and Woodward—30.

The nays were, Senators Boardman, Burdick and Holmes—3.

Absent or not voting, Brown, Dixon, Gray, Hammer, Neal, Watson and Woolson—7.

The Bill passed and the title was agreed to.

Mr. Pattison, by leave, introduced the following resolution :

Resolved, That the use of the Senate Chamber be granted to the Agricultural Club for a meeting this evening.

Senate File No. 83 : An Act for the assessment and collection of the quota of this State, of the tax levied on the United States by the Act of Congress, approved August 5th, 1861, was read a third time, and on the question, " Shall the Bill pass ? "

The yeas were, Senators Angle, Boardman, Bowen, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Watson and Woodward—27.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Green, Hammer, Jennings, Neal and Williams—10.

Absent or not voting, Senators Brown, Gray, Redfield, Shaffer and Woolson—5.

The Bill passed and the title was agreed to.

Senate File No. 87: An Act to authorize Boards of Supervisors to divide townships into election precincts in certain cases, was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—34.

The nays were, Senators Angle and English—2.

Absent or not voting, Senators Brown, Gray, Lewis, Redfield, Shaffer and Woolson.

Bill passed and its title agreed to.

On motion of Mr. Holmes, Senate File No. 61: An Act providing for taxing Railroads, was made the special order for Thursday, at 2 P. M.

On motion of Mr. Dysart, the Substitute for Senate File No. 10 was taken up, and, on motion of Mr. Woodward, was made the special order for to-morrow at 2 o'clock P. M.

House File No. 4: An Act to legalize the acts of J. W. Thompson, a Notary Public, was read a second time, and, on motion of Mr. Udell, the 11th rule was suspended, and the Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Williams and Woodward—33.

The nays were, Senators Ainsworth, English and Williams—3.

Absent or not voting, Messrs. Hammer, Gray, Redfield, Shaffer, Watson and Woolson.

The Bill passed and its title was agreed to.

On motion of Mr. Woodward, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, February 11, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Shaffer.

Journal of yesterday read and approved.

The following message from the House was received :

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

Substitute for House File No. 71: A Bill for an Act to amend Section 2193, Chapter 91 of the Revision of A. D. 1860.

Substitute for House File No. 2: A Bill for an Act to amend Section 2967 of the Revision of 1860, regulating Pleadings.

House File No. 160: Concurrent Resolutions instructing our Senators and Representatives in Congress to decrease the pay of commissioned officers in the Army, and the increase of the pay of the private soldier.

I am also directed to return Senate File No. 100: A Bill for an Act to legalize the acts of Joseph T. Knapp, Notary Public, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Udell from Committee on Enrolled Bills submitted the following Report:

The Committee on Enrolled Bills have presented to His Excellency, the Governor, for his approval, the following Acts :

Senate File No. 41;

Senate File No. 91.

Mr. Angle presented a memorial of the Cedar Rapids and Missouri River Railroad Company, which was referred to Committee on Railroads.

Mr. Duncombe presented a communication from S. J. Comfort, Clerk of Board of Supervisors of Crawford County. Referred to Committee on Township and County Organizations.

Mr. Pollard presented a petition from citizens of Davis County, praying that the State of Iowa assume the payment, by the State, of the portion of the Direct Tax apportioned to the people of this State. Laid on the table.

Mr. Jennings presented a petition from citizens of Dubuque County, in relation to School Fund. Referred to Committee on Ways and Means.

Mr. Redfield presented a remonstrance from citizens of Cass County, against changing the boundaries of said County. Referred to Committee on County Boundaries.

Mr. Redfield presented a petition from citizens of Dallas County, praying for the abolishing of the Board of Supervisors and estab-

lishing the Commissioner system. Referred to Committee on Township and County Organization.

Introduction of Bills being in order, Mr. Hatch introduced Senate File No. 103, being a Bill for an Act to regulate the taxation of costs in certain cases. Read and referred to Judiciary Committee.

Mr. Burdick introduced Senate File No. 104, being a Bill for an Act to amend Section 4147 of the Revision of 1860. Read and referred to Judiciary Committee.

Mr. Boardman introduced Senate file No. 105, being a Bill for an Act to amend an Act entitled "an Act to provide for the authentication, publication and distribution of the acts, rules and regulations of the Board of Education," passed December 19th, 1861. Read and referred to Committee on Schools and Universities.

Mr. Hagans introduced Senate File No. 106, being a Bill for an Act to set off the funds arising from the sale of the sections numbered (16) sixteen, to the townships in which they are situated, for the support of a system of Common Schools therein, and to provide for the management of said fund and the distribution of the interest arising thereon. Read and referred to Committee on Schools and Universities.

Mr. Ainsworth moved that through courtesy to Senator Hammer the 6th rule be suspended in his case, and the Senator be allowed to speak from his seat. Carried.

Mr. Udell moved to suspend the regular order and take up House File of Bills. Carried.

House File No. 8 was taken up and read a first and second time and referred to the Committee on Incorporations.

House File No. 6 was taken up.

Mr. Ainsworth moved to strike out the last Section. Carried. Read a first and second time and referred to the Committee on Incorporations.

House File No. 10 was taken up, read a first and second time and referred to Committee on Agriculture.

Substitute for House File No. 32. Read a first and second time, when Mr. Gue moved to suspend the rule so that the Bill be read a third time now. Carried. The Bill was read the third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Pattison, Smith, Teter, Trumbull, Udell, Williams and Woodward—35.

The yeas were, Senator Jennings—1.

Absent or not voting, Senators Gray, Redfield Shaffer, Watson and Woolson.

The Bill passed and the title was agreed to.

House File No. 68. Read a first and second time and referred to the Committee on Incorporations.

House File No. 73. Read a first and second time and referred to the Committee on Incorporations.

House File No. 82. Read a first and second time and referred to the Judiciary Committee.

House File No. 88. Read a first and second time, and upon motion of Mr. Ainsworth the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Smith, Teter, Trumbull, Udell and Woodward—36.

The nays were, none.

Absent or not voting, Senators Gray, Redfield, Shaffer, Watson, Williams and Woolson.

The Bill passed and the title was agreed to.

House File No. 96. Read a first and second time and referred to the Judiciary Committee.

House File No. 102. Read a first and second time and referred to the Committee on Internal Improvements.

House File No. 110: Concurrent Resolution. Read a first and second time and referred to the Committee on Federal Relations.

House File No. 112: Concurrent Resolution. Read a first and second time and referred to a Special Committee, of which Mr. Brown is Chairman.

House File No. 121. Read a first and second time, when Mr. Kent presented a Substitute, which was adopted.

Mr. Kent moved to suspend the rule that the Bill be put upon its third reading. Carried.

Mr. Ainsworth moved to reconsider the vote whereby the Senate voted to suspend the 11th Rule, which motion prevailed.

The motion to suspend the rule being withdrawn, Mr. Ainsworth moved to re-commit to Committee on Agriculture. Carried.

House File 130, read first and second time and referred to Committee on Ways and Means.

Substitute for House File 71, read first and second time and referred to Committee on Agriculture.

The following communication was received from the Auditor of State:

AUDITOR'S OFFICE, IOWA, }
February 10, 1862. }

To the Honorable Senate of the State of Iowa:

In response to the resolution of your body, passed February 1st, 1862, calling for "a statement of the amounts paid as expenses of the terms of the Supreme Court held at Davenport," the following is submitted, showing the amounts paid upon bill of expenses incurred on account of said terms from November 7th, 1859, to November 4th, 1861, as nearly as the same can be determined from the bills received at this office.

Respectfully,

J. W. CATTELL,
Auditor of State.

Referred to Judiciary Committee.

STATEMENT OF THE EXPENSES OF THE SUPREME COURT.

DATE.	TO WHOM PAID.	FOR WHAT PURPOSE.	AMOUNT.
Nov. 14, 1859	J. A. Crandall	Twenty-eight days as High Bailiff.....	\$ 56 00
Nov. 14, 1859	L. Kinsey	Per diem at Davenport.....	140 00
Nov. 14, 1859	George G. Wright....	Mileage to Davenport.....	34 00
Nov. 14, 1859	L. D. Stockton.....	Mileage to Davenport.....	18 00
Nov. 14, 1859	L. D. Stockton.....	Express Charges, postage, &c.	6 70
Nov. 14, 1859	Democrat and News ..	Newspapers	1 35
Nov. 14, 1859	Sanders & Bros	Newspapers	1 25
Nov. 14, 1859	Sanders & Bros	Advertising	9 00
Nov. 14, 1859	James Grant	Gas Bill, express charges, postage, fuel, etc	42 48
Nov. 14, 1859	U. S. Express Co.	Charges on box of papers.....	20 10
March 19, 1859	C. Baldwin	Mileage to Davenport.....	68 00
April 12, 1860	R. P. Lowe.....	Mileage to Davenport.....	28 00
May 1, 1860	Sanders Bros	Newspapers and advertising	12 00
May 1, 1860	Democrat and News..	Newspapers	1 80
May 1, 1860	L. Kinsey.....	Per diem.....	135 00
May 1, 1860	C. G. Plummer	Green paper	1 25
May 1, 1860	John Collins.....	Chairs	15 50
May 1, 1860	George Caruthers	Bailiff, \$12; preparing room, \$8	20 00
May 1, 1860	Jas. Thorington.....	Nineteen days as Bailiff.....	38 00
May 1, 1860	James Grant	Gas Bill, postage, freight, Librarian pay, &c	78 70

STATEMENT—CONTINUED.

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JOURNAL OF THE SENATE.

DATE.	TO WHOM PAID.	FOR WHAT PURPOSE.	AMOUNT.
May 1, 1860	George W. Ells.....	Gold pens and pen-holders.....	\$ 12 00
May 8, 1860	U. S. Express Co.....	Charges on box of papers.....	13 85
May 29, 1860	Davenport Gas Co.....	Gas bill.....	11 05
Sept. 3, 1860	C. Baldwin.....	Mileage.....	64 00
Nov. 5, 1860	George G. Wright.....	Mileage.....	36 00
Nov. 5, 1860	U. S. Express Co.....	Charges on box of papers.....	18 10
Nov. 5, 1860	James Thorington.....	Curtain, 40 cents; Bailiff twenty days.....	40 40
Nov. 5, 1860	R. P. Lowe.....	Mileage.....	31 00
Nov. 5, 1860	L. Kinsey.....	Per diem.....	120 00
Nov. 5, 1860	L. Kinsey.....	Express charges.....	3 00
Nov. 14, 1860	Sanders & Bro.,.....	Advertising.....	11 00
"	Jas. Grant.....	Bill for wood, freight, postage, gas bill, curtains, Librarian's pay, painting and glazing room, carpenter work, &c.,.....	222 15
"	Luse, Lane & Co.,.....	Record and Dillon's Digest.....	25 00
Dec. 10, 1860	G. W. Ells.....	Pen knives, gold pens and holders.....	15 50
Mar. 16, 1861	R. P. Lowe.....	Mileage, \$29; express charges, \$10.....	39 00
April 29, 1861	U. S. Express Co.,.....	Charges on box papers.....	15 75
May 7, 1861	Sanders & Bro.,.....	Advertising and newspapers.....	15 00
"	Geo. G. Wright.....	Mileage.....	37 00
"	L. Kinsey.....	Per diem.....	125 00
"	L. Kinsey.....	Express charges.....	5 00
"	Jas. Thorington,.....	Bailiff 23 days, and expenses \$1,00.....	47 00
May 13, 1861	C. Baldwin.....	Mileage.....	64 00
"	L. Kinsey.....	Express charges.....	2 25
"	Jas. Grant.....	Librarian's pay, postage, express charges, fuel, papers, &c.,...	101 95

October 4, 1861	R. P. Lowe,.....	Mileage,.....	29 00
"	R. P. Lowe,.....	Express charges,.....	5 00
Octob'r 29, 1861	L. Kinsey,.....	Per diem,.....	75 00
Nov'r. 2, 1861	Geo. G. Wright,.....	Mileage,.....	34 00
"	Geo. G. Wright,.....	Postage and express charges,.....	3 50
"	U. S. Express Co.,....	Charges on box papers,.....	14 95
		Expenses of Supreme Court Reporter under Sec. 121 of Rev.,	261 40
		Total,	<u>2,224 95</u>

The following was received from the Governor, through his private Secretary :

EXECUTIVE OFFICE, IOWA, }
February 11, 1862. }

Gentlemen of the Senate :

I have the honor to transmit for your consideration copies of a report and an account, received by me from James Hall, who has made the Geological Survey of this State so far as the same has been completed.

SAMUEL J. KIRKWOOD.

Referred to Committee on Agriculture.

On motion, the Senate File of Bills was taken up.

Senate File No. 6, was read and upon motion of Mr. Udell was indefinitely postponed.

Senate File No. 16, was read with amendments suggested by Committee.

Mr. Angle moved to amend the amendment of Committee in the second Section by striking out all before the second "if," in the third line. Carried.

The question being upon the adoption of the amendment, as amended, it was lost.

The second amendment proposed by the Committee, being the striking out of the word "that," in the second line of the second Section and insert "whether," was adopted.

On motion of Mr. Woodward, the third amendment of the Committee to the second Section was adopted.

On the motion to strike out "50 cents," and insert "25," the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Duncombe, Dysart, English, Green, Gue, Hagans, Hamner, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Van Buren, Pollard, Neal, Pattison, Teter, Trumbull, Udell and Williams—28.

The nays were, Senators Angle, Burdick, Dungan, Foote, Hesser, McCrary of Lee, McPherson, Smith and Woodward—9.

Absent or not voting, Senators Gray, Redfield, Shaffer, Watson and Woolson.

So the motion prevailed.

On the motion to strike out twenty-five cents and insert ten cents the yeas and nays were called and were as follows :

The yeas were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Smith, Teter, Trumbull, Udell and Williams—28.

The nays were, Senators Ainsworth, Angle, Boardman, Burdick, Foote, Hammer, Hesser, McCrary of Lee and Woodward—9.

Absent or not voting, Senators Gray, Redfield, Shaffer, Watson and Woolson.

So the motion prevailed.

Mr. Duncombe moved to indefinitely postpone, and upon this question the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Angle, Burdick, Duncombe, English, Green, Gue, Hammer, Hesser, Leake, McCrary of Lee, Neal, Pollard, Smith, Teter and Williams—15.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Lewis, McCrary of Van Buren, McPherson, Pattison, Trumbull, Udell and Woodward—22.

Absent or not voting, Senators Gray, Redfield, Shaffer, Watson and Woolson.

Motion to postpone was lost.

On motion, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

On motion of Holmes, the Bill under consideration upon adjournment, Senate File No. 16, was laid upon the table to take up the special order.

Mr. Woodward moved to go into Committee of the Whole for the consideration of Substitute for Senate File No. 10. Carried.

The Committee rose at half past four, P. M.

Mr. Holmes, Chairman, reported that the Committee have had under consideration a substitute for Senate File No. 10, being a Bill for an Act to confer civil and criminal jurisdiction on County Courts and have made some progress therein, and ask leave to sit again.

Report adopted.

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

Resolved, That the Auditor of State be required to report to the Senate whether any agent, appointed by the Governor, to examine the books, securities, &c., of the several School Fund Commissioners, according to Chapter 162 of the Acts of the Sixth General Assembly, collected or received any moneys belonging to the School Fund, or any of the State Revenue; and if so, by what authority. And whether the said moneys, so collected, (if any) have been paid over to the proper officers, and if such money has not been paid

over, what steps, (if any,) have been taken by the authorities of the State to obtain or secure such money.

NEAL, of Marion County.

On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, February 12, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Shaffer.

Minutes of yesterday read and approved.

The following message was received from the House :

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

House File No. 62: A Bill for an Act to amend Section 840, Chapter 46, of the Revision of 1860.

House File No. 104: A Bill for an Act to legalize certain taxes for School House purposes, in District No. 2, in the District Township of Huron, Des Moines County, Iowa.

I am directed to return Senate File No. 33: A Bill for an Act in relation to Jury Fees, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Udell, from Joint Committee on Enrolled Bills, submitted the following report :

The Joint Committee on Enrolled Bills, have examined Senate File No. 100, and House Files Nos. 4 and 99, and find them correctly enrolled.

PETITIONS.

By Mr. Lewis: In relation to conferring on County Judges Civil and Criminal Jurisdiction to a certain extent. Laid on table.

By Mr. Pollard: In reference to protecting sheep from the ravages of dogs. Referred to Committee on Agriculture.

INTRODUCTION OF BILLS.

By Mr. Angle: A Bill for an Act requiring Recorders of the several Counties of Iowa to procure and keep on file the Decrees and

Judgments of the United States District Court. Read and referred to the Judiciary Committee.

By Mr. Hatch: A Bill for an Act providing for the erection of an Arsenal building for the State of Iowa. Referred to Committee on Military Affairs.

By Mr. Jennings: A Bill for an Act in relation to levying executions. Referred the Judiciary Committee.

By Mr. Jennings: A Bill for an Act to authorize stockholders in a Branch of the State Bank of Iowa to file informations. Referred to the Committee on Banks and Banking.

REPORTS OF COMMITTEES.

Mr. Boardman, from Committee on Schools and Universities, reported back Senate File No. 105, being a Bill for an Act to amend an Act entitled An Act to provide for the authentication, publication and distribution of the acts, rules and regulations of the Board of Education, passed December 19th, 1861, and recommend its passage.

On motion of Mr. Boardman, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gne, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—38.

The nays were, none.

Absent or not voting, Senators Gray, Shaffer, Watson and Woolson.

The Bill passed and the title was agreed to.

Mr. Holmes, from Committee on Ways and Means, reported back Senate File No. 88: A Bill for an Act to provide for the investment of the Permanent School Fund, and for raising revenue, with a recommendation that it pass; but for the present, it be laid upon the table and be printed. Bill laid upon the table and the usual number of copies ordered printed.

Mr. McCrary of Van Buren, from the Committee on Internal Improvements, reported back House File No. 102 and recommended its passage; being a Bill for an Act to legalize the acts of certain persons therein named, in the establishment of a certain State road.

On motion of Mr. McCrary of Van Buren, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick,

Dixon, Dungan, Dysart, Foote, Green, Gue, Hatch, Hastings, Hesser, Holmes, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell and Woodward—28.

The nays were, Senators Ainsworth, Angle, English, Hagans, Hammer, Hurley, Jennings, Neal, and Williams—9.

Absent or not voting, Senators Duncombe, Gray, Shaffer, Watson and Woolson.

The Bill passed and the title was agreed to.

Senate took up general file of Bills:

Senate File No. 16: A Bill for an Act defining further duties for Recorder of Deeds, and his compensation. Read, and upon motion of Mr. McCrary of Lee, referred to Special Committee of three, of which Committee, Mr. McPherson shall be Chairman.

The Chair appointed as such Committee, Senators McPherson, Foote and Hammer.

The President announced that the time had arrived for taking up the Special Order, Substitute for Senate File No 9, being an Act to provide for the payment of taxes and the interest and principal of the School Fund, in Treasury Demand Notes, issued by the authority of the Government of the United States, and the notes issued by the several Branches of the State Bank of Iowa.

Mr. Foote moved to postpone the consideration one week.

Mr. Hammer moved to amend by making the Bill the Special Order for Friday, at 10 o'clock; and upon the amendment the yeas and nays were called, and were as follows:

The yeas were, Senators English, Hammer, Kent, McCrary of Lee, Neal, Smith, Trumbull, Williams and Woodward—9.

Senator Jennings excused.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Teter and Udell—29.

Absent or not voting, Senators Shaffer, Watson, and Woolson.

The amendment was lost.

The question now being upon the motion to postpone the consideration of the Bill one week, the yeas and were called, and were as follows:

The yeas were, Senators Ainsworth, Burdick, Duncombe, English, Foote, Green, Hammer, Hastings, Hesser, Jennings, Kent, Neal, Smith, Trumbull, and Williams—15.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Gue, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Teter, Udell, and Woodward—23.

Absent or not voting, Senators Gray, Shaffer, Watson and Woolson.

Motion to postpone lost.

Mr. Dixon moved to strike out first Section of the Bill and upon this motion the yeas and nays were as follows :

The yeas were, none.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—37.

Senator Hammer was excused.

Motion lost.

Upon motion of Mr. Udell the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Udell moved to take up the special order for this hour, Senate File No. 98 : Being an Act for the payment of taxes and the interest and principal of the School Fund in Treasury Demand Notes issued by authority of the Government of the United States, and upon this question the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Foote, Green, Hammer, Hastings, Hesser, Jennings, Kent, Pollard, Smith, Trumbull, Udell, and Williams—17.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Teter, and Woodward—21.

Motion lost.

The President announced that the business before the Senate was the consideration of the Bill pending at the adjournment.

Section 2d amended so as to read immediately after the word after, "any one of said branches shall have suspended specie payment."

Section 3d, amended by inserting "or State Treasurer" after the word "State" in the second line.

The following was inserted as Section 5 of the Bill :

"The provisions of this Act shall cease to operate on the last day January 1864."

Section 6, amended by adding the words "Des Moines Times" after the word "Farmer" and "or any two of them" after city.

The above amendments as reported by Committee of the Whole were adopted.

Mr. Burdick moved to strike out the Second Section and upon this question the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Foote, Green, Hastings, Hesser, Jennings, Kent, Pollard, Trumbull, Udell and Williams—15.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hagans, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith, Teter, and Woodward—22.

Hammer excused.

The motion to strike out was lost.

Mr. Neal offered the following amendment, which was adopted: At the end of Section 3 insert the words "And such Treasurer shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be liable to a fine of not less than \$500, and imprisonment in the County Jail not less than six months."

Mr. Smith moved to amend the 4th Section by adding after the last word the following: "Provided further, that the provisions of this Act shall not apply to ex-Treasurers who have not settled with the proper authorities according to law." Adopted.

Mr. Udell moved to insert the following as a new Section:

"It shall be the duty of the Secretary of State, upon the suspension of specie payment of any of the Branches of the State Bank, to notify by circular or otherwise, all the County Treasurers of the State, and all the notes of said Branches said County Treasurers may have on hand on receipt of said notice, shall be received by the State Treasurer in payment of all dues, as provided in Section 4 of this Act." Adopted.

Mr. Ainsworth moved to insert the following additional Section, to be called Section 3:

The Treasurers of the several Counties shall each keep an account showing the amount of taxes received by him in specie, the amount received in treasury notes, and the amount in notes for accounts of said Treasurer." Which motion prevailed

Mr. Trumbull moved to insert in the 4th line of Section 3, after the word "collected," the words "except what is necessary in making change." Carried.

Mr. Holmes moved that the Bill be engrossed and read a third time to-morrow, and upon this motion the yeas and nays were called.

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter and Woodward—23.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe,

English, Foote, Green, Hesser, Pollard, Jennings, Trumbull, Udell and Williams—14.

Senator Hammer was excused from voting.

Bill ordered engrossed and read a third time to-morrow.

The following communication was received from the Governor, which was referred to the Committee on Printing :

EXECUTIVE OFFICE, IOWA, }
February 12, 1862. }

Gentlemen of the Senate :

I transmit herewith the report of J. C. Hughes, M. D., Surgeon General of this State. I transmit the original report for the reason that much time would be required to make copies for each House, and the business of this office is just now so pressing as to render it impracticable without great delay. I trust you will take such action in regard to the Report as will furnish a copy to the House of Representatives, and as will return the original to the file of this office.

I recommend that all officers who are required to send reports to this office be required to send three copies, one for the files of the office, and one for each House. When but one copy is sent much delay usually occurs in making copies for the use of the Houses, and an amount of labor in making copies is thrown upon the office that is very inconvenient and inappropriate. When as in this case the original is sent to either House, it most frequently happens that it is sent to the State Printer and never returned, so that the files of the office are incomplete, and there is not any means of referring to the original for the correction of the typographical errors in the printed copy.

SAMUEL J. KIRKWOOD.

On motion the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, February 13, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Hammond.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Neal : Senate File No. 113, being a Bill for an Act au-
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thorizing the Boards of Supervisors to levy Taxes on lands for the years 1857 and 1858, in certain cases. Read first and second time and referred to Committee on Ways and Means.

By Mr. Gue: Senate File No. 114, being a Bill for an Act to amend Chapter 67 of the Revision of 1860. Read first and second time, and referred to Committee.

By Mr. Holmes: Senate File No. 115, being a Bill for an Act to amend Section 117, Chapter 10 of the Revision of 1860. Read first and second time and referred to Judiciary Committee.

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

Resolved, By the Senate, that His Excellency the Governor, be and he is hereby requested to inform the Senate:

FIRST—What amount of lumber was purchased at Iowa City for the accommodation of the Volunteers quartered there, and what amount was paid or contracted to be paid for the same.

SECOND—Whether said lumber has been sold, and if so, to whom and for what amount.

THIRD—What notice was given that said lumber would be sold, and on what day, and what time in the day the lumber was sold.

Mr. McCrary, of Lee, introduced Senate File 116, being a Joint Resolution in relation to the Second Regiment of Iowa Volunteers. Read first and second time, and upon motion of Mr. McCrary, of Lee, the 11th Rule was suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams and Woodward—38.

The nays were, None.

Absent or not voting, Senators Gray, Watson and Woolson.

The Joint Resolution was unanimously adopted.

On motion, the Secretary was instructed to report the resolution immediately to the House.

Mr. McCrary of Lee, from Committee on Military Affairs, upon leave, submitted the following report:

Your Committee on Military Affairs, to whom was referred the claims of divers persons against the War and Defense Fund, have had the same under consideration, and have directed me to report the same back together with the accompanying Bill.

Your Committee cannot fully agree as to the propriety of passing the Bill herewith reported, and we recommend that it may be laid on the table and printed, and that it be considered in Committee of the Whole at some future day. McCRARY of Lee, Ch'n.

Mr. Teter presented a memorial in relation to waste of Swamp Lands. Referred to Committee on Public Lands.

Mr. Duncombe presented a petition from citizens of Webster County in relation to Des Moines River Grant. Referred to special Committee on Des Moines River Grant.

Mr. Kent, from Committee on Engrossed Bills, reported that the Committee had examined Senate File No. 9, and found it correctly engrossed.

Mr. McPherson, from Committee on Federal Relations, made a report which was laid upon the table.

The general file of Bills was taken up.

Senate File No. 9, being a Bill for an Act to provide for the payment of taxes, and the interest and principal of the School Fund, in Treasury Demand Notes, issued by the authority of the Government of the United States and the Notes issued by the several Branches of the State Bank of Iowa, was read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Gue, Hagans, Hammer, Hatch, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Redfield, Smith, Teter and Woodward—25.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Footé, Green, Hastings, Jennings, Trumbull, Udell and Williams—12.

Hesser was absent but not excused.

So the Bill passed and the title was agreed to.

Mr. Foote entered the following protest:

MR. PRESIDENT:—I would desire, if in order, to have entered on the Journals of the Senate, this explanation of my vote on the final passage of, and my protest against the Bill entitled "An Act to provide for the payment of taxes and the interest and principal of the School Fund in Treasury Demand Notes, issued by the authority of the Government of the United States, and the Notes issued by the several branches of the State Bank of Iowa."

I am and have been, in favor of the first section of this Bill, which provides for the reception by the State of the United States Treasury Demand Notes for State and School Taxes.

I am, and have been, opposed to the second section of this Bill, which provides for the reception by the State, of the bills issued by the several branches of the State of Iowa, for State and School Taxes.

FIRST—Because I believe it contrary to the spirit of the New Constitution of the State, as expressed in Article 7, Section first, which says: "The credit of the State shall not, in any manner, be given or loaned to, or in aid of any individual, association, or corporation." Now, if the State receives the indebtedness of a pri-

vate banking corporation, as money for taxes, the State "gives credit" to a private corporation. She also shows a partiality for the interest of one private corporation over others, thus violating that spirit of equal protection and favor that was intended should be shown by the State towards the interests of each and every private "individual, association or corporation."

SECOND—Because in receiving the indebtedness of a private banking corporation as money for taxes, the State gives a new and fearful power to that Bank in controlling the pecuniary interests of the people and of the State; therefore, the combination of money and State power in a private, "close corporation," should be most positively and earnestly avoided.

THIRD—History shows us that whenever a State has authorized the reception of the indebtedness of a private bank for taxes, the State and the people almost invariably have suffered pecuniary loss from that bank and its issues. If we adopt that policy now, which has been so ruinous to other States, can we expect to escape the same fate.

Congress has, at this time under consideration, a Bill making the United States Treasury Demand Notes a legal tender, which I believe will become a law; if so, then the Demand Notes will have to be received as money, without any action of this Legislature.

It is, for the above reasons, therefore, and others that might be given, that I feel myself compelled to vote against the passage of this Bill.

JOHN G. FOOTE.

Substitute for Senate File No. 10, was taken up, being a Bill for an Act to confer civil and criminal jurisdiction on County Courts. On motion of Mr. Dysart, was made the special order to-morrow at 2 o'clock P. M.

Senate File no. 72, being an Act to provide for the education of the deaf, dumb and blind in the State of Iowa, was taken up.

Mr. Bowen offered a substitute for section No. three of the Bill, and pending the discussion, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Hatch moved that the Bill under consideration be laid on the table. Carried.

On motion of Mr. Holmes, the special order was taken up, being Senate File No. 61: An Act providing for the taxation of the property of railroad corporations, as is required by the constitution, for the consideration of which Mr. Hatch moved that the Senate resolve itself into a Committee of the Whole. Carried.

At fifteen minutes past three, the Committee rose, reported progress, and asked leave to sit again.

Mr. Woodward moved to concur in the report of Committee.

Mr. Ainsworth moved to amend so that the Committee do not have leave to sit again. Amendment adopted.

Mr. Neal moved to refer the Bill to the Committee on Railroads with instructions to report a Bill taxing Railroads on their gross earnings, and upon this motion the yeas and nays were called, and were as follows:

The yeas were, Senators Angle, Boardman, Duncombe, Gue, Hammer, Hesser, Jennings, McCrary of Lee, McPherson, Neal, Redfield, Teter, Trumbull, Udell, Williams and Woodward—16.

The nays were, Senators Ainsworth, Bowen, Brown, Dungan, Dysart, English, Foote, Gray, Green, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, Pattison, Pollard and Smith—21.

Absent or not voting, Senators Burdick, Dixon, Shaffer, Woolson and Watson—5.

The motion was lost.

On motion of Mr. Holmes, referred to Judiciary Committee.

On motion of Mr. Woodward, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, February 14, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Young.

Journal of yesterday read and approved.

Mr. Burdick presented memorial in relation to protecting sheep from the ravages of dogs. Referred to the Committee on Agriculture.

Mr. Holmes presented memorial of J. L. Dana claiming a seat upon the floor of the Senate. Referred to the Committee on Elections.

Mr. McCrary of Lee, presented petition from citizens of Lee and adjoining counties in relation to Plank Road. Referred to Committee on Roads and Highways.

The following message from the House was received:

MR. PRESIDENT:—I herewith return to the Senate, Senate File No. 105: A Bill for an Act to amend an Act entitled an Act to provide for the authentication, publication and distribution of the Acts, rules and regulations of the Board of Education, passed Dec.

19, 1861, the same having passed the House without amendment.
CHA'S. ALDRICH, Chief Clerk.

REPORTS OF COMMITTEES.

By Mr. Hatch from Committee on Public Buildings the following report :

MR. PRESIDENT :—The Committee on Public Buildings to whom was referred the concurrent resolution, asking for the appointment of a committee to visit the Penitentiary and report certain instructions therein named, have had the same under consideration, and have instructed me to return the resolution and recommend its indefinite postponement ; as in the opinion of the Committee, all the desired information can be obtained here without expense to the State.

HATCH, Chairman.

Report of the Committee adopted, and resolution indefinitely postponed.

Mr. Leake, from Committee on Military Affairs, submitted the following report :

Report of Committee on Military Affairs :

I am instructed by the Committee on Military Affairs, to whom was referred the petition of John Hornby, presenting claim for building the head-quarters at Camp McClellan, to report the accompanying joint resolution, and recommend its adoption.

J. B. LEAKE.

On motion of Mr. English, the last Section was stricken out.

Mr. Leake moved to suspend the 11th rule that the Bill be read a third time now. Motion to suspend was lost. Bill ordered engrossed and read a third time to-morrow.

Mr. Woodward, from Judiciary Committee, reported back Substitute for Senate File No. 18, being a Bill for an Act legalizing the acts of Notaries Public, and recommending its passage. Read, and on motion, the 11th rule was suspended, Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagens, Hamner, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Trumbull and Woodward—28.

Senators Angle, Duncombe, Jennings and Teter, absent, but not excused.

The nays were, Senators English, Neal, Pattison, Pollard, Smith, Udell and Williams—7.

The Bill passed and the title was agreed to.

Mr. Redfield introduced a Bill for an Act in relation to service of

notices on minors and unmarried persons. Referred to the Judiciary Committee.

Mr. Dixon, from the Committee on Enrolled Bills, reported that the Committee had examined an Act in relation to the incorporation of Fayettee Seminary.

An Act to repeal Chapter 31, of Acts of the Eighth General Assembly.

An Act legalizing the acts of certain persons therein named, in establishing certain State roads. And found them correctly enrolled.

Mr. Pattison, from Committee on Agriculture, submitted the following report :

The Committee on Agriculture, to whom was referred a communication from James Hall, State Geologist, to his Excellency, Governor Kirkwood, have had the same under consideration, and have instructed me to recommend that no further appropriation be made for continuing geological surveys in the State of Iowa, until a more prosperous condition of our State may require a renewal of such geological surveys.

The Committee believe that said communication would have been more appropriately referred to the Committee of Ways and Means, inasmuch as it embraces an account of said James Hall, against the State of Iowa, amounting to over two thousand dollars ; the Committee therefore recommend that it be so referred.

A. M. PATTISON, Chairman.

The report was concurred in.

Mr. McPherson, upon leave, offered a Concurrent Resolution requiring Auditing Commissioners to audit claims of Stout and N. W. Munger. Referred to Committee on Military Affairs.

Mr. Pattison, from Committee on Agriculture, submitted the following report :

The Committee on Agriculture, to whom was referred House File No. 71, it being a Bill for an Act allowing bounty on Wolf Scalps, and repealing Article 8, Chapter 91, of the Revision of 1860, have had the same under consideration and have instructed me to report the same back and recommend its indefinite postponement.

A. M. PATTISON, Chairman.

The report was adopted and the recommendation of Committee was concurred in.

The general file of Bills taken up.

Substitute for House File No. 2, being an Act to amend Section 2767 of the Revision of 1860, regulating pleadings. Read and referred to Judiciary Committee.

House File No. 62, being a Bill for an Act to amend Section 840, Chapter 46 of the Revision of 1860. Read and referred to Judiciary Committee.

House File No. 104 was read, being a Bill for an Act to legalize

certain taxes for school house purposes in District No. 2, in the District Township of Huron in Des Moines County.

On motion of Mr. Foote, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Smith, Teter, Trumbull, Udell, and Woodward—29.

The nays were, Senators Ainsworth, English, Green, Neal, Pollard and Williams—6.

Absent but not excused, Senators Dixon, Duncombe, Kent and Redfield.

So the Bill passed and title agreed to.

House File No. 160, being read, was referred to Military Committee.

Senate File No. 74, being an Act in relation to the notification of Township officers. The question being upon the postponement of the Bill, the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Brown, Dungan, Gray, Hammer, Hesser and Smith—7.

The nays were, Senators Boardman, Bowen, Burdick, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Teter, Trumbull, Udell, Williams and Woodward—26.

Absent but not excused, Senators Angle, Dixon, Duncombe, Leake and Redfield.

The motion to postpone was lost.

On motion of Mr. Burdick, the Bill was referred to a Special Committee, of which Mr. McCrary, of Van Buren, shall be Chairman.

The Chair appointed as such Committee, McCrary of Van Buren, Green and Boardman.

Senate File No. 72, being an Act to provide for the education of the deaf and dumb and blind, was taken up and on motion of Mr. Teter, made a special order for Monday.

Senate File No. 90 was taken up and on motion, was referred to Committee on Ways and Means.

Senate File No. 89, being a Bill for an Act authorizing the Board of Supervisors to provide a Seal, was taken up and on motion, the last Section was stricken out, the 11th Rule suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Dysart, Gray, Hagans, Hammer, Hastings and Kent—6.

Absent, but not excused, Senators Duncombe and Jennings.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, English, Foote, Green, Gue, Hatch, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith Teter, Trumbull, Udell, Williams and Woodward—30.

The Bill did not pass.

Mr. Leake moved that when the Senate adjourn, it be until tomorrow. Carried.

Mr. Brown, upon leave, offered the following resolution:

Resolved, That the Judiciary Committee be instructed to provide, by Bill, for the repeal of Sections 3980, 3981 and 3982, of the Revision of 1860, and in lieu thereof enact Section 2390, of the Code of 1851. Laid on the table.

Mr. Udell, upon leave, introduced Bill, Senate File No. 120, being a Bill for an Act to repeal Article 1, Chapter 57, of the Revision of 1860. Referred to Judiciary Committee.

Senate File No. 75; being an Act to amend Chapter 105, of the Revision of 1860, in relation to the property of minors, was taken up, read, the 11th rule suspended, bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—35.

The nays were, none.

Absent, but not excused, Senators Duncombe, Dysart and Hastings.

The Bill passed and the title was agreed to.

Mr. Dixon moved to adjourn, and upon this question the yeas and nays were called and were as follows:

The yeas were, Senators Angle, Brown, Burdick, Dixon, Foote, Hagans, Hammer, Hatch, Hesser, Holmes, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Trumbull, Williams and Woodward—23.

Absent, but not excused, Senators Duncombe and Hastings.

The nays were, Senators Ainsworth, Boardman, Brown, Dungan, Dysart, English, Gray, Green, Gue, Hurley, Jennings, Neal and Udell—13.

So the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 SATURDAY, February 15, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Young.

The journal of yesterday read.

The following Message was received from the House :

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

Substitute for House File No. 30: A Bill for an Act making appropriations for the payment of the per diem of the members and officers of the Ninth General Assembly.

I also return herewith Senate File No. 9, Substitute for House File No. 57: A Bill for an Act to provide for the payment of taxes and the interest and principal of the School Fund, in Treasury Demand Notes issued by the authority of the Government of the United States and the Notes issued by the several branches of the State Bank of Iowa.

CHAS. ALDRICH, Chief Clerk.

Mr. Angle moved to amend Journal so it would read "absent or not voting" instead of "absent and not excused," upon which motion the yeas and nays were called with the following result :

The yeas were, Senators Angle, Duncombe, Jennings and Teter—4.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Udell, Williams and Woodward—33.

Motion to amend Journal, lost.

Journal approved.

Mr. Angle from Committee on Credentials reported that they examined the credentials of John Kern, Senator elect from the 29th Senatorial District. Report concurred in, and Mr. Kern came forward and took the oath of office.

Senators Lewis and Trumbull were excused for the day.

PETITIONS.

By Mr. Duncombe: In relation to conferring civil and criminal jurisdiction upon County Courts. Laid on the table.

By Mr. Gray: In relation to change of county boundaries. Also a petition in relation to a township system of collecting taxes, referred to special Committee consisting of Senators from Alamakee and Clayton counties.

Mr. Hurley: In relation to conferring on county courts civil and criminal jurisdiction. Laid on the table.

Mr. Redfield: In relation to township collectors. Referred to Committee on County and Township Organization.

By Mr. Dysart: In relation to fencing up stock. Referred to Committee on Agriculture.

Mr. Dysart: In relation to protecting sheep from the ravages of dogs.

INTRODUCTION OF BILLS.

By Mr. Angle: Senate File No. 121: A Bill for an Act to promote efficiency in the management of the State University. Referred to Committee on Schools and State University.

By Mr. Duncombe: Senate File No. 122: A Bill for an Act to amend certain Sections of the Revision of 1860. Referred to Judiciary Committee.

By Mr. Leake: Senate File No. 123: A Bill for an Act to provide for the maintenance of the widow and children of decedents, and to amend Section 2403 of the Revision of 1860. On motion last Section stricken out. Read first and second time and referred to Judiciary Committee.

Mr. Udell from Joint Committee on Enrolled Bills, reported having examined Senate File No. 105: An Act to amend an Act entitled an Act to provide for the authentication, publication and distribution of the Acts, rules and regulations of the Board of Education, passed December 19, 1861.

Senate File No. 33: An Act in relation to juror's fees, and found them correctly Enrolled.

Mr. Burdick introduced Senate File No. 124: A Bill for an Act in relation to the acknowledgment of deeds, mortgages and other instruments of writing. Read a first and second time and referred to Judiciary Committee.

Mr. McCrary of Lee, upon leave, submitted the following report with accompanying Bill:

Senate File No. 125: A Bill for an Act granting certain powers to the District Court of Lee county and granting relief thereby to Jonathan Jones.

To the Senate of Iowa:

Your Special Committee to whom was referred the petition of Jonathan Jones of Lee county for relief have given the subject a careful investigation and beg leave to submit the following report:

Your Committee find that petitioner was one of five persons who signed the second official Bond of James D. Eads, late Superintendent of Public Instruction, that as said judgment was rendered against him and his co-sureties by the District Court of Lee county, at the May Term, 1860, of said Court, for the sum of twenty-five

thousand dollars, a portion of the defalcation of said Eads. It is from the operation of this judgment that petitioner seeks to be relieved.

Your Committee find that the claim of petitioner for relief is founded upon the following facts:

Soon after signing Ead's bond he became alarmed for his safety and immediately set about endeavoring to obtain a release. He first applied to Eads for this purpose, who agreed to procure other security, and have him released, but subsequently upon ascertaining that Eads had not procured his release as agreed he resolved to make application at once to the Governor for his release under the provisions of law now embraced in Chapter 41, of the Revision of 1860, relating to additional security and the discharge of sureties.

Said Chapter (to which reference is here made) provides that any of the sureties on the official bond of a civil officer who "conceives himself in danger by remaining surety and desires to be relieved of his obligation," may petition the proper approving officer for relief, stating the grounds of his apprehension.

It further provides that the surety shall give the principal notice of the presenting and filing of his petition for release with copy of his grounds of apprehension, that the matter shall be heard by the approving officer, who may take the testimony of both parties as well as that of other witnesses. Sections 655 and 656 of said Chapter are in the following words:

SEC. 655. If, upon the hearing, there appears substantial ground for apprehension, the approving officer may order the principal to give a new bond, and to supply the place of the petitioning surety within a reasonable time to be prescribed, and upon such new bond being given, the petitioning surety on the former bond will be declared discharged from all liability on the same for future acts, which order of discharge shall be entered on the proper election book, but the bond shall continue binding upon those who do not petition for relief.

SEC. 656. If the new bond is not given as required, the office of the principal shall be declared vacant, and the order to that effect entered as in the preceding section.

Your Committee find, from the execution record, that the petitioner Jones, filed his petition for release under the provisions of said Chapter, that the principal, Mr. Eads, was duly notified; that the cause was regularly heard by the Governor on the 15th day of July, 1856, and that the then Governor having heard the case, and being satisfied that there was "substantial ground for apprehension," ordered that said James D. Eads give a new bond and supply the place of said Jones, on or before the first day of August, 1856.

This matter was heard at Burlington. The petitioner having done all that the law required of him in order to have a new bond given or the office of Superintendent of Public Instruction declared

vacant, returned to his home in Lee County, relying upon the Governor to carry out said order, and declare said office vacant on the first day of August, 1856, unless a new bond was sooner given, and the petitioner released thereby. The first of August came, and Eads gave no new bond. The Governor failed to declare the office vacant on the first of August, 1856, and did not in fact declare it vacant until January, 1857, when he did so upon the application of one Van Valkenburg, another surety on the third bond. After the first of August, the time when the office should have been declared vacant, Eads loaned large sums of the School Fund upon insufficient security. The entire sum of his default, for which his sureties are now held, accrued after the said first day of August, with the exception of the sum of six hundred dollars.

The suits pending upon the bonds of Eads, were referred to referees, who found against the petitioner and the four others with him on the second bond. The evidence of the facts hereinbefore recited, going to establish the release of Mr. Jones, was not produced in Court, nor before the referees. This raises the first question which your Committee deemed it their duty to consider, viz :

Why was this evidence not produced? and was the failure to produce it such negligence as ought to estop the Legislature from affording whatever relief he might otherwise be entitled to?

Your Committee find that Mr. Jones made several unsuccessful attempts to procure the record of his release. He states on oath, that he employed a gentleman to make a personal examination of the record, but was informed that no such record was to be found, and that none had ever been made. He applied to Governor Grimes in person who seemed to have forgotten that the entry was ever made. Not yet giving up entirely, he got his attorneys to write to the Secretary of State asking him to examine the records, and send copy of the record, if any was made, but was told by said attorneys, just before court, that nothing had been received.

At length, coming to the conclusion that no record had been made of his application for release, nor of the order made thereon, he procured an agreement with the counsel for the State to receive the affidavit of Governor Grimes, as evidence equal to the record of the facts he might state, but the affidavit of the Governor when procured showed that he had forgotten all the material facts, and that the impression was then upon the mind of the Governor that he had not made the order for new security at all.

Mr. Jones now came to the conclusion that no record had been made, and that he was without any remedy whatever.

Long after judgment was rendered, to-wit: in November last, he received for the first time information of the existence of the record to which we have referred. Your Committee are not disposed to hold Mr. Jones to the very strictest rule in regard to diligence. If his defense to this claim is good—if he is not in justice and equity liable to pay this sum of money, the State can afford to

relieve him, even if it did not appear that he had in all respects come fully up to the requirements of the strict principles of the law requiring due diligence in such cases. Although such strictness ought not to govern in this case, your Committee are of opinion that Mr. Jones has used such diligence as would have enabled him to procure a new trial from the District Court on the ground of "newly discovered evidence," had he ascertained the facts in time to make such an application. Your Committee cannot doubt that Mr. Jones honestly endeavored to procure the evidence, and that he became and was, at the time of the trial, fully convinced that it was not in existence. The very great importance of such evidence to him, would surely induce him to do all that suggested itself to him as possible to procure it. It should be borne in mind that he did not see the record; he had only the word of the Governor that it should be done. It is not, therefore, much to be wondered at, that the repeated failure to procure it, and the positive assurance he received that there was no such record, should lead him to the conclusion that it never had been made. The fact that there is no index to the Executive Record may serve to explain the fact that the record was not sooner discovered.

Your Committee are of opinion that the petitioner has not been guilty of such negligence as should estop him from obtaining relief if he would otherwise be entitled to it.

This leads us to the second question which demanded the attention of your Committee, viz: Do the facts before stated amount to a release of Jones from and after the first day of August, 1856, the day upon which the law required the Governor to declare the office vacant? This is a legal question of some importance, about which there seems to be some difference of opinion; but your Committee have come to the conclusion that the failure of the Governor to declare the office vacant on the first day of August, according to law, is the misfortune of the State, and not the misfortune of the petitioning surety, and that therefore Mr. Jones stands in exactly the position he would if the office of Superintendent of Public Instruction had been declared vacant on the first day of August. The failure of the Governor to make the order cannot affect the rights of an innocent party. Any other construction of the statute would render the surety liable, not for the default of his principal only, but for the default or negligence of the approving officer. Surely, it cannot be maintained that the petitioning surety, having done all that the law requires of him in order to be released, should be, or can be, compelled to remain liable, at the will of the approving officer, over whom he has no control. The statute provides that upon the giving of a new bond by the principal, under a proceeding of this kind, the petitioning surety is released. It does not expressly say that, upon the failure of the approving officer to do his duty, by vacating the office, the surety shall be released; and this may be urged as an argument to show that this is not the

effect of such failure. The answer to this is, that the law does not contemplate such a thing as the failure of the Governor of the State to do his duty. Your Committee are unable to find anywhere an express provision of the statute based upon such an idea. The law never presumes such a thing. The Governor is the representative and agent of the State. His acts are the acts of the State. Every citizen is fully authorized to act upon the presumption that he will do his duty. Impeachment, as provided for by the Constitution, is the only remedy against him for malfeasance in office.

It may also be urged that the provisions of said section 656, are for the protection of the public and not of the surety, and that therefore the surety cannot complain if they are not carried out. But your Committee believe that such a doctrine is in direct opposition to the familiar and well settled principle of the common law, that statutes concerning principal and surety are to be construed most favorably to the surety. A surety is one who has received no consideration for his liability, and he has therefore a right to hold those, who claim against him as such, to a strict compliance with the law in every particular. This doctrine is so familiar to all, that we do not stop to enlarge upon it.

Statutes to enable sureties to relieve themselves from liability are quite common; they are looked upon with great favor, and are liberally construed by the courts.

Let us look at the reason of the proposition before us. The law requires the surety who is alarmed for his safety, to apply to the approving officer. Mr. Jones did this traveling, from his home in Lee County, to Burlington, for the purpose of so doing. It requires him to serve notice on the principal, procure witnesses and carry them to the seat of Government to testify before the Governor, appear at the trial and give evidence; and in some cases, we apprehend, it would be necessary to employ counsel. Now must a surety be required to do all this "for the benefit of the public?" receiving no compensation and no protection himself? Certainly not. The reason and justice of the case are clearly against such a construction of the Statute. But the statute itself shows to our minds that such was not the intention of its framers.

For what purpose is the petition of the complaining surety filed? Is it, as has been claimed, that the public may be rendered more secure? On the contrary, Section 652 declares that when any surety "conceives himself in danger of suffering by remaining surety, and desires to be relieved of his obligation, he may petition, &c." It is not that the public is in danger, but that the surety conceives himself in danger. It is not that the public may be protected, but that the surety may be "relieved of his liability," that this application is made.

Again, the sureties may be perfectly good; and the public, therefore, may need no protection. For these reasons, and many others,

your Committee have come to the opinion, that the law is intended as expressed by the codifier, to provide for the "release of sureties." We have already said that the only defalcation of Eads prior to the time when his office should have been declared vacant, was the sum of six hundred dollars. We act upon the presumption—a clear presumption of law—that if the office had been declared vacant on the first day of August, the assets of the office at that date would have been secured by the State.

The idea that petitioner should be turned over for relief, to a suit against the then Governor, has, in the opinion of your Committee, no foundation, either in justice or in law. The Governor of the State gives no bond; and in many cases such a doctrine might result in depriving a surety of all effectual remedy. Besides, the Governor is the agent of the State, and not the agent of the surety. The State is bound by his acts, and must suffer from his failure to perform his duty. When the State places a man in the position of her Chief Executive, she becomes responsible for his acts; and of course, for his failure to act according to law.

While fully impressed with the justice and equity of the petitioner's defense, your Committee are aware that these are all questions proper for a court of justice to determine; and we deem it therefore, prudent to go no further than to recommend the passage of an act which will enable Mr. Jones to apply to the District Court for a new trial. We can see no reason why he should not have a full hearing upon the merits of his defense; and as the time for applying for a new trial under the law and rules of court had expired before this evidence was discovered, we recommend the passage of the accompanying Bill.

GEO. W. McCrARY, Chairman.

WARREN L. DUNGAN.

I dissent from the above report.

L. L. AINSWORTH.

Bill read a first and second time, and Mr. Burdick moved that the Bill be indefinitely postponed, upon which motion the yeas and nays were called, with the following result:

The yeas were, Senators Ainsworth, Burdick and English—3.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Hagens, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith, Teter, Udell, Williams and Woodward—32.

Absent, but not excused, Mr. Gue.

The Bill was not postponed.

On motion, the Bill was laid upon the table and made the special order for Tuesday.

Mr. Brown, from Committee on Incorporations, submitted the following report:

The Committee on Incorporations, to whom was referred House File No. 73: An Act relating to the incorporation of the Iowa Conference Seminary, have had the same under consideration and have instructed me to report the same back to the Senate. While the Bill is purely local in its character, the Committee are not disposed to interpose any objection to its passage, nor does the Committee feel willing to be understood as assenting to the policy of the Bill. The Committee entertain great doubt as to the legal force of a Statute, which, in such general terms, seeks to legalize acts not specially enumerated.

A. F. BROWN, Chairman of Com.

Bill placed upon file.

Mr. Hammer offered the following resolution which was adopted:

Resolved, That the Secretary of State be requested to report to the Senate, in detail, the amount received by him as fees, and the total compensation received by him as Secretary of State for the years 1860 and 1861.

D. HAMMER.

Mr. Leake, from Committee on Elections, reported back memorial of J. L. Dana and recommended that the memorialist have leave to withdraw memorial.

Mr. Neal moved to amend by leaving copy on file. Lost.

Report adopted.

Mr. Woodward, from Judiciary Committee, submitted the following report:

MR. PRESIDENT:—The Judiciary Committee have instructed me to make the following report:

1st. Upon a Bill to legalize the acts of J. D. Burkholder as Clerk of the District Court of Webster County. They report the Bill back to the Senate without amendment and recommend its passage.

2d. A Substitute for Senate File No. 99: A Bill for an Act fixing the salaries of State officers, and recommend its passage.

Senate File 99 was read, and on motion of Mr. Holmes, made a special order for Monday next.

Mr. Holmes moved to take up Substitute for House File No. 30: A Bill providing for the payment of the per diem of the members and officers of the Ninth General Assembly.

The Bill was read and on motion of Mr. Hatch, the 11th Rule was suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Redfield, Smith, Teter, Udell, Williams and Woodward—27.

The nays were, Senators Ainsworth, Angle, Burdick, Duncombe, English, Gray, Hagans, Jennings, Neal and Pattison—10.

Absent or not voting, Senators Lewis, Shaffer, Trumbull, Watson and Woolson.

Bill passed and title was agreed to.

Mr. Foote, from Committee on Commerce, offered the following report :

The Committee on Commerce would report on Senate File No. 102, that as its provisions are embodied in another Bill to be reported, they would recommend its indefinite postponement.

Report concurred in and the Bill indefinitely postponed.

They would also report the following Substitute to Senate File No. 101: An Act to prevent fraud in Warehousemen and others, and recommend its passage.

JOHN G. FOOTE, Chairman.

Laid on the table.

Mr. Leake moved a reconsideration of the vote whereby a Bill in relation to Bounties was indefinitely postponed. Carried.

Bill was then laid on the table.

The following communication was received from the Secretary of State :

OFFICE OF SECRETARY OF STATE, }
DES MOINES, IOWA, February 15, 1862. }

To the President of the Senate :

SIR:—In compliance with a Concurrent Resolution of the General Assembly of the State of Iowa, requiring the Secretary of State to furnish postage stamps to the Members, Secretaries and Clerks of said body, and report once in two weeks to the General Assembly, I respectfully submit the following :

The amount of postage stamps purchased for distribution, as provided by said resolution, for the two weeks, commencing with the 3d day of February, 1862, is equal in value to the sum of \$450,00.

The stamps distributed in accordance with said resolution amount to the sum of \$449,32, leaving a balance in stamps for a future distribution of sixty-eight cents in value.

The amount of stamps delivered to each member and officer of the House of Representatives, provided for, is equivalent to \$1,64 per week.

The amount of stamps delivered to each member and officer of the Senate, provided for, is equivalent to \$1,40 per week.

Respectfully submitted,

E. SELLS, Sec'y of State.

Read and laid on the table.

On motion of Mr. Hatch, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, February 17, 1862. }

Senate convened at the usual hour.
 Prayer by Rev. Mr. Bird.
 Journal of Saturday read and approved.

REPORTS OF COMMITTEES.

Mr. Udell, from Joint Committee on Enrolled Bills, submitted the following report :

Committee have examined Senate File No. 9, House File No. 30 and 104, and find them correctly enrolled.

PETITION.

By Mr. Dixon, in relation to title of the State to the Des Moines River Land Grant. Referred to Committee on Des Moines River Grant.

INTRODUCTION OF BILLS.

By Mr. McPherson: Senate File No. 126, being a Bill for an Act creating a Board of County Commissioners and defining their duties.

Mr. Neal moved to refer the Bill to a Select Committee of five, of which the Senator from Madison shall be Chairman, with instructions to report a Bill to establish the County Commissioner system for the government of the Counties in this State, and abolish the Superior system.

Mr. Brown moved to amend by striking out "all instructions," upon which motion the yeas and nays were called for.

Pending the discussion, the President of the Senate received the following dispatch, which was read :

CHICAGO, February 17, 1862. }
 ELEVEN O'CLOCK, A. M. }

The Federal Army captured Fort Donelson, on Sunday morning, after three days' continuous fighting. Johnson, Buckner, Floyd and Pillow, with fifteen thousand men, are taken prisoners.

On motion, the Senate adjourned.

AFTERNOON SESSION.

The Senate convened at the usual hour.

Mr. Ainsworth, upon leave, offered the following resolution :

Resolved, That in the glorious news of the success of our troops in Tennessee, we have a practical illustration of the wisdom and efficiency of the policy of his Excellency, Abraham Lincoln, and General McClellan, in their conduct of the war.

On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, February 18, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Young.

Journal of yesterday read and approved.

INTRODUCTION OF BILLS.

By Mr. Leake: Senate File No. 127: A Bill for an Act to protect Game. Referred to a Special Committee, consisting of Leake, Hagans and Pollard.

By Mr. Hammer: Senate File No. 128: A Bill for the encouragement of County Agricultural Societies, and for the protection of sheep and other domestic animals. Read and referred to Special Committee of which Mr. Hammer shall be chairman.

The following message was received from the House:

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

WHEREAS, The anniversary of the birth-day of the "Father of his Country," George Washington, is drawing near, therefore,

Resolved by the House of Representatives, the Senate concurring, That the two Houses meet in Joint Convention on the 22d day of February, at 2 o'clock P. M., to hear the reading of Washington's Farewell Address.

CHA'S. ALDRICH, Chief Clerk.

Mr. McCrary of Van Buren, upon leave, presented two petitions in relation to Des Moines River Land Grant. Referred to Committee on Des Moines River Land Grant.

Mr. Redfield introduced Senate file No. 129: A Bill for an Act to legalize the laying out of the town of Grove City, in Cass county, Iowa. Ordered engrossed and read third time to-morrow.

Mr. Teter moved to suspend the rule and take up the concurrent resolution just received from the House. Carried.

Resolution concurred in.

Mr. Jennings offered the following resolution :

WHEREAS, The Senate Reporter of the State Register of this city, or some one writing the local articles in that paper, in giving a description of the scene that ensued in both branches of the General Assembly on yesterday, when the tidings of the fall of Fort Donelson were announced, uses language in relation to this body that is calculated to reflect upon some of its members ; therefore, be it

Resolved, That such Reporter or other person, be hereby requested to furnish the names of the Senators referred to in the following, viz :

" We would not forget one noticeable feature. There were Senators who, when the intelligence reached this chamber, could not find it in their hearts to exhibit one jubilant expression. In fact a look of bitterness flitted over their features. And as the President of the Senate was announcing the glorious news, they acted pretty much like men who were attending the funeral of their best friends ! "

Mr. McCrary, of Lee, moved to strike out the words, " Senate Reporter of the State Register of this city or," and also " Reporter or other " (to correspond), which motion prevailed.

The question being upon the adoption of the Resolution as amended, the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, English, Gray, Green, Hagans, Hammer, Hesser, Holmes, Hurley, Kern, Jennings, McCrary of Lee, Neal, Pollard, Teter, Trumbull, Udell and Williams—25.

The nays were, Senators Brown, Foote, Gue, Hatch, Hastings, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith and Woodward—14.

Absent or not voting, Senators Duncombe, Shaffer, Watson and Woodward—4.

So the Resolution was adopted.

Mr. McClary of Van Buren, offered the following concurrent resolution :

Resolved by the Senate, the House of Representatives concurring, That the General Assembly will adjourn *sine die* on or before the 10th of March next, and that after the 5th of March no new business shall be introduced except by unanimous consent.

Mr. Dixon moved to amend by striking out all after the words "*sine die*" and insert "as soon as possible." Upon this question the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, English, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Jennings, Kent, Lewis, McPherson, Pattison, Pollard, Redfield, Teter, Udell, and Woodward—23.

The nays were, Senators Angle, Dungan, Dysart, Foote, Gray,

Green, Hesser, Hurley, Kern, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Smith, Trumbull and Williams—16.

Absent or not voting, Senators Duncombe, Shaffer, Watson, and Woolson.

So the amendment was adopted.

On motion the resolution was laid on the table.

Mr. Holmes from Committee on Ways and Means reported back the memorial of the Protestant Episcopal Church, and recommended that the further consideration of the subject be indefinitely postponed.

The question being upon the indefinite postponement of the Bill the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Brown, Dixon Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Kern, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Trumbull, Udell and Williams—33.

The nays were, Senators Burdick, Hesser, Jennings, Teter and Woodward—5.

Absent or not voting, Senators Bowen, Duncombe, Shaffer, Watson and Woolson.

So the further consideration of the subject was indefinitely postponed.

Mr. Udell from Joint Committee on Enrolled Bills reported having presented to his Excellency the Governor, for his signature, the following Bills:

Senate File No. 9.

House Files Nos. 30 and 104.

Mr. Hagans from Committee on Ways and Means, reported that the Committee have had under consideration Senate file No. 90: A Bill for an Act making further appropriations for the Hospital for the Insane, and report the same back and recommend that it pass. On motion of Mr. Holmes, made the special order for Thursday, at 2 o'clock P. M.

Mr. Kent from Committee on Engrossed Bills reported Senate File 118 correctly engrossed.

Mr. Pattison from Committee on Agriculture submitted the following report:

The Committee on Agriculture, to whom was referred the report of the Secretary of the Iowa State Agricultural College and Farm, have instructed me to report the same back, and recommend that ten thousand copies be printed, provided that the expense of printing the same be paid out of the Contingent Fund of the Secretary of the College Board.

The report embraces a full account of the receipts and expenditures on the College Farm, with tabular statements of the past and present condition of the agriculture of our State; also, practical

essays on the raising of agricultural products, including the manufacture of Sorghum Syrup and Sugar, and on every branch of farm industry.

A. M. PATTISON, Chairman.

Report adopted.

Mr. Woodward, from Judiciary Committee, reported back Senate File No. 123; A Bill for an Act to provide for the maintenance of the widows and minor children of decedents, and to amend Section 2403 of the Revision of 1860.

On motion of Mr. Ainsworth, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—38.

The nays were, none.

Absent or not voting, Senators [Duncombe, Hastings, Shaffer, Watson and Woolson.

Bill passed and title was agreed to.

Mr. Woodward upon leave presented petition in relation to conferring civil and criminal jurisdiction upon County Courts. Referred to Judiciary Committee.

Mr. Brown from Committee on Incorporations, submitted the following report:

The Committee on Incorporations to whom was referred House File No. 68, an Act for the location of Town Plats, respectfully report that they have considered the same, and for reasons, entirely satisfactory to the Committee, recommend the indefinite postponement of the Bill. Article 4th, Section 1 of the Revision of 1860, relating to village Plats, in connection with Article 1 of Chapter 46 and 516 of Revision, in the opinion of the Committee furnish an ample and plain mode of accomplishing the object proposed by this Bill, and with much less danger to the interest of public and private rights. In the opinion of the Committee, the adoption of this Bill would greatly facilitate the perpetration of frauds, entirely inconsistent with safe and wise legislation.

A. F. BROWN.

Mr. Bowen moved to lay Bill and report upon table. Carried.

Mr. McCrary of Lee from Committee on Military Affairs, submitted the following report:

Your Committee on Military Affairs, to whom was referred House File No. 160, being "Joint Resolutions, instructing our Senators and Representatives in Congress to decrease the pay of Commissioned Officers, &c.," have had the same under consideration and have directed me to report that as the same general subject has

already been passed upon by the Senate we recommend that the resolution be laid on the table.

GEO. W. McCrARY, Chairman.

Report adopted and resolution laid upon table.

Mr. McCrary of Van Buren, from Special Committee, submitted the following report :

The Special Committee, to whom was referred Senate File No. 74 : A Bill for an Act to amend section 548, of the Revision of 1860, in relation to giving notice of the election of Township and Road District officers, and their qualification, have had the same under consideration and have made one amendment, and have instructed me to report the same back and recommend its passage.

On motion, the Bill was recommitted to the same Committee.

Mr. Hastings, from Committee on Schools and Universities, submitted a report upon sundry petitions relating to use of School Houses for religious purposes. Read and laid on the table.

Mr. Kent, from Committee on Agriculture, reported back Senate File No. 108 : Substitute for House File No. 121 : An Act to repeal Section 906, of the Revision of 1860, and to encourage hedging.

Mr. English moved to refer to Judiciary Committee with instructions to incorporate in Bill of amendments, upon which motion the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Dungan, English, Gray, Green, Hammer, Hatch, Kern, Jennings, McCrary of Van Buren, Neal, Pollard, Smith, Trumbull, Udell and Williams—16.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Teter and Woodward—23.

Absent or not voting, Senators Duncombe, Shaffer, Watson and Woolson.

The motion to refer was lost.

The Bill was ordered engrossed and read a third time to-morrow.

On motion Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Dungan, upon leave, introduced Senate File No. 129 : An Act to legalize the official acts of Edward T. Edgington, a Notary Public of Lucas County. Bill read a first and second time, and on motion the 11th rule was suspended, and the Bill read a third time,

and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hesser, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Smith, Trumbull, Udell, Williams and Woodward—29.

The nays were, Senator English—1.

Absent or not voting, Senators Ainsworth, Angle, Bowen, Burdick, Hammer, Hastings, Holmes, McPherson, Shaffer, Teter, Watson and Woolson.

The Bill passed and the title was agreed to.

Mr. McCrary of Lee, moved to take up the special order, Senate File No. 125: Bill for an Act granting certain powers to the District Court of Lee County, and relief thereby to Jonathan Jones.

On motion of Mr. Woodward, the Bill was ordered engrossed and read a third time to-morrow.

Mr. Duncombe, from Special Committee on Des Moines River Improvement, submitted the following report :

To the Honorable Senate of the State of Iowa:

The Special Committee, to whom was referred the petition of James A. Brown and George C. Allender, of Van Buren County, Iowa, beg leave to submit the following report :

That, from evidence before the Committee, it appears that sometime about the year 1843, the said Allender and Brown became the owners of certain lands adjoining the River Des Moines, at Bentonport, in said County, and the water power at said point, and that they had erected mills, and a dam across said River at that point;

That after the grant made by Congress, by Act of August 8th, 1846, to the State of Iowa, for the improvement of the Des Moines in prosecuting said improvement, it became necessary to remove the mills and dam of the said Brown and Allender, and the same were removed for the purpose of erecting one of much greater magnitude with proper lock for the passage of boats;

That by reference to the Appendix of the Journal of the Senate of the Fourth General Assembly of 1853, on page 70, 71, 72 and 73, it will be found that a final settlement was made between the State of Iowa, under a decree of Court, rendered in the District Court of Jefferson County, Iowa, between said State and said Allender; by which settlement, said Allender was paid \$3,500, and received a lease from said State for a water-power sufficient to run six burrs of stones of $4\frac{1}{2}$ feet in diameter, for 37 years from the 29th day of October, 1852, in compensation for the damages caused by the destruction of his property, estimated by a jury at \$13,200,

and \$3,600 damages caused by delays of the said Allender in his business;

That afterwards, to-wit: Sometime in 1856, a further extension of said lease was made to said Allender for nine years in compensation for damages caused by delays under said decree, making in all an absolute lease until October 29, 1898, of said six burrs of stones, and requiring said State to keep up said lock and dam until that time;

That the said Brown made a settlement with the State, without litigation through Commissioner Josiah H. Bonney, for his damages by reason of the destruction of his said property, and on account of delays caused thereby, and received a lease for eight run of stone $4\frac{1}{2}$ feet in diameter for 37 years from the 28th day of July, 1853, and ending the 28th day of July, 1890, which lease he now holds, and is duly of record among the records of said County of Van Buren, and which requires the State to keep up said lock and dam until that time;

That the evidence of the above statement, nearly all appears of record, and the evidence not of record is indisputable;

The entire balance of said water-power, consisting of two and one-half run of stones, of dimensions aforesaid, is now leased to Messrs. Green, Bragg & Co., for twenty years from about January 1st, 1853, and for which the State is entitled to receive \$250,00 per annum rent;

That the said Brown and Allender took a contract on said work for which the said Brown was allowed \$19,159 21, and the said Allender was allowed \$8,037.25 by the Board of Commissioners appointed to audit claims against said improvement for work done thereon by Acts of the General Assembly, approved March 16th and April 3d, 1860, providing for such Board of Commissioners, which said allowance of said Commissioners appears on file in the Office of the Register of the State Land Office;

That by Acts approved March 22d, 1858, and March 3d, 1860, provision was made, that the proceeds of fifty thousand acres of land not then certified to the State, should be applied to the payment of claims duly adjudicated by said Board of Commissioners. (See Revision of 1860, pages 909 and 910.)

That by an Act of the General Assembly of the State of Iowa, approved March 22d, 1858, (see laws 1858, page 189,) Charles Mason was appointed an agent on the part of the State to adjust the claim of the State for lands granted under Act of Congress, approved August 8th, 1846, and that as such agent, he refused to accept of the lands to the north line of the State as a full adjustment of all claims of said State for such lands, under such grant;

That the Supreme Court of the United States, upon a full hearing, has decided that said grant only extended up said River to the Raccoon Forks at Des Moines;

That said Brown and Allender have mortgaged their property on

each side of said River, valued at not less than \$30,000, and consisting of mills, on each side of said River, of brick, five stories high, for the money used in the performance of said contract, on said improvement, consisting of mortgage and judgment liens of upwards of \$21,000, and that suits have been commenced for the foreclosure of such mortgages, and some of them perfected in judgment, and some now pending; and that in case they are not relieved by the speedy action of the General Assembly, they must suffer great loss and lose their property.

From the foregoing statement it appears that the State is indebted to the said Brown and Allender in the sum of about \$30,000;

That the State is bound to keep up the said dam and lock until 1898;

That the only benefit that can be realized by the State in any event, for the risk incurred, is \$250 per annum on rents, until the expiration of the foregoing leases;

That the gates of the lock are now out of repair, and that new inbreaks are required to be built in a short time to save the said work, which will cost several thousand dollars;

That at the best calculation that can be made, a new dam and lock will, under the most favorable circumstances, be required before the expiration of said leases, which will cost the State not less than \$60,000—the present improvement having cost, as appears from the audited claims, over \$75,000;

That from the height of the dam, viz: 13½ feet,—from the fact that the water from the dam below at Bonaparte, back-sets upon the dam, herein referred to, from four to five feet,—from the further fact that the said dam is liable at any time to be carried away,—that it will require more expense every year to keep said dam and lock in repair, by several hundred dollars, than the rents will amount to, and from the fact, that under the most favorable circumstances, the keeping up of, and taking charge of said property, will be a heavy expense to the State, and will necessarily involve the expenditure of a large sum of money over the profits,

Your Committee recommend the passage of an Act, by which the State shall surrender, upon certain conditions, all rights in said property, and shall be released from all liability by reason of any leases or otherwise now existing, with other provisions which will fully appear in said bill hereby submitted.

GEO. W. McCRARY, Chair'n,
JOHN F. DUNCOMBE,
W. G. WOODWARD,
J. W. DIXON,
J. H. HATCHE,
WARREN S. DUNGAN.

Senate File No. 130: A Bill for an Act to provide a full settle-

ment of all claims, rights and liabilities between the State of Iowa and Jas. A. Brown and Geo. C. Allender.

Mr. Woodward moved that the Bill be laid upon the table and made a special order for next Saturday at 10 o'clock.

Mr. Brown moved to amend by ordering that the report and Bill be printed, and upon which amendment the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Brown, Dixon, Dysart, Gray, Hagans, Hatch, Hastings, Jennings, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pollard, Pattison, Redfield, Trumbull and Woodward—20.

The nays were, Senators Angle, Bowen, Burdick, Dungan, English, Foote, Green, Gue, Hesser, Holmes, Hurley, Kern, McCrary of Van Buren, Neal, Smith, Udell and Williams—17.

Absent or not voting, Senators Duncombe, Shaffer, Teter, Watson and Woolson.

The motion to amend prevailed.

The motion to make the Bill the special order for Saturday prevailed.

Mr. McCrary, of Lee, moved to take up Senate File 117: An Act providing for the auditing and allowance of certain claims against the War and Defense Fund, and make it the special order for Monday next. Carried.

Mr. Smith moved to take up Senate File No. 62: An Act in relation to the suppression of intemperance and that it be made a special order for Tuesday next. Carried.

Mr. Redfield introduced Bill, Senate File No. 130, in relation to the change of the name of Floyd County, Iowa.

Laid on the table.

The Chair stated that the business before the Senate was Senate File No. 126: A Bill providing for a Board of County Commissioners.

The amendment of Mr. Brown pending, upon which the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Foote, Gray, Green, Gue, Hammer, Hatch, Hastings, Hurley, Jennings, Kent, Kern, Lewis, Smith, Trumbull and Woodward—23.

The nays were, Senators Duncombe, Dungan, English, Hagans, Hesser, Holmes, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Udell and Williams—16.

Absent or not voting, Senators Shaffer, Teter, Watson and Woolson.

Mr. Dysart moved to indefinitely postpone the Bill, and upon which motion the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Foote, Gray, Green, Gue, Ham-

mer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Lewis, Smith, Trumbull and Woodward—24.

The nays were, Senators Duncombe, Dungan, English, Hagans, Hesser, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Pattison, Redfield, Udell and Williams—15.

So the Bill was indefinitely postponed.

On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 WEDNESDAY, February 19, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Bird.

Journal of yesterday read and approved.

Petitions were presented by Mr. Woolson, in relation to a Prohibitory Liquor Law. Referred to the special Committee upon that subject of which Mr. Teter is Chairman.

Also, in relation to protection against quacks in the Allopathic practice of medicine. Referred to special Committee on the Practice of Medicine.

Also, in relation to the passage of a law fixing fees of County Treasurers for receiving taxes and other purposes. 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 has passed the following Bills in which the concurrence of the Senate is asked :

House File No. 117: A Bill for an Act to exempt bees from execution.

House File No. 184: A Joint Resolution instructing the Governor of Iowa to request the release of Iowa troops from the Third Missouri Volunteer Regiment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Udell offered the following resolution :

Resolved, That the Secretary of the Senate issue certificates of per diem to James Pollard and J. L. Dana for the time they were upon this floor contesting their right to seats, and from the date of their appearance to the determination of the Senate upon said right, which resolution was adopted.

Mr. Holmes offered the following resolution which was adopted :

Resolved, That the Commissioners appointed to audit claims upon the War and Defense Fund be requested to report to the Sen-

ate, at as early a day as possible, the amount allowed to the Adjutant General of this State as salary, the amount for Clerk hire, the amount allowed for rent, the amount allowed for Livery hire, and all incidental expenses connected with that office since the last Extra Session of the General Assembly.

Mr. Redfield moved to take up Joint Resolution received from the House.

Mr. Angle, from Committee on Credentials, reported having examined the credentials of Mr. Potter, Senator elect from the Forty-First District and find the same correct.

Report was adopted.

Mr. Potter then came forward and took the oath.

The following message was received from the House :

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

CHA'S ALDRICH, Chief Clerk.

Joint Resolution of thanks to the Iowa Troops at the recent fight at Ft. Donelson. Bill was read a first and second time.

Mr. McPherson offered the following amendment :

Resolved, That the brave conduct of the Iowa Second at the battle at Fort Donelson is a complete refutation of the disgrace attempted to be put upon it by the recent order of the commanding officer at St. Louis, upon which the yeas and nays were called and were as follows :

The yeas were, Senators Angle, Bowen, Brown, Burdick, Dungan, Foote, Gray, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Udell, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Dixon, Duncombe, Dysart, English, Green, Gue, Hammer, Hastings, Jennings, Leake, Trumbull, and Williams—13.

Absent or not voting, Senators Boardman and Watson.

The amendment prevailed.

Mr. Neal moved to reconsider the vote whereby the amendment was adopted, which motion prevailed.

Mr. Dixon offered the following Substitute:

Resolved, That there is no Regiment of Iowa Volunteers of which we are more proud than the Second Regiment of Infantry, and that its recent gallant conduct at Fort Donelson immediately after the attempt to disgrace it, increases our admiration for the gallant conduct of its officers and soldiers. Lost.

The question being upon the adoption of the amendment of Mr. McPherson, the yeas and nays were called with the following result :

The yeas were, Senators Bowen, Brown, Gray, Hagans, Hatch, Hesser, Hurley, Kent, Kern, Lewis, McCrary of Van Buren, Mc-

Pherson, Neal, Pattison, Pollard, Shaffer, Smith and Woolson—18.

The nays were, Senators Ainsworth, Angle, Boardman, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hammer, Hastings, Holmes, Jennings, Leake, McCrary of Lee, Potter, Teter, Trumbull, Udell, Williams and Woodward—24.

Absent or not voting, Senators Redfield, and Watson.

The amendment was lost.

Upon motion of Mr. Leake the 11th rule was suspended, resolution was read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams, Woodward and Woolson—42.

The nays were, none.

Resolution unanimously adopted.

On motion of Mr. Udell the Secretary was directed to forward the Resolution immediately to the House.

A Joint Resolution, authorizing the Governor to appoint a commission of three, to provide and care for Iowa troops at Fort Donelson at the expense of the State. Read a first and second time, 11th rule suspended, the Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams, Woodward and Woolson—43.

The nays were, none.

Resolution unanimously adopted.

Mr. Dysart from Committee on County and Township Organization submitted the following report:

The Committee on Township and County Organization have considered the petition of the Citizens of Dallas county, praying a change in county government, and have directed me to report it back and recommend its indefinite postponement.

The Committee have also examined certain proposed amendments to the Supervisor, Revenue and Road Laws, recommended by the Board of Supervisors of Dubuque county, and are well pleased with several of them, and have directed me to report a bill and recommend its passage, in which two of said amendments are in substance incorporated.

The Committee further recommend that said list of amendments

be referred to the Committee on Ways and Means for consideration.

J. DYSART, Chairman.

The Report was adopted,
On motion of Mr. Foote the Senate adjourned.

AFTEERNOON SESSION.

Senate convened at the usual hour.

On motion of Mr. Bowen, Senate File No. 72: In relation to the Education of the Deaf, Dumb and Blind, was taken up.

Mr. Hatch offered Substitute,

Mr. Bowen moved to strike out the first and second Sections of the Substitute.

The following message from the House was received:

Mr. PRESIDENT:—I herewith present a communication from Adjutant General Baker in relation to the services of the Iowa troops at Fort Donelson, together with a Resolution unanimously adopted by the House in commemoration of their bravery.

Mr. Bowen moved to lay the Bill on the table and take up the Joint Resolution just reported from the House. Carried.

Bill was read first and second time. On motion of Mr. Bowen the 11th rule was suspended, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kern, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams, Woodward and Woolson—41.

Senators Burdick and Jennings were excused from voting.

Resolution unanimously adopted.

Mr. Angle from Committee on Credentials reported that the Committee had examined the credentials of E. F. Esteb, Senator elect from the 5th Senatorial District, and had found them correct. Report adopted.

Mr. Esteb then came forward and took the oath of office.

The following message was received from the House:

Mr. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the Resolution of the Senate in relation to the care of the wounded Iowa soldiers at Fort Donelson.

CHA'S. ALDRICH, Chief Clerk.

Mr. Leake moved to take from the table the Bill in relation to the Deaf and Dumb and Blind which was under consideration when the last resolution was received from the House. Bill was accordingly taken up, and the question being upon striking out the first and second sections of the Substitute, the yeas and nays were called, and were as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Dixon, Gray, Green, Hammer and Woolson—8.

The nays were, Senators Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kern, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Smith, Trumbull, Udell, Williams and Woodward—30.

Absent or not voting, Senators Boardman, Burdick, Jennings, Shaffer, Teter and Watson.

The motion to strike out was lost.

Mr. Duncombe offered the following Resolution :

Resolved, That the original Bill and the Substitute be referred to a Committee of five, of which the Senator from Polk shall be Chairman, with instructions to provide a Bill for the permanent location of the Deaf and Dumb Asylum at the Capital of the State, and providing further that each county shall pay the expense of each pupil sent from such county.

Mr. Smith moved to strike out of the Resolution that part of the instructions relating to counties, upon which motion the yeas and nays were called, and were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dysart, Foote, Gray, Hammer, Hastings, Hesser, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull and Woodward—23.

The nays were, Senators Ainsworth, Angle, Duncombe, Dungan, English, Esteb, Green, Gue, Hagans, Holmes, Kern, Leake, Neal, Potter, Udell, Williams and Woolson—17.

Absent or not voting, Senators Burdick, Hatch, Jennings and Watson.

Motion to strike out prevailed.

Mr. Ainsworth moved to strike out the words "permanent location" and insert "removal," upon which motion the yeas and nays were called, and were as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Dixon, Esteb, Gray, Green, Hammer, Hastings, Hesser, Holmes, Hurley, Kent, Neal, Pattison, Shaffer, Smith and Trumbull—18.

The nays were, Senators Boardman, Brown, Duncombe, Dungan, Dysart, English, Foote, Gue, Hagans, Hatch, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Potter, Redfield, Teter, Udell, Williams, Woodward and Woolson—23.

Absent or not voting, Senators Burdick, Jennings and Watson.

The motion was lost.

The question being upon Mr. Duncombe's motion to refer to a Special Committee, upon which motion the yeas and nays were called, and were as follows:

The yeas were, Senators Boardman, Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Smith, Teter, Trumbull, Udell, Williams and Woodward—29.

The nays were, Senators Ainsworth, Angle, Bowen, Dixon, Gray, Green, Hammer, Hesser, Neal, Shaffer and Woolson—11.

Resolution to refer adopted.

Mr. Holmes moved to take up Senate File No. 88, that it be made the special order for to-morrow at 11 o'clock. So ordered.

Mr. Neal offered the following resolution:

Resolved, That the Committee on the Judiciary be instructed to report a Bill repealing Section 3311 of the Revised Code and providing for the publication of notice of Sheriff's sales with less expense to the defendants.

Question being upon the adoption of the resolution the yeas and nays were called, and were as follows:

The yeas were, Senators Green, Kern, Hammer, Hastings, McCrary of Lee, McPherson, Neal, Redfield, Shaffer, Teter, Trumbull, Udell, Williams, Woodward, Woolson—15.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Esteb, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Gue, Hagans, Hesser, Hurley, Leake, Lewis, McCrary of Van Buren, Potter, Pattison, Smith—23.

Resolution was not adopted.

Mr. Teter moved to take up Senate File No. 96, that it be made a special order for next Wednesday at 11 o'clock. So ordered.

Mr. Foote moved to take up Senate File No. 69, and refer to Committee on Commerce. So referred.

Mr. Woolson moved to take up Senate File No. 46, and refer to Judiciary Committee. So referred.

On motion Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, February 20, 1862. }

Senate convened at the usual hour. /

Prayer by Rev. Mr. Eaton.

Journal of yesterday read and approved.

Received the following message from the House:

MR. PRESIDENT:—I herewith return Senate File No. 83: A Bill

for an Act for the Assessment, Levy and Collection of the quota of this State of the tax laid on the U. S. by the Act of Congress passed August 5th, 1861, the same having passed the House with following amendments in which the concurrence of the Senate is asked: After the word "Congress" Section 11, 9th line, add the words "or any subsequent acts." And also by adding to the title the words: "Or any subsequent acts and the payment of Auditor's warrants on the War and Defense Fund."

CHAS. ALDRICH, Clerk.

Chair announced the following Committees:

Special Committee on Senatorial and Representative Districts: Senators, Gue, Brown, Hammer, Esteb, Dysart and Potter.

Special Committee on Deaf and Dumb Institution: Senators Hatch, Pollard, Watson, Neal and Hastings.

Mr. Woodward moved to suspend 19th rule, that the Senate may adjourn over this afternoon. Carried.

Mr. Woodward moved that when the Senate adjourn it be until to-morrow. Carried.

Mr. Smith offered the following Joint Resolution:

Resolved by the Senate, the House concurring, That a Joint Committee of two on the part of the Senate of whom the Senator from Des Moines shall be chairman, and—on the part of this House, be appointed to examine and report to this General Assembly the amount of mileage due to, and the number of miles traveled by, each member of this General Assembly, as contemplated by the new Constitution of Iowa, which resolution was adopted.

President announced as such Committee on part of the Senate, Senators Foote and Potter.

On motion the following resolution was adopted:

Resolved, That a Special Committee of 5 with Senator Hammer chairman, be appointed with instructions to examine all invoices of seeds, bills, and other vouchers, and report upon the manner in which the annual appropriation for seeds has been expended by the Secretary of the Agricultural College for the last four years.

On motion Mr. Hammer was excused from acting as chairman of such Committee, and Mr. Teter substituted.

The president announced as such Committee, Senators Teter, Williams, Lewis, Kern and Hurley.

Mr. Dysart presented the petition of Jacob Wiley for relief. Referred to Committee on claims.

Mr. Duncombe presented petition from citizens of Humboldt county, in relation to Des Moines River lands. Referred to Committee on Des Moines River Land Grant.

Mr. McCrary of Lee, presented petition from the Dean of the Faculty of the Medical Department of the Iowa State University, and moved that it be referred to a special Committee of five, of which the Senator from Jefferson shall be chairman. So referred

and President announced as such Committee, Senators Shaffer, Trumbull, Hastings, Bowen and Udell.

Mr. Duncombe presented petition in relation to abolishing the office of State Printer. Referred to special Committee of five.

President announced as such Committee, Senators Duncombe, Dysart, Angle, Kent and Kern.

Mr. English presented petition in relation to same subject, which was referred to same Committee.

The following message was received from the Senate :

MR. PRESIDENT :—I herewith return Senate File No. 60 : A Bill for an Act authorizing the reception of certain Auditor's Warrants in payment of taxes, the same having passed the House, with sundry amendments, as follows :

Section 1—Insert after "shall" in 15th line, "when they receive such warrant write across the face thereof the word *canceled* and," and after "Treasurers" in 9th line, "and collectors of taxes." Strike out "ordinary" in 5th line, and "State" in 4th line. Insert after "State" in last line "and Federal," and between 3d and 4th lines "in payment of State and Federal."

Section 2—Insert after "interest" in 6th line "keeping an account of such interest separately," and before "Fund" in 2nd and 5th lines, "War and Defense;" and strike out all after the words "as may be," and after the word "issued" in 4th line "the said Auditor shall issue new warrants on said War and Defense Fund," and insert "the warrants on the War and Defense Fund issued by the Auditor shall be."

Section 3—Insert between 8th and 9th lines "payable to the payee, naming him or bearer." In all of which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

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

House File No. 22 : A Bill for an Act to legalize the sale of certain School Lands in Tama county.

Substitute for House File No. 101 : A Bill for an Act to restrict and define the powers and duties of City Courts.

CHA'S. ALDRICH, Chief Clerk.

INTRODUCTION OF BILLS.

By Mr. Smith : Senate File No. 133 : A Bill for an Act to repeal certain portions of Chapter 16 of the Acts of the Extra Session of the Eighth General Assembly. Read first and second time and referred to Committee on Ways and Means.

By Mr. Redfield : Senate File No. 134 : A Bill for an Act to authorize certain officers to administer oaths to Appraisers. Read

first and second time, and referred to Committee on Judiciary, to be incorporated in Bill of Amendments.

By Mr. Brown : Senate File No. 135 : A Bill for an Act relating to Evidence. Read first and second time and referred to Judiciary Committee.

By Mr. Neal : Senate File No. 136 : A Bill for an Act providing for giving notice of Sheriffs' and Constables' Sales. Read first and second time and referred to Judiciary Committee.

Mr. Kent for Committee on Engrossed Bills, reported having examined Senate File No. 125, and found it correctly engrossed.

Mr. Trumbull moved to take up the special order, Senate File No. 88 : A Bill for an Act to provide for the investment of the Permanent School Fund, and for raising Revenue.

The following message was received from the House :

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

House File No. 185 : Joint Resolution instructing our Senators and requesting our Representatives in Congress to use their influence to procure the appointment of Adjutant General N. B. Baker as a Brigadier General of Iowa Volunteers.

CHA'S. ALDRICH, Chief Clerk.

Mr. Dysart moved to lay the Bill on the table, and that it be made a special order to-morrow at 11 o'clock. Carried.

Mr. Jennings asked leave of absence for Mr. Williams. Granted. On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, February 21, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Eaton.

Minutes of yesterday read and approved.

Mr. Ainsworth moved to take up House File No. 185 : A Joint Resolution in relation to the appointment of Adjutant General Baker as a Brigadier General. Carried.

Mr. Ainsworth moved to strike out all after the word "Whereas," and upon this motion the yeas and nays were called, with the following result :

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Hagans,

Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Potter, Redfield, Shaffer, Smith, Teter and Trumbull—29.

The nays were, Senators Angle, Bowen, Gue, Kent, McPherson, Pattison, Watson, Woodward and Woolson—9.

The motion to strike out prevailed.

Received the following message from the House :

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

House File No. 47: A Bill for an Act for the re-location of County Seats.

Substitute for Senate File No. 116: A Joint Resolution in relation to the Second Regiment of Iowa Volunteers.

Also, the following resolution :

Resolved by the House of Representatives, the Senate concurring, That his Excellency the Governor be directed to pay out of the Contingent Fund, to each and every wounded soldier of the Iowa troops, the expenses incurred by him in returning home.

CHAS. ALDRICH, Chief Clerk.

Mr. Ainsworth moved to insert the following: "The people of the several Senatorial Districts have expressed confidence in the members of the Iowa Senate by electing them to the positions they now hold ;

Therefore be it resolved, the House of Representatives concurring, That our Senators in Congress be instructed and our Representatives requested, to use their influence to secure the appointment of ——— as Brigadier Generals of Iowa Volunteers, or some other positions of profit.

Resolved, That copies of this resolution be forwarded to every man likely to be influenced thereby.

Mr. Smith moved to amend by filling the blank with the following names: L. L. Ainsworth, H. G. Angle, N. Boardman, J. Bowen, A. F. Brown, M. V. Burdick, J. W. Dixon, J. F. Duncombe, W. S. Dungan, J. Dysart, W. H. English, J. G. Foote, G. W. Gray, G. F. Green, B. F. Gue, J. C. Hagans, D. Hammer, J. H. Hatch, D. C. Hastings, F. Hesser, W. H. Holmes, J. S. Hurley, J. D. Jennings, J. M. Kent, J. B. Leake, W. B. Lewis, G. W. McCrary of Lee, A. H. McCrary of Van Buren, M. L. McPherson, J. E. Neal, A. M. Pattison, E. B. Potter, James Pollard, James Redfield, J. M. Shaffer, S. G. Smith, I. P. Teter, G. W. Trumbull, N. Udell, J. J. Watson, H. H. Williams, W. G. Woodward, T. W. Woolson, E. S. Esteb and J. Kern or any other man.

Which motion prevailed.

Mr. Gray moved to lay upon the table, and upon which motion the yeas and nays were as follows :

The nays were, Senators Angle, Bowen, Burdick, Foote, Gray, Gue, Hagans, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary

of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Watson, Woodward and Woolson—21.

The nays were, Senators Ainsworth, Boardman, Dixon, Duncombe, Dungan, Dysart, English, Green, Hamner, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Neal, Smith and Trumbull—19.

The motion to lay on the table prevailed.

Mr. Redfield, upon leave, offered the following Concurrent Resolution :

WHEREAS, Adjutant General N. B. Baker has, in the opinion of the General Assembly of the State of Iowa, discharged the duties of his office with fidelity and credit to himself and this State; therefore,

Resolved, By the Senate, (the House of Representatives concurring.) That the thanks of the General Assembly be tendered to Adjt.-Gen. N. B. Baker for such faithful discharge of his duties.

Mr. Holmes moved to refer to Committee on Military Affairs, which motion prevailed.

Mr. McCrary, of Lee, offered the following resolution, which was lost :

Resolved, That hereafter the Senate will take up the order of business each morning at the order under consideration at the last adjournment, commencing with this morning.

Mr. Dungan asked leave of absence for Mr. Pollard during his illness.

Mr. Duncombe asked leave of absence for the day for Mr. Esteb. Granted.

Petitions were presented by Mr. Duncombe in relation to abolishing the office of State Printer. Referred to special Committee on that subject.

By Mr. Shaffer in relation to Trust Deeds. Referred to Judiciary Committee.

INTRODUCTION OF BILLS.

By Mr. Woolson : Senate File No. 138 : A Bill for an Act further defining the duties of County Treasurers and fixing the compensation therefor. Read a first and second time and referred to Committee on Township and County Organization.

By Mr. Lewis : Senate File No. 139 : A Bill for an Act for the settlement of contracts made for the purchase of School Lands. Read a first and second time and referred to Committee on Schools and Universities.

By Mr. Dysart : Senate File No. 140 : A Bill for an Act fixing the compensation of County Treasurers. Read a first and second time and referred to Committee on Ways and Means.

By Mr. Woodward : Senate File No. 141 : An Act concerning the

500,000 acre grant. Read a first and second time and referred to Committee on Public Lands.

Mr. Duncombe offered the following concurrent resolution :

WHEREAS, It has been made public from various reliable sources that a gross outrage has been committed against the Rev. Henry Clay Dean, in the town of Mt. Pleasant, Henry County, Iowa, his place of residence, who had been invited to deliver a lecture to the citizens of that place by the President of the Wesleyan University and the ladies, by an armed squad of soldiers of the Fourth Iowa Cavalry, said to be commanded by Lieut. Colonel Drummond in the forcible interference by said soldiers with said assembly, and the forcible attempt to outrage a peaceable citizen by requiring him to take the oath of allegiance, thereby distrusting his loyalty without an examination or hearing, therefore,

Be it resolved by the Senate, the House of Representatives concurring, That while we give all honor and praise to our soldiers who are fighting in defense of the Constitution and laws of our country, we deprecate and denounce as cowardly, and unbecoming brave and noble men the gross outrage committed by said soldiers against the citizens of Henry county and against the said Henry Clay Dean.

Resolved, That while we give all possible constitutional aid to our soldiers in patriotic duties which they are called upon to perform in support of the Government, we hold it to be our duty to condemn any assumption of authority or power over the peaceable loyal citizens of States like our own in which the united people breathe but one sentiment, that of pure self-sacrificing patriotic devotion to the glorious old Constitution and Union of our fathers.

Resolved, That all such acts as that above referred to weaken instead of strengthening the cause in which we are now engaged of defending the Government.

Resolved, That the Governor of the State be requested to send a copy of these resolutions to the said Lieutenant Colonel Drummond.

Mr. Bowen moved to lay the resolutions upon the table.

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Kern, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Hatch, Hesser, Jennings, Neal, Teter and Trumbull—12.

The motion to lay on the table prevailed.

Mr. Woolson moved to take up special order, Senate File No. 88: A Bill for an Act to provide for the investment of the Permanent School Fund and for raising Revenue. Which motion prevailed.

The President announced the question to be upon the indefinite postponement of the Bill.

Mr. Duncombe moved to recommit to Committee on Ways and Means, and upon this motion the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, English, Foote, Gray, Green, Hagans, Hatch, Hesser, Holmes, Jennings, Kent, Potter, Trumbull and Woodward—18.

The nays were, Senators Brown, Burdick, Dungan, Dysart, Gue, Hammer, Hastings, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Watson and Woolson—22.

So the Bill was not recommitted.

Question being upon the indefinite postponement, the yeas and nays were called with the following result :

The yeas were, Senators Brown, Burdick, Dungan, Dysart, Gue, Hammer, Hastings, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Watson and Woolson—22.

The nays were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, English, Foote, Gray, Green, Hagans, Hatch, Hesser, Holmes, Potter, Jennings, Kent, Trumbull, Woodward—18.

So the Bill was indefinitely postponed.

On motion of Mr. Holmes Senate adjourned.

AFTERNOON SESSION.

The Senate convened at the usual hour.

Mr. Duncombe moved to adjourn, and upon this motion the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Duncombe, English, Gray, Green, Esteb, Hagans, Hammer, Hatch, Holmes, Leake, Neal, Shaffer, Smith, Trumbull and Woodward—18.

The nays were, Senators Brown, Dungan, Dysart, Gue, Kern, Hesser, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Teter, Watson and Woolson—14.

Absent but not excused, Angle, Bowen, Foote, Hastings, Hurley, Jennings, Kent, McPherson, Patterson and Potter.

So the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, February 22, 1862. }

Senate convened at the usual hour.
Prayer by the Rev. Mr. Eaton.

The journal of yesterday read and approved.

Mr. McCrary, of Lee, asked to take up Senate File No. 125, being a Bill for an Act granting certain powers to the District Court of Lee County and relief to Jonathan Jones was accordingly taken up, and being upon its third reading. Read a third time and upon the question "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Watson, Woodward and Woolson—31.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Gray, Hastings, Kern and Trumbull—8.

So the Bill passed and the title was agreed to.

On motion the 19th Rule was suspended and the following resolution was adopted:

Resolved, That during the coming week the Senate will hold one session per day, commencing at 9 o'clock, A. M.

Mr. Watson offered the following resolution:

Resolved, That the Secretary of the Senate be instructed to expunge from the Journal the proceedings in reference to the Joint Resolution instructing our Representatives to use their influence in the appointment of N. B. Baker a Brigadier General.

On motion of Mr. Duncombe, the resolution was laid on the table.

INTRODUCTION OF BILLS.

By Mr. Watson: Senate File No. 142, being a Bill for an Act regulating executions upon judgments rendered. Read and referred to Committee on Judiciary.

By Mr. Teter: Senate File No. 143: A Bill for an Act regulating the purchase of supplies for the use of Charitable Institutions belonging to the State. Read and referred to Committee on Charitable Institutions.

By Mr. Dysart: Senate File No. 144: A Bill for an Act to amend an Act authorizing Mill Dams. Read and referred to Judiciary Committee.

Mr. Holmes moved to take up the special order, being a Bill for an Act to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and James A. Brown and George C. Allender.

On motion of Mr. Duncombe, the Senate resolved itself into Committee of the Whole.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bills:

Senate File No. 92: A Bill for an Act authorizing County Treasurers of Webster County to apportion taxes assessed on certain land and town lots in said County.

Senate File No. 123: A Bill for an Act to provide for the maintenance of the widows and minor children of decedents and to amend Section 2403 of the Revision of 1860.

House File No. 139: An Act to provide for the making of Deeds for swamp and overflowed lands sold by the County Courts or Boards of Supervisors.

House File No. 67: Substitute for House Files Nos. 33 and 38.

House File No. 178: A Bill for an Act to regulate the issuing of certificates of election in certain cases.

House File No. 157: A Bill for an Act entitled an Act to amend Sections 4779 and 4780, of the Revision of 1860, respecting peremptory challenges in criminal cases.

House File No. 170: An Act in relation to the duties of Clerks and Justices.

House File No. 107: An Act to amend Section 317, Chapter 22 of the Revision of 1860, in relation to the Boards of Supervisors.

House File No. 169: A Bill for an Act for the relief of Willis Clemens and others.

House File No. 181: A Bill for an Act to prevent the importation, running at large, or sale of diseased sheep.

CHA'S. ALDRICH, Chief Clerk.

The Committee rose at half past 11 o'clock, and Mr. Woolson, Chairman, reported that the Committee of the Whole have had under consideration Senate File No. 130, being a Bill for an Act to provide a full settlement of all claims, rights and liabilities between the State of Iowa and James A. Brown and George C. Allender, and report the same back with amendments without recommendation.

Mr. Duncombe moved that the amendments of the Committee be adopted. Carried.

On motion, the 11th Rule was suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Hammer, Hatch, Hesser, Holmes, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Watson and Woodward—27.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Esteb, Gray, Green, Gue, Hagans, Hastings, Hurley, Jennings, Neal, Pattison and Trumbull—15.

So the Bill passed.

Mr. Hammer moved to reconsider the vote last taken, and upon this motion the yeas and nays were called with the following result:

The yeas were, Senators Gue, Holmes, Hurley, Pattison and Trumbull—5.

The nays were, Senators Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Hatch, Hesser, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Potter, Redfield, Shaffer, Smith, Teter and Woodward—24.

Excused from voting, Senators Ainsworth, Angle, Brown, Burdick, Gray, Hagans, Hammer, Hastings, Jennings, Kent, Neal, Watson and Woolson.

The motion to reconsider was lost.

The title of Bill was then agreed to.

Mr. Burdick and others entered the following protest :

MR. PRESIDENT:—The undersigned, members of the Senate, would respectfully represent, that in our judgments the Bill for an Act entitled an "Act to provide for a full settlement of all claims, rights, and liabilities between the State of Iowa and James A. Brown and George C. Allender," did not pass the Senate by a Constitutional majority, for reasons following, to-wit :

Section 8 of said Bill reads as follows :

SEC. 8. There is hereby appropriated out of any moneys in the Treasury of the State, not otherwise appropriated, the sum of thirty thousand, one hundred and forty-two dollars and sixty-three cents, and the Auditor of State is hereby required to draw Warrants therefor, upon the written application of the said Brown and Allender, to the said Brown and Allender, and the taking and accepting of the said Warrants or any part thereof, by the said Brown and Allender, shall be by them an assent to all the provisions of this Bill in every particular, and shall bind them to perform all the requirements of the same, and shall authorize the General Assembly to resume the rights hereby granted or released without reviving any of the rights of said Brown and Allender, as heretofore fully provided."

Section 31, of Article 3, of the Constitution of the State of Iowa, reads as follows :

"SEC. 31. No extra compensation shall be made to any officer, public agent, or contractor, after the service shall have been rendered or the contract entered into ; nor shall any money be paid on any claim, the subject matter of which shall not have been provided for by pre-existing laws ; and no public money or property shall be appropriated for local or private purposes unless such appropriation, compensation or claim be allowed by two thirds of the members elected to such branch of the General Assembly."

In the opinion of the undersigned, the appropriation made in the 8th Section of said Bill, is for a local and a private purpose, and that the Constitution requires for such an appropriation a two thirds' vote of the members elected to the Senate. There are now forty-five legally elected members of the Senate, and it takes thirty votes

to pass a law of the character of the one under consideration. The vote stood twenty-seven for, and fifteen against, this Bill; and hence, in our opinion, did not constitutionally pass the Senate.

Again, after Senator Burdick had raised this constitutional question, the President of the Senate without directly passing upon it so as to allow an opportunity for an appeal from his decision, entertained a motion to reconsider the vote by which the Bill passed; and this being decided in the negative the Bill was held to have passed and the title was agreed to. In justice, however, to the President, it is necessary to state that the vote upon the Bill was declared before the constitutional objection was made. The Committee, however, believe that it is the vote of the Senate and not the declaration of the President, that passes a Bill; and that if, under a misapprehension, a Bill is declared by the President to have passed, when such is not the case, it is perfectly competent for him to correct the error.

The only safety for the State or the people is in a rigid adherence to the Constitution. If any of its provisions are impolitic or oppressive, it furnishes a remedy by providing for amendments. If amendments are desirable, let the necessary steps be taken to secure them; but let it be carried out in its true intent and meaning so long as it remains unchanged. We believe that the action complained of establishes a dangerous precedent. It opens wide the door for the perpetration of fraud upon the State. Local interest and personal influence have entirely too much to do with legislation. The success of a measure often depends more upon the men who have taken in hand to engineer it through, than upon its intrinsic merits. The interests of the State require that a safeguard should be thrown around measures, personal or local in their character, where money or property is to be appropriated. The Constitution has wisely, as we think, provided it, and we regret that it should not have been held sacred.

We think it has been disregarded, and against this we respectfully, although earnestly protest, and ask that this our protest be spread upon the Journal of the Senate.

M. V. BURDICK,
E. F. ESTEB,
L. L. AINSWORTH,
G. W. GRAY,
G. W. TRUMBULL,
JAIRUS E. NEAL,
GEO. F. GREEN,
H. G. ANGLE,
D. C. HASTINGS,
JOHN D. JENNINGS,
B. F. GUE.

Mr. Dysart presented a petition in relation to conferring civil and criminal jurisdiction on County Courts. Laid on the table.

Mr. McCrary of Lee presented a petition in relation to the exempting of certain lands in cities from taxation. Referred to Committee on Ways and Means.

Mr. Watson offered the following resolution, which was referred to Military Committee:

WHEREAS, Cols. Lauman of the Seventh and Tuttle of the Second Regiments of Iowa Volunteers have displayed unsurpassed bravery and skill upon the battle field, in defense of the Constitution and the integrity of the Union; therefore be it

Resolved by the Senate, the House of Representatives concurring, That our Senators and Representatives in Congress be, and are hereby requested, to use their influence to secure the appointment of the said Cols. Lauman and Tuttle as Generals of Brigades of Iowa Volunteers.

Resolved, That the Secretary of State be, and is hereby directed, to send a copy of this resolution to each of our Representatives in Congress.

On motion of Mr. McCrary of Lee, the Senate then took a recess until 2 o'clock.

AFTERNOON SESSION.

Senate convened at the usual hour.

Committee for the House was announced, consisting of Messrs. Martin and Bowdoin, notifying the Senate that the House was ready to meet the Senate in Joint Convention.

On motion of Mr. Leake, the Senate proceeded to meet the House in Joint Convention.

The President of the Senate announced that the Convention had met to hear the reading of Washington's Farewell Address.

The Convention was then opened with prayer by the Rev. Mr. Young.

The Farewell Address of George Washington was then read by Wm. F. Davis, Secretary of the Senate.

The Star Spangled Banner was then sung, the entire audience joining therein.

When on motion of Mr. Bowen, the Joint Convention was dissolved.

On motion of Mr. Holmes, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, February 24, 1862. }

Senate convened at the usual hour.

Prayer by Rev. I. P. Teter.

On motion, the reading of Saturday's Journal was dispensed with.

Petitions were presented by Mr. English, in relation to abolishing the office of State Printer. Referred to Special Committee on that subject.

By Mr. Esteb, in relation to the abolishing of the Supervisor system. Referred to Committee on County and Township Organization.

By Mr. Duncombe, in relation to State Printer. Referred to Special Committee on that subject.

Mr. Bowen, from Committee on claims, submitted the following report :

MR. PRESIDENT:—The Committee on claims to whom was referred the claim of Jacob Wily of Benton county, have had the same under consideration and have directed me to report, that this bill was contracted for clothing by Capt. J. S. Hunt, for Company G of Fifth Regiment of Iowa Volunteers, on the 10th of July last, that said company was mustered into the service of the United States on the 16th of July thereafter, and still remains in the service. They have evidence to show that this clothing was necessary to the comfort of the men of said company. The Committee feel satisfied that the goods were furnished in good faith by the said Wily, and from the representations of the said Captain he relied upon the State for the payment.

The Committee have not inquired whether the said Captain had authority from the Governor to make the purchase or not; but believing that the clothing thus purchased was necessary to the comfort of those Volunteers, and that advances made to aid the State in raising soldiers for the defense of the Government should be paid whenever it can be shown they were necessary and proper.

The Committee have therefore directed me to report the following Bill and recommend its passage.

J. BOWEN, Chairman.

Senate File No. 145: A Bill for an Act to provide for auditing the claim of Jacob Wily for clothing furnished Company G, Fifth Regiment Iowa Volunteers. Read a first and second time and laid on the table.

Mr. Woodward introduced Senate File No. 146: A Bill for an Act to apply a portion of the School Fund to secure certain debts due to the State. Read a first and second time and referred to the Committee on Schools.

Mr. Holmes from Committee on Ways and Means reported back

Senate File No. 113: A Bill for an Act authorizing the Boards of Supervisors to levy taxes on lands for the years 1857 and 1858 in certain cases, and recommend that it be laid on the table. Recommendation of Committee concurred in.

Mr. Holmes from Committee on Ways and Means reported back Senate File No. 134: A Bill for an Act to repeal certain portions of Chapter 16 of the Acts of the Extra Session of the Eighth General Assembly, and recommended that it be laid on the table and incorporated in Senate File No. 60.

Mr. Holmes moved to take up Senate File No. 60: A Bill for an Act authorizing the reception of certain Auditor's warrants in payment of taxes, and that it be referred to the Committee on Ways and Means. Carried.

Mr. Leake from Special Committee on a Bill for an Act for the protection of Game, submitted the following report:

The Special Committee to whom was referred Senate file No. 129: A Bill for an Act to amend the Acts to protect game, have had the same under consideration and a majority of the Committee have directed me to report the same back to the Senate and recommend its passage.

J. B. LEAKE, Chairman.

Bill was read and Mr. Woolson moved to strike out "except on his own premises," upon which motion the yeas and nays were as follows:

The yeas were, Senators Shaffer, Teter, and Woolson—3.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Trumbull, Watson and Woodward—38.

Motion to strike out lost.

The question being upon the Engrossment of the Bill the yeas and nays were as follows.

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Duncombe, Dysart, Esteb, Foote, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Leake, Lewis, McCrary of Lee, McPherson, Pollard, Potter, Redfield, Teter, Watson and Woodward—26.

The nays were, Senators Boardman, Dixon, Dungan, English, Green, Hagans, Hurley, Jennings, Kent, McCrary of Van Buren, Neal, Pattison, Shaffer, Trumbull and Woolson—15.

So the Bill was ordered engrossed and read a third time on tomorrow.

Mr. Boardman from Committee on Schools reported back Senate File No. 121: A Bill for an Act to promote efficiency in the man-

agement of the State University. Ordered engrossed and read a third time to-morrow.

Mr. McClary moved to take up special order, Senate File No. 117: A Bill for an Act providing for the auditing and allowance of certain claims against the war and defense fund. Carried.

On motion the Senate resolved itself into Committee of the Whole for the consideration of the special order.

Committee rose at 12 o'clock and through its Chairman reported progress and asked leave to sit again on to-morrow at 10 o'clock. Report adopted.

Mr. Dungan moved to reconsider the vote whereby the Senate refused to reconsider the vote upon the final passage of Senate File No. 130: An Act to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and James A Brown and George C. Allender.

Whereupon Mr. McCrary of Lee, rose to a point of order.

The President sustained the point, and ruled the motion not in order.

Mr. Shaffer from Joint Committee on Enrolled Bills submitted the following Report:

MR. PRESIDENT:—The Joint Committee of the General Assembly have examined the following Enrolled Bills and find them correct:

Senate resolution authorizing the Governor to send persons to provide for the wounded at Fort Donelson.

House resolution authorizing the Governor and Adjutant General to procure regimental flags, with appropriate devices for Iowa Regiments.

On motion of Mr. Duncombe Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, February 25, 1862. }

Senate convened at 9 o'clock A. M.

Prayer by the Rev. Mr. Kimmons.

Journal of yesterday read and approved.

Mr. Hurley presented a petition in relation to the suspension of the collection of debts. Referred to Judiciary Committee.

Mr. McCrary of Van Buren presented a petition in relation to Des Moines River Grant. Referred to Special Committee on that subject.

Mr. Duncombe presented a petition in relation to State Printing. Referred to the Special Committee on that subject.

INTRODUCTION OF BILLS.

By Mr. Woolson: Senate File No. 147: A Bill for an Act providing for Assisat Collectors, and for the better collection of taxes. Read and laid upon the table, and twice the usual number of copies ordered printed.

By Mr. Esteb: Senate File No. 148: A Bill for an Act to legalize certain acts of Seth Anderson, County Judge of Wayne County, Iowa, in the sale and conveyance of certain town lots in the town of Corydon, Iowa. Read first and second time, and referred to the Judiciary Committee.

By Mr. Hurley: Senate File No. 149: A Bill for an Act regulating the salaries and compensation of the Judges of the District Court. Read first and second time, and referred to Committee on Ways and Means.

By Mr. Neal: Senate File No. 150: A Bill for an Act to change the name of the town of Marysville, Marion County, Iowa, to Reinsville. Referred to Special Committee, of which Mr. Neal shall be Chairman.

By Mr. Esteb: Senate File No. 151: A Joint Resolution, asking for additional mail facilities. Read first and second time, and on motion the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?"

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English Esteb, Foote, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson, Woodward and Woolson—39.

The nays were none.

The Bill passed and the title was agreed to.

Senators Pattison, Teter and Kern were excused.

The following Message was received from the House:

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

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.

CHAS. ALDRICH, Chief Clerk.

Mr. Gue from the Committee on Printing submitted the following Report:

The Committee on Printing have had under consideration the Report of the Surgeon General, J. C. Hughes, which was referred to them, and after a careful examination of the same, have come to the conclusion that the portion composed of the monthly reports of the Surgeons of the several Regiments is not of sufficient general interest to require publication. We would recommend that 1,000 copies of that part of the Report made by Dr. Hughes be printed for the use of the General Assembly.

B. F. GUE, Ch'n Com. on Printing.

Report adopted.

Mr. Hatch from Special Committee to whom was referred the Bill in relation to the Deaf and Dumb Asylum, reported back a Substitute for Senate File No. 151.

Mr. Shaffer moved to refer to a Special Committee, consisting of Senators Hatch, Bowen, Neal, Smith and Dungan, and upon this motion the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Dixon, Dungan, Dysart, Esteb, Gray, Green, Hammer, Hastings, Shaffer, Woodward and Woolson—14.

The nays were, Senators Brown, Burdick, Duncombe, English, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Smith, Trumbull and Watson—24.

So the motion to refer was lost.

Mr. Brown moved to recommit to same Committee, with instructions to report on Thursday morning. Carried.

Mr. Kent from Committee on Agriculture reported back Substitute for House File No. 10, and recommended its passage. Bill laid upon the table.

On motion of Mr. Dysart Senate File No. 10 was taken up and made a special order for Thursday at 10 o'clock.

Mr. Holmes moved to take up Senate file No. 117, it being the special order: A Bill providing for auditing and allowance of certain claims against the War and Defense Fund.

On motion the Senate resolved itself into Committee of the Whole for the consideration of the Bill. The Committee rose at twenty minutes to one o'clock, and through Mr. Leake, Chairman, reported back the Bill with amendments, and recommended its passage.

On motion of Mr. Woolson the Report was laid on the table.

Mr. Woolson moved to take up Senate File No. 3: A Bill for an Act for the protection of the School Fund, that it be made the special order for Friday at 10 o'clock. Carried.

On motion of Mr. Jennings the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 WEDNESDAY, February 26, 1862. }

Senate convened at 9 o'clock A. M.

Prayer by Rev. Mr. Kimmons.

Journal of yesterday was read and approved.

Received the following communication from Auditing Commissioners :

HON. J. R. NEEDHAM :

President of the Senate :

DEAR SIR :—In compliance with Senate resolution requiring that the Commissioners appointed to audit claims upon the War and Defense Fund be requested to report to the Senate at as early a day as possible the amount allowed to the Adjutant General of this State, as salary, the amount for clerk hire, the amount for rents, the amount for livery hire and all incidental expenses connected with that office since the last extra session of the General Assembly, we have the honor to report the following amounts, viz :

For telegraphing	1,240.70
“ Clerk hire,	2,338.75
“ Blank book, printing, advertising and stationery	2,220.10
“ Salary Adjutant General,.....	1,012.00
“ Office rent, fuel and lights.....	514.50
“ Office furniture,.....	57.24
“ Postage,.....	64.46
“ 1 Copy Revised Statutes,.....	3.00

Total,..... \$7,450.75

No claims have been allowed by the Board for livery hire on account of services belonging to the Adjutant General's Department, but claims for livery hire to the amount of \$365.21 have been allowed on the sworn testimony of the Adjutant General that they were not chargeable to his department, but had been incurred on account of service rendered to, and immediately connected with the Quarter Master's Department.

In Justice to the Adjutant General, we would state that in the item of telegraphing a certain portion was for dispatches to and from the Governor. We are at present unable to state the amount on account of the Executive Department, from the fact that the Telegraph Company required the dispatches to be returned to them after examination, and we kept no separate account of the same. All of which is most respectfully submitted.

S. R. INGHAM,
 J. N. DEWEY.
 F. R. WEST.

Mr. Brown moved to refer to the Committee on Ways and Means.

Mr. Ainsworth moved that it be laid upon the table and the usual number of copies printed. And upon this motion the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dysart, English, Gray, Green, Hammer, Hastings, Hesser, Holmes, Hurley, Kent, Neal, Pollard, Potter and Watson—17.

The nays were, Senators Angle, Brown, Dixon, Dungan, Esteb, Foote, Gue, Hagans, Hatch, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—21.

Motion to lay upon table and print lost.

Absent but not excused, Burdick and Pattison.

Question being upon Mr. Brown's motion to refer, the Communication was so referred.

PETITIONS.

By Mr. Redfield, in relation to Duties and Compensation of County Superintendents. Referred to Committee on Schools and Universities.

Mr. Hatch, from members of the Bar of Polk County, in relation to amending Section 3851 of the Revision of 1860. Referred to Judiciary Committee with instructions to incorporate accompanying Bill in Bill of Amendments.

Mr. Woolson, in relation to conferring Civil and Criminal Jurisdiction on County Courts. Laid on table.

INTRODUCTION OF BILLS.

By Mr. Redfield, Senate File No. 153, a Bill for an Act in relation to the organization of townships, and the number of supervisors in any county. Read 1st and 2d time, and referred to Committee on Township and County Organization.

REPORTS OF COMMITTEES.

By Mr. Dysart: The Committee on Township and County Organization have had under consideration a petition of the Board of Supervisors of Clinton County, asking, among other things, that authority be conferred on Township Trustees to establish and vacate roads. A majority of the Committee are of the opinion that such a change would relieve the citizens of the respective Counties of this State from much expense, and many inconveniences, and also diminish the objections entertained in some portions of the State to the Supervisor system; therefore, they have instructed me to re-

port a bill in accordance with the prayer of said petition and recommend its passage.

J. DYSART, Chairman.

Bill read 1st and 2d time, and on motion of Mr. Brown laid on the table, and the usual number ordered printed.

By Mr. McCrary of Lee: The Committee on Military Affairs to whom was referred Senate File No. 110, "A Bill for an Act providing for the erection of an Arsenal Building for the State of Iowa" have had the same under consideration, and have directed me to report the following substitute therefor, and recommend its passage.

GEO. W. McCRARY, Chairman.

Substitute read when Mr. Angle moved to amend by striking out \$5000 and inserting \$1500.

Mr. Leake moved to lay on the table. Carried.

By Mr. Foote: The Committee on Commerce to whom was re-committed Senate File No. 69, an Act regulating interest and usury, would report that they find the charters of the State Bank of Iowa, and the free Banks under the general banking law, permit the taking by them, of ten per cent. interest per annum, till January 1st, 1863, and 8 per cent. per annum thereafter; that as no amendments can be made to their charters, unless by a vote of the people, a change of the rate of interest at this time that would effect the people only is considered inadvisable.

The Committee therefore, report a substitute entitled "an Act to amend Chapter (72) seventy-two of the Revision of 1860," and recommend its passage.

JOHN G. FOOTE, Chairman.

Substitute was read and on motion of Mr. Woodward laid on the table.

By Mr. Hurley, from Committee on Schools: A majority of the Committee on Schools and Universities to whom was referred Senate File No. 44, an Act repealing certain Sections of the acts of the Board of Education, have instructed me to report the following Bill as a substitute therefor, and recommend the passage of the substitute.

HURLEY of said Committee.

Substitute read and on motion of Mr. Angle laid on the table.

By Mr. McCrary of Van Buren:

The Special Committee to whom was referred Senate File No. 74: A Bill for an Act in relation to giving notices of election to township and road district officers and their qualifications, have had the same under consideration, and have instructed me to report, by Substitute and recommend its passage.

The Substitute was read, when Mr. Smith moved to strike out Section 2, and upon this motion the yeas and nays were called and were as follows:

The yeas were, Senators Duncombe, English, Esteb, Hesser, Kern, Neal, Pollard, Redfield, Smith, Watson, Woodward and Woolson—11.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Shaffer, Teter and Trumbull—30.

The motion to strike out was lost.

The Substitute was then adopted, the 11th Rule suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Woodward and Woolson—35.

The nays were, Senators Duncombe, English, Esteb, Hesser, Pollard, Smith and Watson—7.

So the Bill passed, the title amended and agreed to.

Mr. Brown, from Committee on Incorporations, reported back House File No. 8: An Act in relation to Life Insurance Companies, and recommend its passage. Laid on the table.

By Mr. Woodward:

MR. PRESIDENT:—The Judiciary Committee have instructed me to make the following report:

1—On Senate File No. 95, the Committee is of the opinion that the present law is preferable to that proposed in the Bill. They concur in the proposal to repeal Section 3550, but not in the proposed Substitute. A repeal of that Section will be embraced in the Bill of amendments; as to the remainder of the Bill, they recommend an indefinite postponement.

2—On Senate File No. 103, relating to taxation of costs in criminal cases, that they think no further legislation is necessary on this subject and they recommend an indefinite postponement.

3—On Senate File No. 104: A Bill to repeal Section 4147 and provide a Substitute. That a Substitute will be presented in the Bill for amendments.

4—Upon House File No. 82: A Bill to amend Section 4607, Chapter 195, they deem the proposed legislation inappropriate, and recommend an indefinite postponement of the Bill.

5—Senate File No. 109: A Bill requiring Recorders of Deeds to obtain and file a minute of judgments in the U. S. District Court, and sales of land under them. They report the same back, with the following amendments, and recommend its passage:

In section 1, on page 1, lines 4 and 5, strike out the words "J. C. Burns at Dubuque," and substitute the following: "the Clerk of the District Court of U. S. for District of Iowa." In section 1, page 1, line 6, strike out the words "the District Court of the United States for the District of Iowa," and insert the words

“that Court.” And that the 4th and last section be stricken out.

6—On Senate File No. 111: A Bill in relation to levying Executions. They report the same back, with the following amendments, and recommend its passage:

In section 2, line 3, after the words “property of the same,” insert the following words: “which can be found, and”. At the end of section 2, add the words “or if it is incumbered to the extent of one half its assessed value.” Strike out all of section 3 after the words “hereby repealed,” and substitute the following: “This Act is not intended to in any manner affect section 2277, nor the provisions of Chapter 98 of the Revision of 1860.” And they recommend the repeal of the 4th and last section.

7—On Senate File No. 115: Bill to amend section 117 of the Revision of 1860, relating to the Law Reports: That they do not deem a change of the law expedient, and recommend an indefinite postponement.

8—In relation to Senate File No. 122: Bill to amend Section 3499 and 3502 of the Revision: That they do not consider the proposed amendment expedient, and recommend an indefinite postponement.

9—Upon Senate File No. 85, and House File No. 96: Bills relating to Section 5066, on a change of venue in criminal cases before Justices of the Peace: They recommend the accompanying Substitute for both Bills.

W. G. WOODWARD, Chairman.

On motion of Mr. Duncombe Senate File No. 109 was recommended.

The report of the Committee was adopted.

Mr. Hammer moved to take up House File No. 184: Resolution in relation to Iowa troops in Missouri Regiments. Carried.

Mr. Ainsworth moved to amend by making it a Joint Resolution. Carried.

The 11th rule was suspended, Bill read third time, and upon the question, “Shall the Bill pass?” the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagaus, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—40.

The nays were, none.

Bill passed, and title amended and agreed to.

Mr. Brown moved to take up House File No. 73: A Bill for an Act relating to the Iowa Conference Seminary, now known as Cornell College. Carried.

On motion the 11th rule was suspended, Bill read third time, and

upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—38.

The nays were, Senators English and Hurley—2.

Bill passed and its title agreed to.

Mr. Dysart moved to take up House File No. 22: A Bill in relation to certain lands in Tama County and refer to Committee on Schools. So referred.

Mr. Teter moved to postpone the special order until next Monday at 10 o'clock, A. M. Carried.

Mr. Bowen, from Committee on Claims, submitted the following report:

MR. PRESIDENT:—The Committee, to whom was referred the claim of Lowrie & Miller, beg leave to report that said Attorneys' claim is based on services rendered the State by the employment of the inspectors of the Penitentiary against the lessees of the Penitentiary, and amounts to \$200.

The Committee believe that said inspectors had no authority of law to employ said Attorneys; and even if they had, the Committee have evidence that one of said Attorneys has been paid \$100 by the inspectors for services thus rendered, and in the opinion of the late Attorney General Rice, was ample to compensate them for any services rendered the State.

The Committee have therefore directed me to report against the allowance of said claim.

J. BOWEN, Chairman.

Mr. McCrary, of Lee, moved to lay the report on the table. Carried.

Mr. Bowen, from Committee on Claims, offered the following Concurrent Resolution:

Resolved by the Senate, the House of Representatives concurring, That the Secretary of the Senate and the Clerk of the House be required to keep on file all reports and papers presented to the respective branches of the Legislature for claims, and at the adjournment of the Legislature to place the same in the hands of the Secretary of State, who shall preserve the same for future use.

Adopted.

Mr. Smith moved to take up Senate File No. 62: An Act for the suppression of intemperance and make it the special order for next Tuesday, at 10 o'clock. Carried.

Mr. McPherson, from Committee on Federal Relations, reported Joint Resolution: Substitute for Senate File Nos. 27, 28 and 35, in relation to mail facilities.

Mr. Neal moved to amend by inserting a daily mail from Eddyville by way of Knoxville to Des Moines, Iowa. The amendment adopted.

Mr. Neal moved to suspend 11th Rule, that the resolution be passed now. Carried.

The Bill was read third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—40.

The nays were, none.

Bill passed and the title agreed to.

Mr. Redfield, from Committee on Agriculture, reported back Substitute for Senate File No. 107, in relation to tolls.

Mr. Ainsworth moved to refer to the Senator from Linn, with instructions. And on this motion the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Angle, Burdick, Dixon, Duncombe, Dysart, Esteb, Green, Hammer, Hurley, Jennings, Potter, Trumbull and Woodward—14.

The nays were, Senators Boardman, Bowen, Dungan, English, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Watson and Woolson—28.

The motion to refer was lost.

Mr. Holmes moved to lay the Bill and Substitute on the table. Carried.

Senate File No. 115, in relation to Supreme Court Reports, was taken from the table. Question being upon the indefinite postponement, the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Angle, Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Esteb, Green, Hatch, Hastings, Hesser, Hurley, Jennings, Leake, McCrary of Lee, McPherson, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—26.

The nays were, Senators Bowen, Dysart, English, Foote, Gray, Gue, Hagans, Holmes, Kent, Kern, Lewis, McCrary of Van Buren, Neal, Pattison, Teter and Woolson—16.

The Bill was indefinitely postponed.

On motion, the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, February 27, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Peet.

Received the following message from the House :

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

House File No. 190: A Bill for an Act legalizing the Acts of Charles A. Perry, as Notary Public in Buchanan County, Iowa, under the assumed name of Richard J. Thornton.

CHA'S. ALDRICH, Chief Clerk.

Journal of yesterday read and approved.

Mr. Duncombe presented remonstrance in relation to Des Moines River Grant. Referred to Committee on that subject.

Mr. McCrary of Lee, offered Joint Resolution No. 157 in relation to construction of one Federal Judicial Circuit from certain States. Read a first and second time and on motion, 11th rule suspended, Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Hammer, Leake, Neal, Pollard and Trumbull—12.

Bill passed.

Mr. Duncombe offered the following resolution :

Resolved, That the Committee on Senatorial and Representative Districts be and they are hereby instructed to report a Bill re-districting the State so that the entire number of Senators shall not exceed thirty, and the number of Representatives shall not exceed sixty.

Mr. Woolson offered the following amendment :

Provided that the new and sparsely settled counties be so re-organized as to produce an equality of population which will then be represented by such districting.

Mr. Holmes moved to lay the resolution and amendment on the table. Upon this motion the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hammer, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Watson, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hagans, Neal, Pollard and Potter—10.

So the motion to lay on the table prevailed.

Mr. Dysart moved to take up Special order. Carried.

Senate then went into Committee of the Whole upon the consideration of the subject, Mr. Holmes, Chairman.

Committee rose at 15 minutes past ten, and Chairman reported that Committee had had under consideration Substitute for Senate File No. 10: A Bill for an Act to confer civil and criminal jurisdiction on county courts, and report the same back with amendments, and recommend the adoption of Substitute with amendments.

Mr. Woodward offered the following Substitute for Section 2 :

In actions where the amount claimed does not exceed fifty dollars, the provisions of 3851, 3852, 3853, 3854 and 3855 of the Revision of 1860 should govern in respect to the place of bringing suit, and the said court shall have jurisdiction of actions of forcible entry and detainer, but shall not have jurisdiction in suits in equity nor in actions at law in which the title to real estate is involved

Mr. Brown moved to strike out so much of Substitute as relates to the \$50, and upon this motion the yeas and nays were called and were as follows :

The yeas were, Senators Brown, Foote, Hatch, Hastings, Hurley, Shaffer, Watson and Woolson—8.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hesser, Holmes, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull and Woodward—33.

Motion to strike out was lost.

The question being upon the adoption of Substitute for Section 2 of Bill, it was adopted.

Mr. Woolson moved to amend report of Committee by striking out the words "of District Court" and inserting "justice of the peace." And upon this motion the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hurley, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Smith, Woodward and Woolson—19.

The nays were, Senators Angle, Brown, Duncombe, English, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Jennings, Kent, Lewis, Neal, Pattison, Pollard, Potter, Shaffer, Teter, Trumbull and Watson—23.

Motion to amend was lost.

The question being upon recommendation of Committee to amend Section 3, fourth line by striking out all after the word "before"

and insert "the District Court." And upon this question the yeas and nays were as follows:

The yeas were, Senators Angle, Brown, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Hatch, Hesser, Jennings, Kent, Lewis, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull and Watson—22.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Hagans, Hastings, Holmes, Hurley, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Smith, Woodward and Woolson—21.

Motion to strike out prevailed.

Mr. Dungan offered a substitute for the first Section: That in addition to the powers now exercised the County Courts in the several counties of this State shall have Civil Jurisdiction as follows:

1. Concurrent with Justices of the Peace in the townships where the County Court holds its sessions.

2. Concurrent with Justices of the Peace in all other portions of the county where the amount in controversy amounts to fifty dollars or more.

3. Exclusive jurisdiction of appeals from judgments rendered by Justices of the Peace in both civil and criminal actions.

4. Jurisdiction concurrent with the District Court in all civil actions wherein the amount claimed does not exceed \$500, except as qualified in the next section.

5. In actions of replevin, attachment and forcible entry and detainer, co-extensive with the county.

Mr. Brown moved to amend Substitute by striking out the words "County Court" and inserting "Courts of Common Pleas."

Motion lost.

The question being upon the adoption of the substitute for section 1, it was adopted.

Mr. Boardman moved to strike out the last sentence of section 8, and insert the following: "And in causes last named the appeal for error in law may be taken to the District Court when the appellee shall consent thereto, and in such cases the decision shall be final as between the parties." Carried.

Mr. Angle moved to indefinitely postpone the further consideration of the Bill, and upon this motion the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, English, Green, Hesser, Kent, McCrary of Lee, McCrary of Van Buren, Neal, Redfield, Shaffer and Watson—12.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Kern, Leake, Lewis, McPherson, Pattison, Pollard, Potter, Smith, Teter, Trumbull, Woodward and Woolson—30.

The motion to indefinitely postpone was lost.

The following message was received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the Concurrent Resolution of the Senate in relation to the preservation and filing with the Secretary of State of reports and petitions concerning claims, without amendment, and that the same is herewith returned.

I am also directed to inform the Senate that the House has ordered to be printed the usual number of copies of the Report of the Auditing Board, in relation to the expenses of the Adjutant General's Department, for the use of the House.

I also herewith return Senate File No. 156: A Joint Resolution asking for additional Mail facilities, the same having passed the House without amendment.

I am further directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 184, and passed the Bill as so amended.

CHA'S. ALDRICH, Chief Clerk.

Mr. Bowen moved that the Secretary of the Senate be directed to furnish the members of the Senate with copies of the Reports of the Insane Asylum and Penitentiary. Carried.

Mr. Shaffer from Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, and after causing the Clerk to correct certain verbal errors therein, present them for your signature, viz :

Senate File No. 123 : An Act to provide for the maintenance of the widows and minor children of decedents, &c.

Senate File No. 92 : An Act authorizing the County Treasurer of Webster County to apportion certain taxes, &c.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Kent from the Committee on Engrossed Bills would respectfully report that they have examined Senate Files Nos. 108, 121, 127 and 129, and find them correctly engrossed.

J. M. KENT, Chairman.

Mr. Neal asked leave of absence for Senator Green. Granted. On motion of Mr. Watson Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, February 28, 1862. }

Senate was called to order at 9 o'clock A. M., by the Secretary. Mr. Redfield nominated Mr. Woolson President, *pro tem*.

Mr. Ainsworth nominated Mr. Gray.

Mr. Angle nominated Mr. Woodward, who declined.

The roll was called with the following result :

Those voting for Mr. Woolson were Senators Angle, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Gue, Hagans, Hastings, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter and Woodward—23.

Those voting for Mr. Woodward were Senators Gray, Hatch, Watson and Woolson—4.

Those voting for Mr. Gray were Senators Ainsworth, Duncombe, English, Esteb, Green, Hammer, Hesser, Jennings, Kern, Neal, Pollard, Potter and Trumbull—13.

Mr. Woolson was declared elected President of the Senate, *pro tem.*

Mr. Woolson then took the chair and briefly addressed the Senate.

Prayer by Rev. Mr. Peet.

Journal of yesterday read and approved.

Mr. Ainsworth announced that Messenger Springer was sick, and moved that Master George L. Hatch act as Messenger until the recovery of Springer. Carried.

PETITIONS AND MEMORIALS.

By Mr. Holmes : In relation to Land Grant of Cedar Rapids & Missouri Railroad Company. Read and referred to Railroad Committee.

By Mr. English : In relation to abolishing the office of State Printer. Referred to Special Committee on that subject.

By Mr. Kent : In relation to Prohibitory Liquor Law. Referred to Special Committee on that subject, of which Mr. Teter is Chairman.

By Mr. Esteb : In relation to abolishing the office of State Printer. Referred to Special Committee on that subject.

RESOLUTIONS.

By Mr. Dysart :

Resolved, That after this week, the hour to which the Senate shall stand adjourned from day to day, shall be 9 o'clock A. M., and 2 o'clock P. M., unless otherwise ordered by the Senate.

On motion of Mr. Holmes it was laid on the table.

By Mr. Lewis :

Resolved, That the Auditor of State be requested to make a statement to the Senate, showing the amount of interest collected on the Permanent School Fund ; also the amount delinquent in the several counties. as appears from the Report of February, 1862 ;

also if any portion of said fund or interest is used or appropriated to other purposes than the support of schools, and if so, the particulars, so far as the several reports may show. Resolution adopted.

By Mr. Redfield:

Resolved, That the Register of the Land Office be requested to transmit to the Senate the number of acres of land certified by the Secretary of the Interior to the State for the several Railroads in this State, and the townships and ranges in which such lands are situated. Resolution adopted.

Mr. Shaffer from Joint Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following Enrolled Acts, and find the same correct, viz:

House Files No. 184: A Joint Resolution respecting Iowa Soldiers of Lyon's Memorial Regiment.

House File No. 73: An Act relating to the incorporation of Iowa Conference Seminary.

We present them for your signature.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Redfield from Committee on Schools and Universities presented the following report:

[Report missing.—PRINTER.]

On motion of Mr. Brown, the report and accompanying Bills were laid on the table.

Mr. Neal, from Special Committee to whom was referred Senate File No. 150: A Bill for an Act to change the names of Towns and Villages, submitted the following report:

MR. PRESIDENT:—The Select Committee to whom was referred Senate File No. 150: A Bill for an Act to change the name of Marysville in Marion County, Iowa, to Klinesville, ask leave to report a substitute for the original Bill, making a general law on the subject under which the object by the original Bill can be attained, and recommend its passage.

J. E. NEAL, Chairman.

Substitute was read a first and second time, and on motion of Mr. Angle, was adopted.

On motion of Mr. Neal, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—39.

The Bill passed and the title was agreed to.

Mr. Angle, from Rail Road Committee, reported back Substitute for Senate File No. 64, being a Bill to amend Section No. 1332 and 1334 of the Revision of 1860. Substitute read a first and second time and adopted.

Mr. Boardman moved to lay upon table. Carried.

Mr. Angle, from Rail Road Committee, reported Substitute for Senate File No. 32: A Bill for an Act requiring officers of Rail Road Companies to reside within the State of Iowa, and defining their duties. Read a first and second time, and on motion of Mr. Redfield, laid on the table and the usual number of copies ordered printed.

TEN O'CLOCK.

Chair announced special order for this hour.

Mr. Hatch, upon leave, submitted the following report:

Your Committee, to whom was referred Senate File No. 152, to remove the Institution for the Deaf and Dumb, with instructions, beg leave to report as follows: We have had the same under consideration and recommend the amendment of the first Section, and Substitute for Section 4, and its passage as so amended.

The vote was then taken upon the amendment to Section 4, which was adopted.

On the amendment to Section 1, the yeas and nays were called with the following result:

The yeas were, Senators Brown, Burdick, Dungan, Gray, Green, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, McCrary of Lee, Neal, Pattison, Pollard, Shaffer and Woolson—19.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dysart, English, Esteb, Foote, Gue, Hagans, Holmes, Jennings, Kern, Lewis, McCrary of Van Buren, McPherson, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—25.

The amendment was lost.

Mr. Bowen offered the following amendment:

Provided, That the rent of buildings at Des Moines for said Asylum, shall not exceed the amount for which suitable buildings can be obtained at Iowa City.

Mr. Brown moved to amend by striking out the words "can be," and insert "have been."

Mr. Angle moved to lay the amendment to the amendment on the table, and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Gray, Green, Hammer and Hastings—9.

The nays were, Senators Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Red-

field, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—32.

The motion was lost.

The question now being upon the amendment, Mr. Bowen called for the yeas and nays which were as follows:

The yeas were, Senators Brown, Burdick, Duncombe, Dysart, Hagans, Hatch, Holmes, Hurley, Kern, Pattison and Trumbull—11.

The nays were Senators Ainsworth, Angle, Bowen, Dixon, Dungan, English, Esteb, Green, Gue, Hammer, Hastings, Hesser, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Smith and Woodward—25.

The amendment was lost.

The question now being upon Mr. Bowen's amendment, he called for the yeas and nays which were as follows:

The yeas were, Senators Angle, Bowen, Dixon, Esteb, Green, Gue, Hesser, Shaffer, Teter and Woodward—10.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Leake Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith and Trumbull—31.

So the amendment was lost.

Mr. Holmes offered the following amendment to Section 4: Strike out the words "two years" and insert "so long as the State may want to occupy the same for the use of said Institution."

Mr. Hammer moved to amend by inserting the words "4 years" in place of "2 years."

The following message was received from the House:

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

Resolved, That the House of Representatives (the Senate concurring) will meet the Senate in Joint Convention, in this Hall on Monday, March 10th, 1862, at 10 o'clock A. M., for the purpose of electing a Warden of the Penitentiary for the two years ensuing thereafter, and also three Bank Commissioners.

I also herewith return Senate File No. 87, a Bill for an Act authorizing Boards of Supervisors to divide townships into election precincts in certain cases; the same having passed the House without amendment.

CHAS. ALDRICH, Chief Clerk.

Mr. Angle called for the previous question on the amendment of Mr. Hammer which was ordered.

The question then being: Shall the main question be now put, it was decided in the affirmative.

Mr. Hammer's Amendment was lost.

The question now being on the amendment of Mr. Holmes, he called for the yeas and nays and the vote resulted as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Dysart, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Kent, Pattison, Shaffer and Woodward—18.

The nays were, Senators Burdick, Duncombe, Dungan, English, Foote, Hagans, Hatch, Hesser, Jennings, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Smith, Teter and Watson—21.

Amendment lost.

Mr. Holmes offered an amendment to Section 4, when Mr. McPherson raised the point of order that the previous question cut off all amendments, and the Chair decided the point to be well taken.

Mr. Brown moved to reconsider the vote by which the previous question was ordered.

Mr. Angle called for the yeas and nays, and the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McPherson, Neal, Pattison, Redfield, Shaffer, Teter, Trumbull and Woodward—30.

The nays were, Senators Angle, Dixon, Green, Gue, McCrary of Lee, McCrary of Van Buren, Pollard, Potter and Watson—9.

Motion prevailed.

Mr. Holmes offered the following amendment to Section 4:

After the words 2 years, insert, "and until the State can have sufficient time to provide a suitable building for the use of such Institution which shall not exceed one year, after the expiration of the time of the lease."

Mr. Angle moved to strike out "one year" and insert "five years." Lost.

The question now being on Mr. Holmes' amendment, the yeas and nays were called and the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, Pattison, Shaffer and Woodward—27.

The nays were, Senators English, Hagans, Jennings, Kern, Leake, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Smith, Teter, Trumbull and Watson—15.

The amendment prevailed.

Mr. Bowen offered the following substitute for Section 2, and called for the yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Bowen, Dixon, Esteb, Hesser, Shaffer and Teter—7.

The nays were, Senators Angle, Brown, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPher, son, Neal, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Watson and Woodward—34.

That the ex-officio members of the Trustees of the Deaf and Dumb Asylum are hereby required to advertise in three newspapers, one of which shall be published at Des Moines, setting forth that they are authorized to permanently locate the Deaf and Dumb Asylum at such place as the citizens thereof shall present the largest donation to aid the State in erecting buildings for said Institute, and at the same time taking into consideration the eligibility and healthfulness of the location and the general convenience to the inhabitants of the State, and such location when selected shall be the permanent location of such Institution.

Substitute was lost.

Mr. Burdick moved that the Bill be engrossed and read third time to-morrow.

Mr. Ainsworth moved to lay on the table and print, and on this he called the yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Angle and Bowen—3.

The nays were, Senators Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—38.

Motion was lost.

Mr. Duncombe asked leave of absence for Mr. Potter which was granted.

On the question "Shall the Bill be engrossed and read a third time to-morrow," Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Brown, Burdick, Duncombe, Dungan, English, Esteb, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—31.

The nays were, Senators Ainsworth, Angle, Bowen, Gray, Green, Hammer, Hastings and Jennings—8.

The motion prevailed.

On motion of Mr. Neal, Senate File No. 113 was taken up: A Bill for an Act authorizing the Boards of Supervisors to levy taxes in certain cases and be made the special order for Thursday next at 10 o'clock, A. M.

Mr. Dixon moved to take up Concurrent Resolution in relation to wounded soldiers. Carried.

The resolution was read, and Mr. Angle moved to amend by inserting the word "necessary" before "expenses." Carried.

Mr. Hammer moved to strike out "Contingent Fund" and insert "War and Defense Fund."

Mr. Holmes moved to refer to Military Committee with instructions. Lost.

The question being upon Mr. Hammer's amendment as amended, it was adopted.

Mr. Leake moved to refer to Committee on Ways and Means, and upon this motion Mr. Dixon called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson and Woodward—34.

The nays were, Senators Angle, Bowen, Brown, Dixon, Gue, Hagans and Hastings—7.

So the resolution was referred.

The following communication was received from the Secretary of State :

OFFICE OF SECRETARY OF STATE, }
DES MOINES, IOWA, February 24, 1862. }

JNO. R. NEEDHAM,

President of the Senate :

SIR :—In compliance with the following resolution : "*Resolved*, That the Secretary of State be requested to report to the Senate, in detail, the amount received by him as fees, and the total compensation received by him as Secretary of State for the years 1860 and 1861," I have the honor to lay before the Honorable Senate a copy of a communication submitted to the House of Representatives upon the same subject, communicating the information sought in the Senate resolution.

ELIJAH SELLS, Sec'y of State.

OFFICE OF SECRETARY OF STATE, }
DES MOINES, IOWA, January 23, 1862. }

HON. RUSH CLARK,

Speaker of the House of Representatives :

SIR :—In compliance with a resolution of the House of Represen-

tatives, as follows: "*Resolved*, That the Secretary of State be requested to inform the House of the amount of fees received by him since the last regular session of the Legislature, and to furnish full and complete lists thereof," I have the honor of communicating to your Honorable Body that I am not able to furnish "full and complete lists," not having a register of fees received, but can approximate very nearly the amount.

The total amount of receipts since the close of the last session, for ordinary services, for which the law authorizes the Secretary to charge fees, does not exceed fifty dollars.

Since the close of the last session, the Secretary of State has examined proof and issued about 1,600 certificates under the Seal of the State, which certificates were attached to swamp land proof, upon which service I have received about \$340. The fees accruing from this source have had their origin since the last regular session of the General Assembly, and will cease to have an existence in the future, but to a very limited extent. I know of no additional swamp land proof that will pass through the Secretary's Office for examination and certificate.

In addition to the above, I have received compensation for services, which the law did not require me to perform, which compensation was cheerfully paid by the parties for whom service was rendered.

The fees charged in the Secretary's Office are for services rendered outside of the ordinary duties of the office, and in all cases the charges are made against the individual requiring the service, and in no case is the State charged fees, and the only compensation received from the State, for services as Secretary of State, is the annual salary of \$1,500.

I hope it may not be regarded as improper for me to state in this connection, that the duties of the Secretary of State have been greatly increased since the Legislature fixed the annual salary at \$1,500. At the next regular session thereafter, all the property of the State, both real and personal, not appertaining to any separate office, was placed under the care and control of the Secretary of State.

The Secretary was required to superintend the clearing, fencing and improvement of the Capitol Square, all of which was performed to the entire satisfaction of the next succeeding Legislature.

At the last regular session the Legislature assigned to the Secretary of State the duty of building, with the advice and consent of the Census Board, a house to contain fire-proof vaults, of sufficient capacity to deposit the archives of the State, a room to accommodate the office of Register of the State Land Office, a room for stationery, as well as a room for a general warehouse; which house was built upon State grounds, under my immediate supervision, at a cost of but \$3,400. I am of the opinion, and that opinion is corroborated by the opinion of our best builders, that in the ordinary

mode of managing public buildings, the house could not have been built for a less sum than from \$4,500 to \$5,000.

At the late Extra Session the Legislature made an appropriation for improving and repairing the building which you now occupy, which improvement was to be made by the Secretary of State. The appropriation was thought to be entirely inadequate to make the necessary repairs.

I adopted the most economical mode by purchasing material myself, hiring work by the day, giving constant attention and personal supervision, securing the completion of the work at two hundred dollars LESS than the appropriation, and for all this additional responsibility and service, no additional compensation was allowed.

In the item of fuel there has been a great saving.

I have uniformly bought wood at from 15 to 20 per cent. less per cord, and coal at from $1\frac{1}{2}$ to 2 cents less per bushel, than the usual selling rates to the citizens of the town.

I have always made it a point to counsel with the Auditor and Treasurer, in relation to contracts, improvements and expenditures, and have uniformly acted upon their suggestions, and between the officers composing the Census Board, there has been no difference of opinion—we have acted in concert and with entire unanimity.

Inasmuch as the question of the reduction of salaries has been raised, it is due to the Auditor and Treasurer to state that in the last three years, by the careful and economical management of the Census Board, in the contracts for Stationery, and in curtailing the ordinary State expenses, more than the amount of the salary of the Auditor, Treasurer and Secretary of State has been saved annually.

Very respectfully,

ELIJAH SELLS,

Secretary of State.

On motion of Mr. Redfield, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, March 1, 1862. }

Senate convened at 9 o'clock A. M.

Prayer by Rev. Mr. Peet.

Journal of yesterday read and approved.

Mr. Holmes moved to suspend the regular order that Senate File No. 83 might be taken up. Carried.

Mr. Holmes moved to take from the table Senate File No. 83, a Bill for an Act for the assessment, levy and collection of the q u o-

ta of this State, of the tax levied on the United States, by the act of Congress, approved August 5th, 1861.

Mr. Ainsworth moved a call of the Senate. Lost.

Question being upon the motion to take from the table Senate File No. 83, the motion prevailed.

Mr. English asked that Senators Duncombe and Trumbull be excused. Senators were excused.

Bill: Senate File No. 83, was accordingly taken from the table and read.

Mr. Holmes moved that the Senate concur in the amendments of the House to the title of the Bill, and upon this question Mr. Ainsworth called for the yeas and nays which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesaer, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, English, Esteb, Gray, Hammer, Kern, Neal, Pollard and Williams—9.

So the amendment of the House was concurred in.

Mr. Burdick moved to amend the Bill by striking out "June" and inserting "July."

Mr. Neal raised the point of order, that amendments were not in order.

Chair sustained the point of order.

Mr. Brown moved to suspend 11th rule, that Bill pass to its third reading, and be put upon its passage now.

Received following Message from the House:

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

Substitute for House File No. 48: A Bill for an Act to incorporate Civil Townships.

Substitute for House File No. 173: A Bill for an Act entitled an Act to amend Section 2475, of the Revision of 1860, and to legalize certain acts of County Judges.

House File No. 103: A Bill for an Act to amend Chapter 42, of the Revision of 1860, relating to vacancies and special elections.

House File No. 15: A Bill for an Act to define the duties of Justices of the Peace and special Constables in certain cases.

I also herewith return the following Senate Files, the same having passed the House without amendment.

Senate File No. 56: A Bill for an Act to require Clerks of the District Courts to keep an Appearance Docket.

Senate File 70: A Bill for an Act providing for Recording Officer's Bonds.

CHAS. ALDRICH, Chief Clerk.

Mr. McPherson raised the point of order that the Bill having

passed the Senate by a constitutional majority, sent to the House and its title there amended; and that amendment having, by a constitutional majority, been concurred in, that the Bill is amended from the Senate; and therefore, there is nothing now before the Senate, to which the motion of Mr. Brown can apply.

The Chair here stated that he would, upon this point of order, put the question to the Senate: "Is the point of order, made by the Senator from Madison, (Mr. McPherson) well taken?"

Mr. Ainsworth here made a point of order, that, by parliamentary law, the President must first decide all questions of order; and could not, in the first instance, refer it to the Senate. The President overruled the point.

Mr. Jennings appealed from the last decision.

Question being, "Shall the last decision of the Chair be sustained?" Mr. English called the yeas and nays, with the following result:

The yeas were, Senators Dixon, Dysart, Holmes, McCrary of Lee, Shaffer and Smith—6.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dungan, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Kern, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Teter, Watson and Woodward—32.

So the decision of the Chair was not sustained.

Upon a point of order raised by Mr. McPherson, the Chair decided it well taken.

Mr. Brown appealed from the decision of the Chair.

Question being, "Shall the decision of the Chair stand as the judgment of the Senate?" Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hammer, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Redfield, Shaffer, Smith, Teter, Watson and Woodward—27.

The nays were, Senators Ainsworth, Angle, Brown, English, Esteb, Hagans, Hatch, Hastings, Kern, Pattison and Pollard—11.

The decision of the Chair was sustained.

Mr. Neal took the floor, when the President decided that the appeal was not debatable.

From this decision Mr. Ainsworth appealed.

The President ruled that an appeal, while another appeal was pending, could not be entertained.

Mr. Angle asked leave of absense for one week. Granted.

Mr. Foote moved to take up reports of Commissioners. Carried.

Mr. Shaffer, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined Joint Resolution concerning additional mail facilities, corrected verbal errors therein, and present the same for your signature.

J. M. SHAFFER, Ch'n. Sen. Com.

Mr. Teter, from Committee on Charitable Institutions, submitted the following report:

Your Committee having under consideration Senate File No. 143, a Bill for an Act in relation to the purchase of supplies for the use of Charitable Institutions belonging to the State of Iowa, report it back and offer substitute and recommend passage of substitute. Substitute read first and second time and adopted.

On motion of Mr. Teter 11th rule was suspended, Bill read third time and upon the question: Shall Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Watson, Williams and Woodward—38.

The nays were, none.

Bill passed and the title was agreed to.

Mr. Holmes from Committee on Ways and Means reported back Senate File No. 60, an Act authorizing the reception of certain Auditor's Warrants in the payment of State taxes, and recommend that the Senate concur in amendment of the House.

Mr. Redfield moved that the Senate concur, upon which motion Mr. Smith called the yeas and nays with the following result:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Watson Woodward and Woolson—27.

The nays were, Senators Ainsworth, Brown, English Gray, Hagans, Hastings, Hesser, Kern and Williams—9.

Amendments concurred in.

Mr. Foote from special Committee on Mileage, submitted report.

Mr. Dungan moved to recommit with instructions to report on the basis of the nearest traveled route, upon which motion the yeas and nays were called by Mr. Dungan with the following result:

The yeas were, Senators Brown, Dungan, Hagans, Hastings, Holmes, Kent, Kern, Lewis, Neal, Smith, Watson and Williams—12.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dysart, English, Esteb, Foote, Gray, Gue, Hammer, Hatch, Hesser, Hurley, Jennings, Leake, McCrary of Lee,

McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Teter, Woodward and Woolson—28.

Motion to recommit was lost.

Received the following message from the House :

MR. PRESIDENT:—I am directed to inform Your Honorable Body that the House has ordered the printing of 2000 copies of the Report of the Board of Auditing Commissioners to the House of Representatives, including a full list of all claims upon the War and Defense Fund, provided such printing can be done within two weeks.

Mr. Hatch moved to strike out of Committee's report on mileage, the allowance made to him. Lost.

Mr. Smith moved to refer report to Committee on Ways and Means. Carried.

Mr. Teter offered the following resolution :

Resolved, That when the Senate adjourn it shall be from day to day to meet at nine o'clock A. M. and two P. M., unless otherwise ordered by the Senate.

Mr. Jennings moved to lay on the table.

Upon which motion Mr. Dysart called the yeas and nays with the following result :

The yeas were, Senators Burdick, English, Esteb, Gray, Hastings, Jennings, McPherson, Pattison, Pollard, Shaffer and Watson—11.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Redfield, Smith, Teter, Williams, Woodward and Woolson—29.

Motion to lay on the table was lost.

Received the following message from the House :

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

Joint Resolution instructing Senators, &c., to use their influence to have certain privilege restored to members of this General Assembly.

CHAS. ALDRICH, Chief Clerk.

Question being upon the adoption of the Resolution, it was adopted.

Mr. Jennings moved to take up Concurrent Resolution from the House. Carried.

The resolution was read, and Mr. Watson moved to indefinitely postpone, upon which motion the yeas and nays were called, with the following result :

The yeas were, Senators Angle, Bowen, Brown, Burdick, Dungan, Foote, Gray, Hastings, Hesser, Holmes, Kent, Kern, Lewis,

McCrary of Van Buren, McPherson, Redfield, Shaffer, Watson, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Boardman, Dixon, Dysart, English, Esteb, Gue, Hagans, Hammer, Hatch, Hurley, Jennings, Leake, McCrary of Lee, Neal, Pattison, Pollard, Smith, Teter and Williams—20.

The motion to indefinitely postpone was lost.

Mr. McCrary of Lee moved to refer to Committee on Printing.

Mr. Teter moved to adjourn. Lost.

Question now being upon the motion to refer, it was lost.

Mr. Watson moved to lay on the table. Carried.

On motion of Mr. Smith, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
MONDAY, March 3, 1862. }

Senate convened at 9 o'clock A. M.

Prayer by the Rev. Mr. Turner.

Journal of Saturday read, amended and approved.

Mr. Ainsworth and others entered the following protest upon the Journal:

The undersigned, members of the Senate, would respectfully present the following, and ask that it be placed upon the Journal of the Senate:

On the first day of March, a question of order arising in the Senate, the President of that body proposed to submit the same to the decision of the Senate, without himself deciding the same. Senator Ainsworth raised a point of order, contending that the President must decide all points of order, subject to an appeal to the Senate; which point of order, the President decided, was not well taken. From this decision Senator Jennings appealed; and upon the appeal Senator Neal took the floor, and having been recognized by the President, was proceeding to discuss the question, when the President ruled that upon an appeal from the decision of the President, no debate was in order; from which decision Senator Ainsworth appealed, and the President decided that he would not entertain or allow the appeal.

The undersigned, governed by Cushing's Manual, which has been adopted for the government of the Senate, and finding therein the following, at page 86, Section 154: "If the decision of the presiding officer is not satisfactory, any one member may object to it and have the question decided by the Assembly. This is called appeal-

ing from the decision of the Chair. The question is then stated by the presiding officer, on the appeal, namely, 'shall the decision of the Chair stand as the decision of the Assembly?' and it is therefore debated and decided by the Assembly in the same manner as any other question, except that the presiding officer is allowed to take a part in the debate; which, on ordinary occasions, he is prohibited from doing." And believing that the decision of the President, prohibiting debate, or his refusal to allow an appeal therefrom, is contrary to the parliamentary law and to the law adopted by the Senate for its government; and also believing that the course of the President, if sanctioned, would deprive members of their rights upon this floor, we do earnestly but most respectfully protest against the acts of the President hereinbefore set forth.

L. L. AINSWORTH,
D. HAMMER,
FRANK HESSER,
M. B. BURDICK,
JAIRUS E. NEAL,
JOHN KERN,
H. H. WILLIAMS,
E. F. ESTEB,
H. W. ENGLISH,
JOHN D. JENNINGS.

The President read from Cushing's Manual to explain and vindicate his course on the subject of the protest.

PETITIONS AND MEMORIALS.

By Mr. McCrary of Lee: In relation to claim of Wm. Edwards. Referred to Committee on Claims.

By Mr. English: In relation to office of State Printer. Referred to Special Committee on that subject.

By Mr. Ainsworth: Petition upon same subject. Referred to same Committee.

Received the following message from the House: -

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

Substitute for House File No. 179: A Bill for an Act to amend Section 3962 of the revision of 1860.

House File No. 223: Joint Resolution in regard to the appointment of General Franz Sigel to the rank of Major General.

House File No. 127: A Bill for an Act to amend Section 1, Chapter 98 of the Laws of the Sixth General Assembly, and to legalize the records of certain deeds and conveyances in the Recorder's office at Fort Madison in Lee county, and making the same evidence in legal proceedings.

CHA'S. ALDRICH, Chief Clerk.

INTRODUCTION OF BILLS.

By Mr. Hammer: Senate File No. 158: A Bill for an Act to establish a Court in the City of McGregor. Read first and second time and referred to Judiciary Committee.

By Mr. Smith: Senate File No. 159: A Bill to prevent the further issuing or sale of State Bonds on account of the War and Defense Fund of this State. Read first and second time, and ordered Engrossed and read third time to-morrow.

By Mr. Teter: Senate File No. 160: A Bill for an Act to amend the Constitution. Read first and second time, and referred to Committee on Constitutional Amendments.

Mr. Neal offered the following resolution:

Resolved, That the Board of Commissioners for auditing Claims upon the War and Defense Fund be required to report immediately to the Senate the name of each person that has presented a claim against said Fund, and a succinct statement of the consideration for which such claim with the amount, and the amount allowed and the amount rejected by said Board on each respective claim.

Mr. Teter moved to take up special order.

Mr. Neal raised a point of order, that Mr. Holmes had the floor, and that Mr. Teter was not in order.

Chair decided the point of order well taken.

Mr. Teter moved to lay the resolution upon the table. Lost.

The question being on the adoption of the resolution, Mr. Bowen called the yeas and nays:

The yeas were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Gue, Hammer, Hesser, Jenuings, Kern, Neal, Trumbull and Williams—13.

The nays were Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Hastings, Holmes, Hurley, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—23.

Absent but not excused, Senators Hatch and Lewis.

So the Resolution was not adopted.

Mr. Brown asked leave of absence for Mr. Pollard. Granted.

Mr. Teter moved to take up special order. Carried.

Special order. Senate File No. 96: A Bill for an Act to amend the law in reference to the sale of Intoxicating Liquors, was accordingly taken up.

Mr. Teter moved that the Bill be acted upon by sections. Carried.

Section first being read, Mr. Ainsworth moved to amend section first by striking out "claimed by," and inserting "shall hereafter be governed by law." Amendment lost.

Mr. Brown moved to substitute first Section, Chapter 55 of *old* Code for first section of Bill.

Mr. Dixon moved to lay Bill and amendments on the table, upon which motion the yeas and nays were called :

The yeas were, Senators Boardman, Brown, Burdick, Dixon, English, Holmes, Hurley, Jennings, Leake, McPherson, Trumbull and Williams—12.

The nays were, Senators Ainsworth, Bowen, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—27.

Motion lost.

Mr. Burdick moved to indefinitely postpone the Bill.

Mr. Teter moved the previous question. Carried.

The question being, Shall the main question be now put? was decided in the affirmative.

The question now being upon the indefinite postponement of the Bill, Mr. Teter called for the yeas and nays :

The yeas were, Senators Ainsworth, Brown, Burdick, Dixon, Duncombe, English, Hammer, Leake, McPherson, Trumbull and Williams—11.

The nays were, Senators Boardman, Bowen, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Wooleon—27.

Motion to indefinitely postpone, lost.

Mr. Dixon asked leave to explain his vote. Objection being made, leave was granted by a vote of the Senate.

Mr. Shaffer from Joint Committee on Enrolled Bills made the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have examined the following, corrected certain verbal errors therein, and present them thus corrected, for your signature :

An Act authorizing the reception of Auditor's Warrants on the War and Defense Fund, in payment of State and Federal Taxes.

An Act to authorize Boards of Supervisors to divide Townships into election precincts, in certain cases.

J. M. SHAFFER, Chairman Sen. Com.

The question being upon Mr. Brown's amendment, the yeas and nays were called by Mr. Brown, and were as follows :

The yeas were, Senators Ainsworth, Brown, Duncombe, English, Gray, Hammer, Hastings, McPherson, Neal and Williams—10.

The nays were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van

Buren, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—28.

Amendment carried.

Chair stated that the question before the Senate was the engrossment of Bill, whereupon Mr. McPherson raised the point of order that the previous question was the adoption of Section 1 of the Bill.

The Chair sustained the point of order raised by Mr. McPherson.

The question now being upon the adoption of Section 1 of the Bill, Mr. English called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hatch, Hastings, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter Watson, Woodward and Woolson—28.

The nays were, Senators Dixon, Duncombe, English, Hammer, Hesser, Holmes, Neal, Trumbull and Williams.

Section adopted.

Mr. Teter moved that the Bill be engrossed and read a third time to-morrow.

Mr. Dungan rose to the point of order that the Senate having voted to consider Bill Section by Section, the motion to engross was not in order unless that motion was reconsidered.

Whereupon Mr. Teter withdrew his motion.

On motion of Mr. McCrary of Van Buren, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

The President stated that the business before the Senate was the second section of Senate File No. 96.

Mr. Ainsworth moved to strike out Section 2.

Mr. Leake moved to lay the whole subject on the table, and make it the special order for to-morrow evening at 7 o'clock.

Mr. Teter called for the yeas and nays which were as follows :

The yeas were, Senators Dixon, Hatch, Holmes, Leake and McPherson—5.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hastings, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woolson—31.

Motion to make special order lost.

The question being upon striking out Section 2, Mr. Teter called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, English, Gray, Hammer, Hesser, Jennings, Neal, and Williams—8.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward, and Woolson—30.

Motion to strike out lost.

Mr. McPherson moved to strike out Section 3, upon which motion Mr. Teter called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Brown, Dixon, Burdick, Dungan, English, Esteb, Gray, Hammer, Hatch, Jennings, McCrary of Lee, McPherson, Neal, Trumbull and Williams—16.

The nays were, Senators Boardman, Bowen, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—22.

Motion to strike out lost.

Section 4 was read and Mr. Teter moved that it be adopted, upon which motion Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—35.

The nays were, Senators English, Jennings, Trumbull and Williams—4.

Section was adopted.

Section 5 was read and Mr. Kent moved its adoption.

Mr. McCrary of Lee moved to strike out "or" in 5th line, upon which Mr. Ainsworth call the yeas and nays, which was as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—34.

The nays were, Senators Ainsworth, English, Esteb, Hammer and Williams—5.

The motion prevailed.

Mr. Brown moved to strike out the words "under color of permit," in the 6th line of 5th Section. Carried.

The question being upon the adoption of the fifth Section as

amended, Mr. Teter called the yeas and nays which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—33.

The nays were, Senators Ainsworth, English, Hammer, Jennings and Williams—5.

The Section was adopted.

Mr. Woodward moved to adopt Section 6.

Mr. Ainsworth moved to strike out "either party," and insert "defendant."

Upon which motion Mr. Jennings called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Brown, Dixon, Dungan, English, Gray, Hagans, Hammer, Hatch, Holmes, Jennings, Kern, McPherson, Neal, Trumbull and Williams—16.

The nays were, Senators Boardman, Bowen, Burdick, Dysart, Esteb, Foote, Gue, Hastings, Hesser, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—23.

The motion was lost.

Mr. McPherson moved to amend Section 6 by adding the following:

Provided, The defendant shall have a right to a change of venue from said County Court to a Justice of the Peace in the Township where the suit is prosecuted, by filing an affidavit like that required by law to effect a change of venue before a Justice of the Peace. Amendment lost.

Mr. Woodward moved to amend by inserting in the fifth line of Section 6, after the word "Court," "of the same and." Carried.

Mr. Redfield moved to strike out Section 6. Lost.

Section 7 was read and Mr. McPherson moved to strike out all after "Court," in fifth line. Lost.

Mr. Woodward moved to amend by inserting "for" after "or" in the sixth line.

Mr. Brown rose to a point of order, that when the Senate refuses to strike out, it then adopts the Section. The point of order sustained by the Chair.

Mr. Redfield moved the adoption of Section 7. Carried.

Mr. Woodward moved the adoption of Section 8. Carried.

Mr. Woodward moved the adoption of Section 9.

Mr. Brown moved to strike out "instead of three as now provided." in third line. Carried.

Mr. Redfield moved to strike out "one" and insert "three" in

third line, and upon which motion Mr. Jennings called the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Dixon, English, Esteb, Gray, Hatch, Jennings, Neal, Redfield, Trumbull and Williams—11.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Watson, Woodward and Woolson—28.

Mr. Brown moved to strike out all after the word "particularity" in Section 9.

Mr. Ainsworth moved to insert in seventh line the words "in the warrant" after "description," and upon which motion Mr. Ainsworth called the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Brown, Burdick, Dixon, Dungan, Dysart, English, Esteb, Gray, Hagans, Hammer, Hatch, Hesser, Jennings, Kern, McPherson, Neal, Trumbull, Williams and Woolson—20.

The nays were, Senators Boardman, Bowen, Gue, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson and Woodward—19.

Amendment was adopted.

The question being upon Mr. Brown's amendment to strike out all after the word "particularity," and upon which motion Mr. Brown called the yeas and nays which were as follows :

The yeas were, Senators Brown, Dixon, Dungan, English, Gray, Hammer, Jennings, McPherson and Williams—9.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—28.

The amendment was lost.

Question now being upon the adoption of section 9. It was adopted.

Mr. Durdick offered the following additional section to be known as section 10 :

SEC. 10. That sections Nos. 1583 and 1584 of the Revision of 1860, be and the same are hereby repealed, and all the provisions of the law which are repealed by said sections or either of them are hereby revived.

Upon the adoption of which Mr. Esteb called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Burdick, Dysart, English, Esteb, Foote, Gray, Hammer, Hastings, Hesser, Kent, Kern, Lewis, Neal, Teter, Watson and Williams—17.

The nays were, Senators Boardman, Bowen, Brown, Dixon,

Dungan, Gue, Hagans, Hatch, Holmes, Hurley, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Woodward and Woolson—22.

Amendment was lost.

Mr. Brown moved to suspend 11th rule and put the Bill upon its passage.

Mr. Dixon moved to lay on the table and make special order for 4th of July next, upon which motion the yeas and nays were called and were as follows :

The yeas were, Senators Hammer, Hesser, Neal, Trumbull and Williams—5.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—33.

Motion was lost.

The question now being on the motion of Mr. Brown, it was carried. The Bill was then read a third time by title, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Brown, Dixon, English, Gray, Hammer, Hesser, Jennings, Leake, McPherson, Neal, Trumbull and Williams—13.

Absent or not excused, Senator Duncombe.

Bill passed.

Mr. Ainsworth moved to amend the title by striking out all after the word "Act" and inserting "to confer on County Courts powers prohibited to them by the Constitution." Lost.

The title was then agreed to.

Mr. Neal asked leave to introduce a Bill, which was granted, and Senate File No. 160: A Bill fixing the salaries of officers, was read a first and second time by title, when Mr. Dungan moved to refer to Committee on Ways and Means.

Mr. Neal called for the reading of the Bill.

On motion of Mr. Teter the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 TUESDAY, March 4, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Turner.

Mr. McCrary of Lee moved that the rule be suspended and the reading of Journal dispensed with. Carried.

Mr. McCrary of Lee presented claim of Guy Wells. Referred to Committee on Claims.

INTRODUCTION OF BILLS.

By Mr. Esteb: Senate File No. 161: A Bill for an Act entitled an Act to amend Chapter 122 of the Revision of 1860. Read a first and second time and referred to Judiciary Committee.

RESOLUTIONS.

By Mr. Watson:

Resolved, by the Senate, That his Excellency, the Governor, be requested to inform the Senate how the Contingent Fund has been expended and for what purpose and to whom paid.

Resolution adopted.

By Mr. Teter, the following:

Resolved, By the Senate, if the House concur, that the Secretary of the Senate and the Chief Clerk of the House, severally preserve a file of all Bills printed by order of their respective Houses, and that at the end of the Session, they deposit such files with the Secretary of State who shall cause the same to be bound and placed in the State Library.

Mr. Holmes moved to lay resolution on table. Carried.

REPORTS OF COMMITTEES.

By Mr. Dysart, from Committee on Township and County Organization, the following report:

The Committee on Township and County Organization, to whom was recommitted a Bill for an Act to define further the duties of County Supervisors, have directed me to report it back with an amendment and recommend its passage.

They have considered Senate File No. 138, a Bill for an Act further defining the duties of County Treasurers and fixing the compensation therefor, and the majority have instructed me to report it back and recommend its passage.

J. DYSART, Chairman.

Senate File No. 182, as reported back by Committee with amendments was read and amendments of Committee adopted, and on

motion of Mr. Boardman 11th rule was suspended, Bill read third time and upon the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Neal and Jennings—7.

So the Bill passed.

Mr. McCrary of Lee, moved to amend the title of the Bill by adding the words, "and their clerks." Carried.

The title as amended was agreed to.

Senate File No. 138: A Bill for an Act further defining the duties of County Treasurers, and fixing the compensation therefor as reported by the Committee on Township and County Organization was read, and on motion of Mr. Ainsworth, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dungan, Dysart, Foote, Gue, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Smith, Trumbull, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Brown, Duncombe, English, Esteb, Gray, Hagans, Holmes, Leake, McPherson, Pattison, Redfield, Shaffer, Teter and Williams—15.

The Bill passed and the title was agreed to.

Mr. Woodward, from Judiciary Committee, submitted the following report, which was taken up by sections:

MR. PRESIDENT:—The Judiciary Committee have instructed me to report:

FIRST—On Senate File No. 84: A Bill to amend Chapter 83, of the Revision of 1860, relating to Dower; that they present the Substitute offered herewith, and recommend its passage.

SECOND—Upon a resolution that the Committee inquire into a more perfect manner of keeping the County records in Probate business; they herewith submit a Bill, and recommend its passage.

THIRD—Upon Senate File No. 93: A Bill to amend Section 432, of the Revision, concerning the Clerk of the District Court in the County of Lee; that an amendment will be presented in the bill of amendments.

FOURTH—Upon Senate File No. 144: To amend an Act authorizing mill dams; that a suitable amendment will be reported in the bill of amendments.

FIFTH—Upon Senate File No. 136: An Act relating to evidence. They report the same back without recommendation. This Bill presents the question whether we shall continue longer the ex-

periment of permitting the parties in suits at law, or others who are interested to testify, or whether the experiment shall be deemed at an end.

SIXTH—Upon Senate File No. 137: Bill providing for giving notice of Sheriff's and Constable's sales. That they report the same back with the following amendments, and recommend its passage:

1. Namely—Substitute the enclosed amendment for the second paragraph of Section 2.

2. Strike out Section 4.

3. Substitute the following title: A Bill for an Act relating to the notice to be given for sales by sheriffs and constables.

SEVENTH—House File No. 2: Bill to amend Section 2967 of Revision, relating to the proof of written instruments. That they report a substitute, and recommend its passage.

EIGHTH—Upon Senate File No. 61: An Act for the taxation of Railroad corporations. The Committee report that as the greater part of their number are adverse to the system of taxation there proposed, and are in favor of taxing the earnings or incomes of such corporations, they are not the proper members to attempt the perfection of the Bill, and it should be committed to its friends.

They would, however, recommend a change in the title, by substituting the word "authorized," for "required."

NINTH—On Senate File No. 155: Act to amend Section 3851 of Revision. That the amendment will be embraced in the Bill of amendments, as instructed.

TENTH—Upon Senate File No. 142: An Act regulating executions upon judgments rendered. The Committee do not deem a change of the law desirable, and recommend an indefinite postponement of the Bill.

ELEVENTH—Upon Senate file No. 46: A Bill to enable the State or a County to acquire Real Estate under Judicial sales, and to hold, control and dispose of the same. The Committee report that, whilst they suppose the greater part of the provisions of this Bill are now the law, yet for the prevention of doubt and question, they think it may be advisable to pass the Bill.

TWELFTH—Upon Senate File No. 120: A Bill to repeal Article 1, Chapter 57 of the Revision, relating to the support of poor persons by their relatives. The Committee deem it unadvisable to repeal the law upon this subject, and recommend an indefinite postponement of the Bill.

THIRTEENTH—Upon Senate File No. 135: A Bill to authorize certain officers to administer oaths to Appraisers. The Committee report that the object of the Bill will be provided for in the Bill of Amendments.

FOURTEENTH—Upon Senate File No. 119: An Act in relation to the service of notices on minors and unmarried persons. The

Committee think no change of the law necessary, and recommend that the Bill be indefinitely postponed.

FIFTEENTH—Upon House File No. 62: An Act to amend Section 840 of the Revision, relating to the establishment of Roads. The Committee report the same back, with a recommendation that it pass.

SIXTEENTH—Upon a petition for an Act to suspend the collection of debts until the Rebellion is crushed. The Committee recommend that the petitioners have leave to withdraw their petition.

SEVENTEENTH—Upon Senate File No. 78: An Act relating to the foreclosure of Mortgages and Deeds of Trust with power of sale. They report a Substitute for the Bill, with the amendments instructed, and recommend its passage.

W. G. WOODWARD, Chairman.

On Substitute for Senate File No. 84, as reported: A Bill for an Act to amend Chapter 83 of the Revision of 1860, relating to Dower.

Mr. Duncombe moved to adopt the Substitute.

Mr. McCrary moved to amend by adding a section relating to publication. Carried.

Substitute then adopted.

On motion of Mr. Duncombe, the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson and Woodward—37.

The nays were, Senators Neal, Williams and Woolson—3.

The Bill passed.

TEN O'CLOCK.

Chair announced the hour for the special order had arrived.

Whereupon Mr. Ainsworth moved to lay the report of the Judiciary Committee on the table and take up special order. Carried.

Special order. Senate File No. 62: A Bill for an Act supplementary to an Act entitled an Act for the suppression of Intemperance, passed January 22d, 1855; and the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of Intemperance, passed January 28th, 1857, was taken up.

Mr. Smith moved the adoption of Section 1, upon which motion Mr. Jennings called the yeas and nays, with the following result:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—31.

The nays were, Senators Ainsworth, Duncombe, English, Jennings, Neal, Trumbull and Williams—7.

The Bill passed.

Section 2 was read, and Mr. Teter moved its adoption, upon which motion Mr. Jennings called for the yeas and nays, with the following result:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—35.

The nays were, Senators Leake, Trumbull and Williams—3.

The Bill passed.

Section No. 3 was read, and Mr. Smith moved its adoption.

Mr. Woodward moved to strike out, after the word "persons," the words, "of every kind whatsoever, without exemption of any kind, as now provided by law;" upon which motion Mr. Teter called for the yeas and nays, which were as follows:

The yeas were, Senators Bowen, Brown, Burdick, Dungan, Dysart, Gray, Hagans, Hatch, Holmes, Hurley, Kent, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Teter, Watson and Woodward—20.

The nays were, Senators Ainsworth, Boardman, Dixon, Duncombe, English, Esteb, Foote, Gue, Hammer, Hastings, Hesser, Jennings, Leake, Lewis, Pattison, Smith, Trumbull, Williams and Woolson—19.

The motion prevailed.

Mr. Brown moved to amend Section 3, by inserting the word, "assessed" after "costs," and the word "rendered" after "judgment," and striking out the word "assessed" after "judgment." Carried.

Mr. Dixon moved to insert in the sixth line of Section 3, the words, "in no case shall the homestead be liable." Lost.

Mr. Boardman moved to amend by inserting, after the word "persons," the words "except personal effects necessary to sustain the family."

Mr. Brown moved to amend by adding to the amendment of Mr. Boardman, the words, "for one year, to be determined by the Township Trustees;" and on this he called the yeas and nays, and the vote was taken as follows:

The yeas were, Senators Brown, English, Gray, Hagans, Hammer, Hatch, Hesser, Holmes, McPherson, Neal, Shaffer and Woodward—12.

The nays were Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Esteb, Foote, Gue, Hastings, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary

of Van Buren, Redfield, Smith, Teter, Trumbull, Watson and Woolson—24.

Absent, but not excused, Senators Pattison and Williams.

The motion was lost.

Mr. Woodward moved to amend Mr. Boardman's amendment, by adding the words, "for six months."

Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Jennings, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Duncombe, Holmes, Kent and Leake—5.

Absent, but not excused, Senators Esteb and Williams.

The amendment to the amendment prevailed.

Mr. Dixon moved to amend by adding, after the word "except," the words, "homestead and."

The Chair decided the amendment out of order.

Mr. Boardman asked leave to withdraw his amendment.

Objection being made, Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Jennings, Neal, Trumbull and Williams—8.

Absent, but not excused, Senator Hatch.

The amendment was withdrawn.

Mr. Boardman moved to amend by adding to Section 3, the following words:

"*Provided*, there shall be exempt such personal effects as may be necessary for the support of the family of the defendant for six months, to be determined by the Township Trustees."

The amendment was adopted.

Mr. Gray moved to amend the fourth line of 3d Section, by inserting, after the word "occupied," the words, "and used for that purpose with the consent or knowledge of the owner thereof."

On motion of Mr. Foote, the word "agent" was added after "owner."

Mr. Ainsworth moved to insert the word "family" after "agent." Lost.

The amendment of Mr. Gray was then adopted.

Mr. McPherson moved to amend Section 3, third line, by insert-

ing, after the word "property," the words, "except the homestead, as now provided by law."

Mr. Gue raised the point of order, that the amendment was the same as that offered by Mr. Dixon, and decided out of order.

The President decided that the amendment was not the same, and was therefore in order.

Mr. Gue called for the yeas and nays on the amendment, and the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Trumbull, Watson, Williams and Woodward—32.

The nays were, Senators Burdick, Gue, Kent, Kern, Leake, Lewis, Teter, and Woolson—8.

The amendment was adopted.

Mr. Burdick offered the following as Section 4, of the Bill:

"Nothing in this Act contained, shall be construed to hold any person responsible under the provisions of this Act, who produces the drunkenness by the sale of Lager Beer, Wine or Cider."

Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Brown, Burdick, Duncombe, Esteb, Gray, Hammer, Hastings, Hesser, Jennings, Shaffer, Trumbull and Williams—15.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, English, Foote, Gue, Hagans, Hatch, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Woodward and Woolson—26.

Absent, but not excused, Senator Neal.

The amendment was lost.

Mr. Ainsworth offered the following as Section 4 of the Bill:

SEC. 4. For all costs or judgments rendered against the plaintiff in any civil action arising under the provisions of this Act and any costs or judgments against a prosecuting witness in any proceeding under this Act or either of the Acts to which this Act is amendatory and supplementary, the personal and real property of such person or persons of every kind whatsoever except the homestead provided by law, shall be liable for the payment thereof and all such costs or judgments shall be liens upon the real property of such persons until paid.

Mr. Boardman moved to strike out the words "prosecuting witness," and insert "Attorney who defended the suit."

Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Gue, Kent, Leake, Lewis and Woodward—8.

The nays were, Senators Ainsworth, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woolson—31.

Absent but not excused, Senator Hesser.

The amendment was lost.

The question now being upon Mr. Ainsworth's amendment, he called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Dixon, Duncombe, English, Esteb, Gray, Hammer, Hatch, Hastings, Hesser, Holmes, Jennings, McPherson, Neal, Trumbull and Williams—16.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—23.

The amendment was lost.

Section 4 was then read and adopted.

On motion of Mr. Dungan, Section 5 was stricken out.

Mr. Watson asked leave to change his vote on the amendment proposed by Mr. Burdick to Senate File No. 96, which was granted.

Mr. Teter also changed his vote on the same question.

Mr. Smith moved that the Bill be engrossed and read a third time to-morrow.

Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Duncombe, English, Jennings, Leake, Neal, Trumbull and Williams—8.

The motion prevailed.

Mr. McCrary, of Lee, moved to take from the table the report of the Committee on Claims of Messrs. Lowrie & Miller and refer it back to the Committee—which was done.

Mr. Dysart moved to take up Senate File No. 154 and make it the special order for Thursday next, at 2 o'clock, P. M. Carried.

The President laid before the Senate a communication from the Secretary of State, in relation to postage stamps, which was laid on the table.

Also, a communication from the State Auditor in relation to the School Fund.

Mr. Redfield moved to refer to the Committee on Printing.

Mr. Smith moved to amend by referring to Committee on Schools and Universities. Carried.

On motion of Mr. Dysart, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

The President announced that the business before the Senate was the report of the Judiciary Committee.

Mr. Kent asked that his vote be changed on Mr. Burdick's amendment yesterday. So ordered.

Senate File 162: A Bill for an Act in relation to County Court Records, as reported back by the Judiciary Committee, was read a first and second time, and upon motion of Mr. Ainsworth the 11th Rule was suspended, the Bill read a third time and upon the question "Shall the Bill pass?" the yeas and nays were called and were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Teter, Trumbull, Watson, Woodward and Woolson—32.

The nays were, Senators Kern, Neal and Williams—3.

Bill passed and the title was agreed to.

Mr. Brown moved to make Senate File 136: A Bill for an Act relating to evidence, the special order for Friday next at 2 o'clock, P. M. Carried.

Judiciary Committee reported a substitute for House File No. 2: A Bill for an Act relating to the proof of certain instruments in actions, and repealing Sec. 2967 of the Revision of 1860. Substitute read and adopted.

Mr. Leake moved that the 11th Rule be suspended and the Bill be put upon its passage. Carried.

Bill was read a third time.

Mr. Duncombe moved a call of the Senate which was ordered, and upon the call of the roll the following Senators were absent but not excused, Senators Dixon, Esteb, Jennings, Shaffer and Smith—5.

Mr. Brown moved that further proceedings under the call be dispensed with. Carried.

The question being upon the passage of the Bill, the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Teter, Trumbull, Watson, Williams, Woodward and Woolson—38.

The nays were, none.

So the Bill passed and the title was agreed to.

Mr. Woodward moved that the Judiciary Committee be discharged from further consideration of Senate File No. 61: A Bill for an Act providing for the taxation of the property of Railroad Corporations as is required by the Constitution. Carried.

Mr. Holmes moved to make the Bill the special order for Saturday next at 10 o'clock A. M.

Senate File No. 142 was reported back, and the Committee recommended that it be indefinitely postponed. Recommendation of Committee concurred in.

Senate File No. 46: A Bill for an Act to enable the State or any County to acquire Real Estate under certain circumstances, and to hold, control and dispose of the same, was read, and on motion of Mr. Burdick the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Teter, Trumbull, Watson, Williams, Woodward and Woolson—36.

The nays were, Senator English—1.

Bill passed and title agreed to.

The Committee recommend the indefinite postponement of Senate File No. 120: A Bill for an Act to repeal Article 1st, Chapter 57 of the Revision of 1860. Recommendation of Committee concurred in.

The Committee recommend the indefinite postponement of Senate File No. 119: A Bill for an Act in relation to service of notices on minors and unmarried persons. Recommendation of Committee concurred in.

House File Fo. 62: A Bill for an Act to amend Section 840, Chapter 46, Revision of 1860, was read, and Mr. Holmes moved to lay upon the table. Carried.

Recommendation of Committee in relation to petition for the suspension of the collection of debts, concurred in.

Substitute for Senate File No. 78: (Substitute) A Bill for an Act relating to the foreclosure of Mortgages and Deeds of Trust

with power of sale, and repealing Section 3673 of the Revision, was read and adopted.

On motion of Mr. Leake the Bill was laid on the table.

Senate File No. 137 was reported back by the Committee with amendment and its passage recommended.

Mr. Holmes moved to strike out that portion giving defendant the choice of papers to publish notice. Lost.

Amendments of Committee were adopted, and on motion of Mr. Ainsworth the 11th rule was suspended, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Hesser, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Smith, Trumbull, Watson, Williams, Woodward and Woolson—26.

The nays were, Senators Gue, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, Pattison, Redfield and Teter—10.

Absent but not excused, Senators Brown, Burdick and Shaffer.

Bill passed.

Mr. Holmes moved to amend the title so it should read, "An Act to encourage fraud in the sale of property," upon which motion Mr. Ainsworth called the yeas and nays:

The yeas were, Senators Gue and Holmes—2.

The nays were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—35.

Absent but not excused, Senators Brown, Burdick, Jennings and McPherson.

Motion to amend title lost.

Title then agreed to.

Mr. Teter moved to reconsider vote on Senate File No. 138. Carried.

Mr. Hagans then moved to re-commit. Carried.

Mr. Shaffer from Joint Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, and present them for your signature:

Senate File No. 70: An Act providing for the recording of the bonds of county officers.

Senate File No. 56: An Act to require Clerks of the District Court to keep an Appearance Docket.

Senate File No. 83: An Act for the assessment, &c., of the U. S. Tax.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Brown from Committee on Township and County Organization reported back House File No. 6 : A Bill for an Act authorizing cities, towns and villages to regulate and license the sale of property by auctioneers.

Mr. Dixon moved to lay on the table. Carried.

Mr. Gue from Committee on Agriculture submitted the following report :

The Committee on Agriculture to whom was referred Senate File No. — : An Act to amend Chapter 67 of the Revision of 1860, have had the same under consideration, and have directed me to report the following Substitute and recommend its passage.

B. F. GUE, from Committee.

Substitute was read, and Mr. Bowen offered amendment.

Mr. Woodward moved to lay the Bill with amendment on the table. Carried.

On motion of Mr. Leake, Mr. Gue was added to the Select Committee on State Printing.

On motion of Mr. Ainsworth, Mr. Esteb was added to that Committee.

On motion of Mr. Dysart, Mr. Dixon was added to the Committee on Congressional Districts.

On motion of Mr. Redfield, the Report of Committee on Schools and Universities, with the Bill providing for the purchase of the building now used by the State as a State House, and the lots on which it is situated, was taken from the table and read, and on motion of Mr. Redfield, was made the Special Order for Saturday at 10 o'clock, A. M.

Mr. Hagans submitted the following report which was adopted :

Your Committee on roads to whom was referred the petition numerously signed by citizens of Lee county in reference to a certain plank road, have had the same under consideration, and said Committee has instructed me to report the same back to the Senate with recommendation that it be referred to the delegation from Lee county, believing as we do that there is cause for complaint in reference to said plank road, and also believing that said delegation are well acquainted with all the facts, and will be better able to do justice to the subject than your Committee on Roads.

J. C. HAGANS, Chairman.

On motion of Mr. Foote, Senate File No. 101 : A Bill to prevent fraud in warehousemen and others, was taken from the table and read a second time, when Mr. Jennings moved to suspend the 11th rule and put the Bill upon its passage. Carried.

The Bill was then read a third time and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary

of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer Smith, Trumbull, Watson, Williams, Woodward and Woolson—38.

The nays were, none.

Absent and not excused were, Senators Kent and Teter.

The Bill passed.

On motion of Mr. Leake, the Joint Resolution in relation to the claim of John Hornby was taken from the table and read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Woodward and Woolson—30.

The nays were, Senators Ainsworth, English, Esteb, Gray, Hagans, Hammer, Neal and Williams—8.

Absent and not excused were, Senators Teter and Watson.

The Bill passed and the title was agreed to.

Mr. Redfield moved to take up Senate File No. 129 : A Bill for an Act to legalize the laying out of the Town of Grove City in Cass county, Iowa. Carried.

Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Hagans, Gue, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Trumbull, Watson, Williams, Woodward and Woolson.—36.

The nays were, Senator English—1.

Bill passed and the title agreed to.

Mr. Jennings moved to take up House File No. 101 : And that it be referred to the Judiciary Committee. Carried.

Mr. Leake moved to take from the table Senate File No. 77 : A Bill in relation to escheat of Theodore Effie. Carried.

Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Trumbull, Watson, Williams Woodward and Woolson—39.

The nays were, none.

Bill passed and title agreed to.

Mr. Leake moved to take up Senate File No. 127, a Bill for an Act to protect Game. Lost.

On motion of Mr. Woodward, Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, March, 5, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Turner.

Journal of yesterday was being read when on motion of Mr. Jennings the further reading was dispensed with.

Mr. English presented petition in relation to the State Printer. Referred to Special Committee on that subject.

INTRODUCTION OF BILLS.

By Mr. Duncombe: Senate File No. 164, a Bill for an Act to require the Land Grant Railroad Companies to release certain Swamp, School and Des Moines River Lands on the lines of the several roads, and providing for the compensation therefor by an extension of the time of building said roads, and the issuing of State Warrants in certain cases. Read first and second time, and on motion of Mr. Duncombe laid on table, and ordered printed.

By Mr. Brown: Senate File No. 165: A Bill for an Act in relation to the term of Sheriffs, Recorders and Treasurers, read first and second time and referred to Committee on County and Township Organization.

By Mr. Shaffer: Senate File 166: A Bill for an Act in relation to draining, read first and second time and ordered engrossed and read third time to-morrow.

Mr. Gue asked leave to present a claim for translating Governor's Message into the German Language. Referred to Committee on Claims.

Mr. Gue presented the following report:

The Committee on Agriculture to whom was referred Senate Files No. 58, —have had the same under consideration and have directed me to report the following substitute and recommend its passage.

B. F. GUE, From Committee on Agriculture.

Senate File No. 166, an Act to provide for taking up stray animals, was read first and second time and on motion of Mr. Gue, ordered to be laid on the table and printed.

REPORTS OF COMMITTEES.

Mr. Burdick submitted the following report :

MR. PRESIDENT :—The Committee on Public Lands to whom was referred Senate File No. 141, an Act concerning the 500,000 acre grant, have instructed me to report a substitute and recommend the passage of the substitute.

M. V. BURDICK, Chairman.

Substitute for Senate File No. 141 was read first and second time by title, and rejected.

Mr. Ainsworth moved to reconsider the vote by which the substitute was rejected. Carried.

Mr. Dixon moved to lay the Bill on the table.

Mr. Neal called for the yeas and nays, and the vote was as follows :

The yeas were, Senators Dixon, Gue, Hastings, Holmes, Kent, Leake and Lewis—7.

The nays were, Senators Ainsworth, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hagans, Hammer, Hatch, Hesser, Hurley, Jennings, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woolson—30.

Absent but not excused, Senators Boardman, Smith Watson and Woodward.

Motion lost.

Mr. Burdick moved to lay on the table.

Mr. Smith arose to point of order that a motion to lay on table had just been voted down, and no other business had intervened. Decided to be well taken.

Mr. Redfield moved to order the Bill to be engrossed and read third time to-morrow.

Mr. Ainsworth moved to suspend 11th rule and put the Bill upon its passage. Lost.

On motion of Mr. Woodward the Bill was made special order for this afternoon at 2 o'clock.

Mr. Holmes reported back the report of Committee on mileage and recommended its adoption.

The Joint Committee of the Senate and House of Representatives upon Mileage, would respectfully report that they find the Senators entitled to Mileage as follows :

REPORT OF COMMITTEE ON MILEAGE.

NAME.	MILES.	AMOUNT.
Ainsworth, L. L.	550	\$82 50
Angle, H. G.	260	39 00
Boardman, N.	430	64 50
Bowen, J.	260	39 00
Brown, A. F.	370	55 50
Burdick, M. V.	700	105 00
Dixon, J. W.	200	30 00
Duncombe, J. F.	180	27 00
Dungan, W. S.	100	15 00
Dysart, J.	300	45 00
English, H. W.	400	60 00
Esteb, E. F.	260	39 00
Foote, J. G.	340	51 00
Gray, G. W.	700	105 00
Green, G. F.	440	66 00
Gue, B. F.	380	57 00
Hagans, J. C.	370	55 50
Hammer, D.	600	90 00
Hatch, J. H.	20	3 00
Hastings, D. C.	460	69 00
Hesser, F.	380	57 00
Holmes, W. H.	360	54 00
Hurley, J. S.	300	45 00
Jennings, J. D.	480	72 00
Kern, J.	30	4 50
Kent, J. W.	340	51 00
Leake, J. B.	880	57 00
Lewis, W. B.	260	39 00
McCrary, G. W., of Lee.	340	51 00
McCrary, A. H., of Van Buren.	300	45 00
McPherson, M. L.	70	10 50
Neal, J. E.	100	15 00
Pattison, A. M.	120	18 00
Redfield, J.	70	10 50
Pollard, J.	280	42 00
Potter, E. B.	70	10 50
Shaffer, J. M.	240	42 00
Smith, S. G.	70	10 50
Teter, I. P.	200	30 00
Trumbull, G. W.	460	69 00
Udell, N.	300	45 00
Watson, J. J.	220	33 00
Williams, H. H.	160	24 00
Woodward, W. G.	340	51 00
Woolson, T. W.	290	43 50

J. G. FOOTE, Chairman of Special Committee on Mileage.

Mr. Ainsworth moved to recommit to Committee on Ways and Means. Lost.

Mr. Duncombe moved to adopt the report.

Mr. English moved to amend the report by adding 50 miles to the distance allowed Mr. Ainsworth. Lost.

The report was then adopted.

Mr. Brown, from Committee on Incorporations, reported back Senate File No. 97: An Act to amend the Charter of the City of Fort Madison, and recommend its passage.

On motion of Mr. Hesser, the 11th Rule was suspended and the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Smith, Trumbull, Udell and Watson—32.

The nays were, Senators Ainsworth, Redfield, Williams and Woolson—4.

Absent but not excused, Senators Jennings, Kent and Woodward.

The Bill passed and the title was agreed to.

On motion of Mr. Holmes, House File 147 was taken from the table and made the special order for next Monday at half past 9 o'clock, A. M.

On motion of Mr. Hurley, Senate File No. 81 was taken from the table and made a special order for Friday at 10 o'clock, A. M.

Mr. Dysart, from Committee on County and Township Organization, reported a Substitute for Senate File No. 138: An Act further defining the duties of County Treasurers and fixing their compensation therefor.

On motion of Mr. Hagans, the words "640 acres" were stricken out and "320 acres" inserted.

Mr. Brown moved to amend Section 1 by adding the following:

Provided, That the Recorder shall pay the amount herein allowed into the County Treasury.

Mr. Duncombe offered a Substitute for Section 1.

Mr. Woolson raised the point of order, that the Substitute for the original Bill had not been adopted and therefore only one amendment could be pending at the same time.

The President decided the point well taken.

The question now being upon Mr. Brown's amendment, Mr. Hagans called for the yeas and nays and were as follows:

The yeas were, Senators Ainsworth, Brown, English, Hatch, Hesser, Hurley, McCrary of Lee, McCrary of Van Buren, Neal, Smith, Watson and Williams—12.

The nays were, Senators Boardman, Bowen, Burdick, Dixon,

Dysart, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Jennings, Kent, Kern, Leake, Lewis, McPherson, Pattison, Shaffer, Teter and Woolson—23.

Absent but not excused, Senators Foote, Holmes and Trumbull. The amendment was lost.

On motion of Mr. Dysart the words "amount and interest" after the word "respecting" in section 1.

Mr. Duncombe moved to amend by striking out of the first section the word "thirty" and inserting "nine," and striking out "ten" and inserting "three."

On this Mr. Hagans called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Duncombe, Dungan, English, Holmes, Jennings, McCrary of Lee, McPherson, Neal, Smith and Watson—11.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Trumbull, Watson, Woodward and Woolson—26.

Absent but not excused, Senators Kern and Williams.

The amendment was lost.

Mr. Duncombe moved to strike out all after the word "provided" and insert the following :

"That each Treasurer shall receive only thirty cents in postage stamps for every letter so answered, and upon the return to such Treasurer of the amount necessary to pay on any descriptions of land and return postage, the Treasurer shall pay such taxes and return a receipt therefor by mail."

On motion of Mr. English the Senate adjourned.

AFTERNOON SESSION.

The President announced that the hour of special order had arrived.

Mr. Woodward moved to take up special order. Carried.

Special order: Substitute for Senate File No. 141: A Bill for an Act to authorize the Governor to settle the excess over 500,000 acres selected by the State of Iowa under Act of Congress of September 4th, 1841, was taken up, read by title, and on motion of Mr. Dysart the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick

Dixon, Dungan, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Watson, Williams, Woodward and Woolson—37.

The nays were, Senator Ainsworth—1.

Bill passed and title agreed to.

On request of Mr. Kern Mr Teter, was excused.

On request of Mr. Esteb, Mr. Trumbull was excused.

Unfinished business was then taken up.

A Bill in relation to the duties and compensation of County Treasurers.

Mr. Woodward moved to adjourn. Lost.

The question being on Mr. Duncombe's amendment to the Substitute, Mr. Duncombe called for the yeas and nays :

The yeas were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Hesser, Kent, McCrary of Van Buren, McPherson, Neal, Redfield and Williams—12.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, Pattison, Shaffer, Smith, Watson and Woolson—25.

Absent but not excused, Senator Woodward.

Amendment was lost.

Mr. Bowen offered the following amendment: Insert after the words "One hundred," the word "Sixty." Adopted.

Mr. Bowen moved to strike out of Section 1, the words, "And the further sum of thirty cents." Amendment adopted.

Mr. Dungan moved to amend by adding the following words :

Provided Further, That the aggregate fees thus charged shall in no case exceed the sum of 50 cents. Adopted.

Mr. Duncombe moved to amend by striking out the words "Money to," upon which motion Mr. Ainsworth called the yeas and nays and the vote was as follows :

The yeas were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Foote, Gue, Hatch, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Smith, Watson, and Woodward—21.

The nays were, Senators Ainsworth, Dysart, English, Esteb, Gray, Hagans, Hammer, Hastings, Jennings, McPherson and Williams—11.

The amendment prevailed.

Mr. Jennings moved to strike out all after "office" to "Treasurer," upon which motion he called the yeas and nays with the following result :

The yeas were, Senators Ainsworth, Dixon, Duncombe, Dungan, English, Esteb, Hatch, Jennings, Kern, Leake, McCrary of Lee, McPherson, Neal, Williams and Woodward—15.

The nays were, Senators Boardman, Bowen, Burdick, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Kent, Lewis, McCrary of Van Buren, Pattison, Shaffer, Watson and Woolson—19.

The motion was lost.

The question being on the adoption of the Substitute, Mr. Bowen called for the yeas and nays, with the following result :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hastings, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, English, Esteb, Hagans, Hamner, Hatch, Jennings and Williams—8.

Absent and not voting, Senators Angle, Green, Hesser, Pollard, Potter, Smith, Teter, Trumbull, and Udell.

The Substitute was lost.

On motion of Mr. Dungan, the 11th rule was suspended and the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, English, Esteb, Gray, Hagans, Hatch, Shaffer and Williams—8.

Bill passed and title agreed to.

Mr. Hatch moved to take up Senate File No. 152: A Bill for an Act to permanently locate the Asylum or Institution for the Education of the Deaf and Dumb. Carried.

Mr. Hatch moved that the Bill be read a third time, and put upon its passage. Carried.

The Bill was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Smith, Watson, Williams and Woodward—31.

The nays were, Senators Ainsworth, Bowen, Gray, Shaffer and Woolson—5.

Bill passed and title agreed to.

On motion of Mr. Kent the Substitute for House File No. 121: A Bill for an Act to repeal Section 906 of the Revision of 1860 and to encourage hedging, was read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick,

Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Watson, Williams, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Duncombe, English, and Esteb—4.

Absent and not excused Senator Hastings.

The Bill passed and title was agreed to.

On motion of Mr. Jennings, Senate File No. 111: An Act in relation to levying executions, was read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Watson, Williams, Woodward and Woolson—33.

The nays were, Senators Dungan, Gray, Hagans and Leake—4.

The Bill passed and the title was agreed to.

Mr. Leake moved to take up the Bill for the protection of game. Lost.

On motion of Mr. Burdick, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, March 6, 1862. }

Senate convened at the usual hour.

Prayer by Senator Watson.

Journal of yesterday was being read when on motion of Mr. Dysart the further reading was dispensed with.

Mr. Redfield offered the following resolution:

"WHEREAS, In the course of human events" it is not well for man to be alone: and,

WHEREAS, It has pleased the Senator from Davis to follow the example of wise men, and take to himself a rib: Therefore,

Resolved, That the Senator from Davis have, and that he hereby has the congratulations of the Senate on so wise a consummation.

Resolved, That all bachelor Senators be requested to go and do likewise.

On motion referred to Committee on Charitable Institutions.

Received the following message from the House:

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

Substitute for House File No. 61: A Bill for an Act for the relief of Amity College.

House File No. 202: A Bill for an Act entitled an Act to legalize the election and official acts of D. D. Chase of Hamilton County, State of Iowa.

Substitute for House File No. 209: A Bill for an Act in relation to the duties and liabilities of Railroad Companies.

House File No. 181: A Bill for an Act to amend Section 3952, Sub-Division 3 of the Revision of 1860, in relation to pleadings in cases of forcible entry and detainer.

House File No. 98: A Bill for an Act entitled an Act to amend Section 843, of the Revision of 1860.

House File No. 150: A Bill for an Act in relation to estates of decedents.

House File No. 208: A Bill for an Act regulating additions to Incorporated Towns.

House File No. 207: A Bill for an Act defining the duties of the Physician to the Penitentiary, and fixing his salary.

House File No. 156: A Bill for an Act for the relief of Reuben H. Webster and others.

House File No. 226: A Bill for an Act to amend Chapter 45 of the Revision of 1860, so as to exempt grounds leased for Agricultural Societies from taxation during the term of such lease.

House File No. 97: A Bill for an Act to prevent the unlawful driving away of cattle by drovers and others.

Substitute for House File No. 78: A Bill for an Act to amend Section 5192, of the Revision of 1860.

House File No. 164: A Bill for an Act to regulate Mutual Insurance Companies.

CHA'S. ALDRICH, Chief Clerk.

Mr. Boardman from Committee on Schools and University reported back Senate File No. 166: A Bill for an Act to amend and consolidate an Act passed by the Board of Education December 24th, 1859, entitled An Act to amend an Act entitled an Act to provide a system of Common Schools and the amendments thereto. Bill read first and second time by title. On motion of **Mr. Dysart** laid on table, and ordered printed in pamphlet form.

REPORTS OF COMMITTEES.

By **Mr. Bowen** :

MR. PRESIDENT:—The Committee on claims to whom was referred the claim of Captain William Edwards, of Lee County, have had the same under consideration, and the Chairman begs leave to report, that two of the Committee were absent, two others of the

Committee were present, and both are favorable to the allowance of all equitable claims against the State for services rendered and moneys expended in the defense of the country, but differ in the mode by which that is to be accomplished. One is in favor of the passage of a general law to include all cases which may arise. The other is in favor of the Chairman doing as he pleases, and the Chairman therefore, has seen proper to report a Joint Resolution in favor of a portion of the claim which the preamble to the resolution will explain, and which renders it unnecessary for the Chairman more fully to set forth in this report.

Signed, J. BOWEN, Chairman.

On motion of Mr. Brown the Bill was referred to Committee on Military Affairs.

Mr. English from Committee on Ways and Means reported a substitute for Senate File No. — : A Bill for an Act further defining the duties of Boards of Supervisors and County Treasurers, which on motion of Mr. English was laid on the table and ordered printed.

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

WHEREAS, The State of Iowa has a School Fund of over Twenty-Three Hundred Thousand Dollars, which is the absolute property of the State, as much so as any property can be; and for the management of which, the State is responsible only to herself and her own laws and regulations. Still, under her own laws and management, she has probably lost full \$800,000 of the principal of the fund; for which, in accordance with the laws, she is indebted to said Fund, notwithstanding her constitutional prohibition of indebtedness beyond certain limits. Just now there is \$377,000.62 of School Fund Interest due and unpaid, which the tax payers of the State must pay this year, to keep up the schools of the State; as it will require about that sum to be added to the amount on hand for distribution, to run the schools the coming year; thus compelling the people to pay over \$377,000 in taxes this year, to make up the amount of delinquent interest on money they have not borrowed, but their State has loaned; and loaned, too, on insufficient security, on long time, and principally to favorites of officers making such loans. And as it has cost the State about one-fourth of all the interest obtained, to pay her officers, as appears from the official reports from 1851 to 1857, inclusive, (the amount of interest collected was \$414,263.00) and attendant expenses for the same period, \$111,330.74, over one-fourth of the interest. While, on the other hand, the State has been borrowing money at great expense to herself, submitting to large discounts upon her bonds, and paying interest at inconvenient places, all of which must be paid up by her tax payers.

WHEREAS, The State has been thus lavish in distributing her money to one portion of her citizens, upon easy terms, long time,

and insufficient securities, she is extremely hard with her delinquent tax payers, requiring prompt payment and imposing heavy penalties for non-payment, treating the unfortunate delinquent as a criminal deserving of neither mercy or extenuation, though his property is perfect security for his tax and interest, all of which, in five years, would not amount to over ten per cent. upon the assessed value of his property, held as security; and,

WHEREAS, The law virtually says to the money lender, you shall not loan money to any man whereby he may be enabled to pay his taxes, for more than ten per cent. interest, under penalty of being a usurer and a criminal and a forfeiture of all your interest; and for loaning him money on any terms you shall not sell his property to secure your money loaned, when due, for less than two-thirds of its appraised value. But if you loan him no money, you can purchase his land at tax sale, and at once receive thirty per cent. penalty and ten per cent. upon principal, cost and penalty. And by still refusing to loan him money to redeem with, at the end of three years, you shall have his entire property for one year's taxes. It is all right; he should not be unfortunate or unable to pay his taxes; and our Bible says, "that he that hath little, it shall be taken from him; and he that hath much, shall have more added thereunto." Upon this principle we loan our money to those that have real estate to give for security, upon long time and easy terms; while to the unfortunate man that owes a small amount of taxes and can not pay promptly, we will show no mercy, but increase the penalties and invite the monied sharks to take his all; and,

WHEREAS, The above facts show that our Revenue, School Fund and Interest laws are a jumble of incongruities, and not proper for the great and wealthy State of Iowa, in this age of the world, therefore,

Resolved, That the Committee of Ways and Means be instructed to examine and consider what changes are necessary in our School Fund, Revenue and Interest laws, to adapt them to the age in which we live, justice, humanity and the interest of the State duly considered; and report a Bill or Bills, making such changes as they deem best; and that Senators Woodward and Jennings be added to the Committee for the consideration of the subjects, and to aid in getting up the Bill or Bills, as the case may be; and that the Hon. T. H. Benton be respectfully invited to render all the aid he can, to said Committee.

On motion of Mr. Esteb, leave of absence for one day was granted to Senator Duncombe.

The report of the Judiciary Committee, which was partially disposed of, was then taken up; and Senate File No. 167: A Substitute for Senate File No. 85; and House File No. 96: A Bill for an Act to repeal Section 5066, of the Revision of 1860, and to provide a substitute.

Mr. Bowen moved to refer to Committee on Charitable Institutions.

Mr. Teter moved to lay on the table, which motion prevailed.

The Chair announced that the hour for a special order had arrived.

Mr. McPherson moved to take up special order, Senate File No. 113: A Bill for an Act authorizing the Boards of Supervisors to levy taxes on lands for the years 1857 and 1858, in certain cases.

Special order was accordingly taken up, Bill read, and Mr. Neal offered a substitute. Question being upon the adoption of the Substitute, Mr. Holmes called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Bowen, Burdick, Dixon, Dungan, Esteb, Gray, Hagans, Hammer, Hesser, Kern, Neal, Smith, Watson, Williams and Woolson—16.

The nays were, Senators Boardman, Brown, Dysart, English, Foote, Gue, Hatch, Hastings, Holmes, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Trumbull and Woodward—21.

Absent, but not excused, Senators Pollard and Redfield.

The Substitute was rejected.

Mr. Holmes moved that the further consideration be indefinitely postponed, upon which motion Mr. Neal called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Dysart, Foote, Gray, Gue, Hammer, Hatch, Holmes, Jennings, Kent, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Teter, Trumbull, Watson, Woodward and Woolson—19.

The nays were, Senators Ainsworth, Bowen, Brown, Dungan, Esteb, Hagans, Hastings, Hesser, Kern, Leake, Lewis, Neal, Shaffer, Smith and Williams—15.

Absent, but not excused, Senators Pollard and Redfield.

The Bill was indefinitely postponed.

Mr. Boardman moved to take from the table Senate File No. 3: A Bill for an Act for the better protection of the School Fund. Carried.

Title of Bill was read and Mr. Boardman moved to act upon the Bill, Section by Section. Carried.

Mr. Smith moved that Section 1 be adopted. Carried.

Mr. Boardman moved to insert a new Section to be known as 2d Section. Carried.

Section 3d was read and Mr. Holmes moved that it be adopted. Carried.

Section 4 was read and Mr. McPherson moved to strike out the word "loan," and insert "borrow." Carried.

Section 4 was then adopted.

Section 5 was then read and Mr. Dysart moved to strike out the word "loan," and insert "borrow." Carried.

On motion of Mr. Jennings, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

Mr. Dysart moved to take up special order. Carried:

Special order: Senate File No. 154: A Bill for an Act to confer authority on Township Trustees to establish and vacate roads, was taken up and acted upon by Sections.

Section 1 was read and the words "or near," in last line, stricken out and the Section was then adopted.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has authorized the printing of the usual number of copies of the report of the Auditor of State in relation to the condition of the Permanent School Fund and of the opinion of Attorney General Nourse in relation to certain Swamp Lands said to have been certified to Railroad Companies.

I also return herewith the following Bill, Senate File No. 163: A Bill for an Act relating to the proof of written instruments in actions and repealing Section 2967 of the Revision of 1860, the same having passed the House with the following amendment, in which the concurrence of the Senate is asked, to Section 1: Add "Provided, That the person sought to be charged with such written instrument shall on demand be entitled to examine the original instrument before he is required to file his affidavit."

Senate File No. 157: Joint Resolution asking the construction of one Federal Judicial District from certain States, and Senate File No. 75: A Bill for an Act to amend Chapter 105 of the Revision of 1860, have passed the House without amendment, and are herewith returned.

GEO. MAY, 1st Assistant Clerk.

On motion of Mr. Ainsworth, the words "of the most" were struck out of Section 2 and the Section was adopted.

On motion of Mr. Burdick, the word "shall" was stricken out of Section 3 after "they," and inserted after "them."

On motion of Mr. Bowen, the words "of the most," were struck out of the 3d Section.

On motion of Mr. Dungan, the word "Town," throughout the Bill, was changed to "Township."

Section 3, as amended, and Section 4 were then adopted.

On motion of Mr. Smith, Section 5 was amended by inserting the word "certified" before "copy."

On motion of Mr. Holmes, the following was added to Section 5: "And that the field notes and plats of survey shall be evidence to the same extent as those made by the County Surveyor."

Sections 5, 6, 7 and 8, were then adopted.

On motion of Mr. Trumbull, Section 9 was amended by striking

out the words from "being" to "run," inclusive, and the word "themselves" after "feeling," was struck out.

Sections 9 and 10 were then adopted.

On motion of Mr. Smith, the word "Town" was struck out of the 1st, 4th and 5th lines of Section 11.

Sections 11 and 12 were then adopted.

Section 13 was then amended by striking out "the Clerk," in the first line, and inserting "by," and after the word "Supervisors," in second line, inserting "the Clerk thereof," by striking out the words "sent up by" and inserting "together with the order of the Board in such case."

The Section was then adopted.

Mr. Ainsworth moved to strike out the words "one of the petitioners" and insert "person aggrieved," and strike out the word "themselves." Carried.

Sections 14 and 15 were then adopted.

On motion of Mr. Smith, the 1st line of Section 16 was amended by striking out "in case" and inserting "if," and inserting "or more" after the word "two."

The Section was then adopted.

On motion of Mr. Smith, the following words were prefixed to Section 17: Upon a determination of the case by the Board of Supervisors, the word "the" before Board was struck out and "said" inserted, the words "of Supervisors" struck out, and the word "out" inserted after "laid," where it occurs in the Section.

Section 17, as amended, was then adopted.

Sections 18 and 19 were then adopted.

Mr. Boardman moved to strike out of Section 20 all to the word "and" in the second line and insert the following: The costs of the proceedings in surveying and laying out, altering or vacating any highway or road, as well as the damages to owners of lands through which said road may pass, may be assessed equitably as to said Trustees may seem just in whole or in part against the petitioners or the respective Townships in which said road lies, subject to appeal to the Board of Supervisors, which was carried and the Section as amended was adopted.

Section 21 was read and adopted.

Mr. Holmes moved to strike out Section 22. Lost.

Mr. Dungan moved to strike out \$1,25 and insert \$1,00. Carried.

Section 23 was adopted as amended.

Mr. Ainsworth offered an additional Section, to be known as Section 24.

Mr. Smith offered a Substitute, and upon the adoption of the Substitute Mr. Ainsworth called the yeas and nays which were as follows:

The yeas were, Senators Boardman, Bowen, Dungan, Dysart,

Foote, Gue, Hagans, Hatch, Jennings, Kent, McCrary of Lee, Pattison, Pollard, Redfield, Shaffer, Smith and Woolson—17.

The nays were, Senators Ainsworth, Brown, Burdick, Hammer, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Van Buren, Teter, Trumbull, Watson and Williams—16.

The Substitute was adopted.

Section 25 was read and adopted.

Mr. Ainsworth raised a point of order, that Mr. Smith's Substitute for his amendment had not been adopted.

Chair decided point of order not well taken.

Mr. Ainsworth appealed, and called for the yeas and nays.

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dysart, Gue, Kern, Shaffer, Smith and Teter—10.

The nays were, Senators Ainsworth, Burdick, Dungan, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Trumbull, Watson and Williams—24.

Chair not sustained.

The question now being upon the adoption of Section 24, upon which Mr. Bowen called the yeas and nays:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Watson and Woodward—28.

The nays were, Senators Brown, Hagans, Hesser, Leake, Lewis, Shaffer and Williams—7.

The Section was adopted.

Mr. Dysart moved that the Bill be Engrossed and read a third time to-morrow. Carried.

Mr. Hatch moved to take up Senate File No. 110: In relation to State Arsenal. Carried.

Mr. Ainsworth moved to strike out '\$5,000' and insert '\$3,000,' upon which motion he called the yeas and nays:

The yeas were, Senators Ainsworth, Dungan, Esteb, Gray, Gue, Holmes, Lewis, Neal, Pollard and Shaffer—10.

The nays were, Senators Bowen, Burdick, Dixon, Dysart, Hagans, Hatch, Hesser, Jennings, Kern, Leake, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Redfield, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—22.

Motion to strike out was lost.

Mr. Dixon moved to refer to Committee on Public Buildings. Carried.

On motion of Mr. Pattison, House File No. 156 was taken from the table and referred to the Judiciary Committee.

On motion of Mr. Shaffer, the Concurrent Resolution from the

House in relation to binding documents, was taken up, and Mr. Ainsworth moved that the Senate concur.

On this the yeas and nays were called, and were as follows:

The yeas were, Senators Bowen, Gue, Hagans, Hatch, Hastings, Jennings, Kent, Leake, McPherson, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull and Watson—16.

The nays were Senators Ainsworth, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Hammer, Hesser, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Smith, Williams, Woodward and Woolson—22.

The Senate refused to concur.

On calling the roll, Mr. Holmes rose to explain his vote, when Mr. Teter called him to order.

Mr. Dixon moved that Mr. Holmes be allowed to proceed.

Mr. Teter withdrew his objection.

Mr. Smith renewed it.

The Chair decided the motion out of order.

On motion of Mr. Kern, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, March 7, 1862. }

Senate convened at the usual hour.

President in the Chair.

Prayer by Rev. Mr. Chamberlain.

Journal of yesterday was being read, when Mr. Ainsworth moved that the reading of the names, where the roll was called, be dispensed with.

Journal read, amended, and approved.

Mr. Foote asked leave of absence for Mr. Woolson. Granted.

Mr. Woolson, President *pro tem.*, through Mr. Smith, entered the following protest upon the Journal:

On the 6th day of March, 1862, the Senate were considering Senate File No. —, being a Bill for an Act to confer power on Township Trustees to lay out &c., roads, which had been reported from the Committee, read twice and made a special order; the Senate having gone through the Bill and adopted all the Sections separately, Mr. Ainsworth moved to add a new Section to the Bill providing that the Board of Supervisors should have no jurisdiction hereafter in laying out roads except the cases on appeal and such as were now commenced before them. The Chair having stated the question to be on adding the new Section as moved by Mr.

Ainsworth, Mr. Smith offered a new Section and moved it be added to the Bill as a Substitute for the Section offered by Mr. Ainsworth. On this question Mr. Ainsworth called for the yeas and nays, which being taken resulted in yeas —, nays —, and the Chair declared the motion of Mr. Smith carried.

The Chair then stated the question to be on ordering the Bill engrossed and read a third time to-morrow. Mr. Ainsworth raised a point of order that Section 24 which was the number proposed both by him and Mr. Smith, in their proposed new Section had not been adopted. The Chair decided the point not well taken; that the question on which the yeas and nays was taken was substantially "would the Senate add the new Section proposed by Mr. Smith to the Bill, instead of the one proposed by Mr. Ainsworth?" that the Senate having decided the question in the affirmative, that Section was thereby added to the Bill, and no further action was required respecting it, more than to the other Sections of the Bill. From this decision of the chair Mr. Ainsworth appealed, and the decision of the Chair was reversed by the Senate.

From this decision of the Senate the undersigned beg leave to respectfully dissent, and asks that his dissent be placed on the journal of the Senate, together with the reasons therefor, as follows:

FIRST—That Mr. Ainsworth's motion was not in the strict parliamentary sense, an amendment to the Bill, but was an *addition* or *proviso*, the treatment of which is governed by very different rules from those relating to ordinary amendments. See "Cushing's Law and Practice of Legislative Assemblies," Octavo Ed. Sections 2171 to 2174 inclusive. In Section 2171 Judge Cushing says, "the term amendment, in its broadest sense, signifies every alteration or addition made to a Bill or other proposition after its introduction into the House in which it first passes, as well as every addition or alteration which is made or rather proposed, in one House to a Bill as passed by the other. But in a narrower sense, the word amendment is used in parliamentary practice to denote only one form of these alterations; the others being known as additions and provisos.

I. *Amendments.* A Bill consists of one or more propositions, in which the will of the law-making power is declared in reference to a particular subject; each proposition is denominated a clause, [or Section.] When the language, of which one of these clauses is composed, is changed, either by leaving out, inserting or adding certain words, or by leaving out certain words and inserting others, these various alterations are denominated amendments.

II. *Additions.* When the change or alteration of a Bill consists of the addition of an entire clause, containing enacting words, or the addition of several such clauses, the amendment is denominated an addition.

III. *Proviso.* Where the purport of an independent addition is to qualify the general provisions of the Bill or to withdraw from

its operations certain things or circumstances, it is denominated a proviso, &c.

The above authority shows conclusively that an addition of the nature of the proposition of either Mr. Ainsworth or Mr. Smith is in no parliamentary sense an amendment to be governed by the rules relating to ordinary amendments,

On the contrary the same authority (Cushing) asserts that after such a clause or addition is presented, it is to be treated in relation to amendments as though it had been originally in the Bill, Section 2187, 2220.

SECOND—Upon the above authority, even if the motion of Mr. Smith was to be treated like an ordinary amendment by way of substitute, the decision of the Senate was wrong. Supposing Mr. Ainsworth's new Section had been originally in the Bill, and then Mr. Smith's motion would have been equivalent to a motion to strike out and insert, and when his was thus inserted, there could have been no further action on it necessary, for it would have been then in the bill, as much so as that of any other Section.

The undersigned dissents from the decision because it will furnish a precedent which will be erroneous and operate to the public disadvantage, inasmuch as it is calculated to mislead, and render more difficult the duties of such persons as may be called to perform the duties of presiding officers in our deliberative bodies.

T. W. WOOLSON.

On motion of Mr. Holmes House Files were taken from the table.

Joint Resolution in relation to General Sigel, House File No. 223. Read first and second time and referred to Committee on Military Affairs.

House File No. 179: A Bill for an Act to amend Section 3962 of the Revision of 1860. Read first and second time and referred to Judiciary Committee.

House File No. 127: A Bill for an Act entitled an Act to amend Section 1, Chapter 98 of Laws of the Sixth General Assembly, and to legalize the records of certain deeds and conveyances in the Recorder's office at Fort Madison in Lee County and making the same evidence in legal proceedings. Read a first and second time, and on motion of Mr. McCrary of Lee, the 11th rule was suspended and Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams and Woodward—37.

The nays were, Senator English—1.

Bill passed and title agreed to.

House File No. 15: A Bill for an Act to define the duties of Justices of the Peace and Special Constables, in certain cases. Read first and second time, and referred to Judiciary Committee.

Substitute for House File No. 48: A Bill for an act to incorporate Civil Townships. Read first and second time, and referred to Committee on County and Township Organization.

House File No. 103: A Bill for an Act to amend Chapter 42 of the Revision of 1860, relating to Vacancies and Special Elections. Read first and second time, and referred to Committee on Elections.

House File No. 162: A Bill for an Act to provide compensation to Agents of the State for reclaiming fugitives from justice. Read first and second time, and referred to Committee on Federal Relations.

Substitute for House Files Nos. 163 and 173: A Bill for an Act entitled an Act to amend Section 2475 of the Revision of 1860, and to legalize certain acts of County Judges. Read first and second time, and referred to Judiciary Committee.

House File No. 190: A Bill for an Act legalizing the acts of Charles A. Perry, Notary Public in Buchanan County, Iowa, under the assumed name of Richard J. Thornton. Read first and second time, and on motion of Mr. Hastings the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson and Woodward—37.

The nays were, Senators Burdick, English, Kent, Shaffer and Williams—5.

Bill passed and the title was agreed to.

House File No. 12: A Joint Resolution instructing our Senators and requesting our Representatives in Congress to procure the establishment of a tri-weekly mail route from Des Moines City *via* Adel, Panora, Guthrie Centre, etc., to Council Bluffs, was read a first and second time.

Mr. Ainsworth moved to suspend the 11th rule and put the Bill upon its third reading. Carried.

The Bill was read a third time and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woodward—42.

The nays were, none.

Bill passed and the title was agreed to.

House File No. 47: A Bill for an Act for the location of County Seats, read a first and second time and referred to Committee on Township and County Organization.

House File No. 67: A Substitute for House Files Nos. 33 and 38, referred to Committee on Schools and Universities.

House File No. 107: An Act to amend section 3 of chapter 22 of the Revision of 1860, in relation to the Board of Supervisors. Referred to Committee on Township and County Organization.

House File No. 117: A Bill for an Act to exempt bees from execution, read a first and second time, and on motion of Mr. Ainsworth the 11th rule was suspended, and the Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Bowen, Dixon, English, Esteb, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Jennings, Kent, Kern, Leake, Pattison, Redfield, Udell, Watson and Woodward—20.

The nays were, Senators Boardman, Brown, Burdick, Duncombe, Dungan, Dysart, Foote, Gray, Green, Hatch, Hurley, Lewis McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Smith, Teter, Trumbull and Williams—23.

The Bill was rejected.

House File No. 139, read a first and second and referred to Committee on Public Lands.

Mr. Ainsworth moved to take up Special order. Lost.

House File No. 157, read a first and second time and referred to Judiciary Committee.

House File No. 169, read a first and second time, and on motion of Mr. Neal was referred to Special Committee of which Mr. Teter be Chairman.

Chair announced as such Committee Senators Teter, Neal and Leake.

House File No. 170: A Bill for an Act in relation to the duties of Clerks and Justices, read a first and second time, and on motion of Mr. Ainsworth the 11th rule was suspended, Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—39.

The nays were, none.

Bill passed and the title was agreed to.

Mr. Neal moved to reconsider the vote by which Senate File No.

113 was indefinitely postponed, upon which motion Mr. Ainsworth called for the yeas and nays which were as follows :

The yeas were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Pollard, Potter, Shaffer, Smith, Teter and Williams—30.

The nays were, Senators Ainsworth, Boardman, Burdick, Foote, Gray, Holmes, McCrary of Van Buren, Redfield, Trumbull and Woodward—10.

Absent but not excused, Senators English and Watson.

The motion prevailed.

Mr. Smith moved to reconsider the vote by which it was refused to adopt Substitute for Senate File No. 113. Carried.

Mr. Neal moved to refer to Select Committee of five. Carried.

Chair announced as such Committee Senators Neal, Pattison, Hurley, McCrary of Van Buren and Potter.

House File No. 175, read a first and second time, and referred to Committee on Elections.

House File No, 186, read a first and second time, and referred to Committee on Agriculture.

House File No. 202, read a first and second time, and referred to Judiciary Committee.

House File No. 164, read a first and second time and referred to Committee on Incorporations.

House File No. 78, read a first and second time and referred to Committee on Charitable Institutions.

House File No. 97: A Bill for an Act to prevent the unlawful driving away of Cattle or other stock, by drovers and others. Bill read a first and second time, and Mr. English moved to insert the words "or other stock" in body of Bill. Carried.

Mr. Smith offered a new section to be known as section 5. Adopted.

Mr. Hatch offered an amendment to section 5, which was lost.

On motion of Mr. Gue the 11th rule was suspended and Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—36.

The nays were, Senators Ainsworth, Duncombe, Hatch, McCrary of Lee and Teter—5.

The Bill passed and the title was agreed to.

House File No. 226: A Bill for an Act to amend Chapter 45 of the Revision of 1860. To exempt grounds leased by Agricultural

Society from taxation during the term of such lease. Bill read first and second time, and on motion of Mr. Ainsworth the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Udell, Watson, Williams and Woodward—37.

The nays were, Senator Shaffer—1.

Bill passed and its title was agreed to.

House File No. 207, read first and second time, and referred to Committee on Public Buildings.

House File No. 203, read first and second time, and referred to Committee on Incorporations.

House File No. 150, read first and second time, and referred to Judiciary Committee.

House File No. 98, read first and second time, and referred to Judiciary Committee.

House File No. 181, read first and second time, and referred to Judiciary Committee.

House File No. 209, read first and second time, and referred to Committee on Railroads.

Substitute for House File No. 61, read first and second time, and referred to Committee on Schools and Universities.

Mr. Woodward moved to take up Substitute for House File No. 2, being Senate File No. 163: A Bill for an Act relating to the proof of certain instruments in actions, and repealing Section 2967 of the Revision of 1860, as amended by the House.

House amendment was read, and Mr. Woodward moved that the Senate concur in the amendment. Upon which amendment the yeas and nays were called, and were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woodward—39.

The nays were none.

Absent or not voting, Senators Dixon, Esteb, Kent and Udell.

The amendment was adopted.

Mr. Duncombe moved that the Bill be read a third time and put upon its final passage.

Mr. McCrary of Lee raised a point of order, that the Bill was already passed, and was not now before the Senate, and that the motion was therefore out of order.

The Chair decided the point of order well taken.

Mr. Duncombe appealed from the decision of the Chair.

The question being, "Shall the decision of the Chair stand as the judgment of the Senate?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Dungan, Dysart, Foote, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—29.

The nays were, Senators Bowen, Brown, Duncombe, English, Esteb, Gray, Green, Gue, Hagans, Hastings, Leake, Lewis, Pattison and Teter—14.

The Chair was sustained.

On motion of Mr. McCrary of Van Buren the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

Mr. Gue moved to reconsider the vote by which Senate File No. 154 was ordered to a third reading. Carried.

Mr. Gue moved to recommit to Committee on County and Township Organization. Carried.

Mr. Smith moved to take up Bills on their third reading. Carried.

On motion of Mr. Hurley, Concurrent Resolution in relation to Joint Convention to elect Warden of the Penitentiary, was taken up and concurred in.

Mr. Brown, from Committee on Claims, by leave, submitted the following report, which was adopted.

To the Hon., the Senate of Iowa:

The Committee on Claims, to whom was referred the claim of J. F. Edwards, for services in account with the Iowa Penitentiary, respectfully report, that after a full examination of the law and facts connected therewith, the Committee are of opinion that such claim ought not to be allowed or paid by the State. The said account purports to have been made under color of right, arising by virtue of an alleged contract between the said Edwards and the inspectors of the Penitentiary, entered into in 1858, by which the said Edwards was employed as architect of the Penitentiary, at five dollars per day, for an indefinite time; that the object of employing the said Edwards, is alleged to have been the superintendence, by him, of certain improvements which were authorized to be made to the Penitentiary, by an Act of the Legislature, approved March 13th,

1858. The Committee find that, by the express terms of said Act, it was made the special duty of the Warden to superintend such work, and that no authority was conferred by said Act, upon the inspectors, to make such contract. The claims amount to \$1,759.50; upon which, Edwards has received the sum of \$990.50; which, from the evidence the Committee have been able to obtain in reference to the services rendered by him, leads to the conclusion that he has received ample compensation for the service actually rendered under such contract, assuming that the inspectors had authority to so employ him.

On behalf of the Committee.

A. F. BROWN

Senate File No. 79: A Bill for an Act to regulate the fees of Sheriffs for taking convicts to the Penitentiary, was read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—37.

The nays were, Mr. Neal—1.

The Bill passed and its title agreed to.

On motion of Mr. Dysart, Senators Hammer and Kern were excused.

Senate File No. 159: A Bill for an Act to prevent further issuing or sale of State Bonds on account of the War and Defense Fund of this State, was read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Brown, Dixon, Duncombe, Dysart, Esteb, Foote, Gray, Green, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Lewis, McPherson, Neal, Potter, Smith, Trumbull, Udell, Watson, Williams and Woodward—26.

The nays were, Senators Bowen, Burdick, Dungan, English, Gue, Hagans, Kent, Leake, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer and Teter—14.

Bill passed and its title agreed to.

Senate File No. 127: A Bill for an Act to amend the acts to protect game, was read third time and upon the question: Shall Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dysart, Foote, Gray, Gue, Hatch, Hesser, Holmes, Jennings, Leake, Lewis, McPherson, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Watson and Woodward—24.

The nays were, Senators Brown, Dixon, Dungan, English, Esteb,

Green, Hagans, Hastings, Hurley, Kent, McCrary of Van Buren, Neal, Pattison, Shaffer, Udell and Williams—14.

Absent but not excused, Senator McCrary of Lee.

Bill passed and its title agreed to.

Senate File No. 121 was read third time and was being discussed when Mr. Jennings raised the point of order that the Bill having been read third time, was not debatable.

Chair decided point of order not well taken from which decision Mr. Jennings appealed.

Mr. Neal was proceeding to discuss the decision when Mr. Ainsworth raised the point of order that an appeal from the Chair in this case, was not debatable.

Chair sustained the point of order.

Upon Mr. Jennings' appeal the yeas and nays were called and the vote was as follows:

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams, and Woodward—36.

The yeas were, Senators Ainsworth, Green, Jennings, McCrary of Van Buren, and Trumbull—5.

The decision of the Chair was sustained.

The question being upon the passage of the Bill, Mr. Neal raised the point of order that the Bill having no enacting clause was not a Bill. The point of order was not sustained.

Upon the call of the yeas and nays upon the passage of the Bill, the result was as follows:

The yeas were, Senators Ainsworth, English, Gray, Smith and Watson—5.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woodward—34.

Absent but not excused, Senator Jennings.

The Bill was rejected.

Mr. Teter moved to take up Senate File No. 90: A Bill for an Act making a further appropriation for the Hospital for the Insane. Carried.

On motion of Mr. Ainsworth 11th rule was suspended, Bill read third time and upon the question: Shall Bill pass? the yeas and nays were called and resulted as follows:

The yeas were, Senators, Bowen, Dysart, Foote, Hagans, Hatch, Hesser, Hurley, McPherson, Pattison, Shaffer, Teter, Trumbull, Udell and Woodward—14.

The yeas were, Senators Ainsworth, Boardman, Brown, Dixon, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Holmes, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Potter, Redfield, Smith, Watson and Williams—25.

Absent but not excused, Senators Burdick and Hastings.

The Bill was rejected.

Mr. Redfield moved to reconsider the vote last taken.

Mr. Ainsworth moved to lay the motion on the table, and called the yeas and nays with the following result :

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hatch, Holmes, Kent, Neal, Pattison, Pollard, Potter and Williams—17.

The nays were, Senators Bowen, Brown, Dixon, Dungan, Dysart, Foote, Hagans, Hastings, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—23.

Absent but not excused, Senator Hesser.

The motion was lost.

Question being upon reconsidering the vote in accordance with motion of Mr. Redfield, Mr. Duncombe called the yeas and nays with the following result :

The yeas were, Senators Bowen, Brown, Dixon, Dungan, Dysart, Foote, Hagans, Hatch, Hastings, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Woodward—24.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Holmes, Kent, McCrary of Van Buren, Neal, Pollard, Potter and Williams—16.

Absent but not excused, Senator Hesser.

The vote was reconsidered.

Mr. Redfield moved to lay the Bill on the table. Ruled out of order.

Mr. Redfield moved to reconsider the vote by which 11th rule was suspended, which motion prevailed.

Mr. Smith moved to lay the Bill on the table. Carried.

Mr. McPherson announced the death of the wife of Senator Woolson, who left for home last evening. As a mark of respect for that Senator, he moved that the Senate do now adjourn. The motion prevailed and the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 SATURDAY, March 8, 1862. }

Prayer by Rev. Mr. Chamberlain.

Journal of yesterday was being read when Mr. Ainsworth moved that the farther reading of the Journal be dispensed with, which motion prevailed.

Mr. Shaffer, from Joint Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, having examined the following, find the same correctly enrolled and present them for your signature:

Senate File No. 163: An Act relating to the proof of written instruments, &c.

Senate File No. 157: A Joint Resolution praying for the construction of one Federal Judicial District from certain States.

Senate File No. 75: An Act to amend the law concerning guardians of property of minors.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Esteb presented the petition from citizens of Decatur County in relation to the militia. Referred to the Committee on Military Affairs.

Mr. Ainsworth presented six petitions in relation to State Printing. Referred to the Special Committee on that subject.

INTRODUCTION OF BILLS.

By Mr. Gray: Senate File No. 170: A Bill for an Act to authorize the Boards of Supervisors of the Counties of this State, to sell the swamp lands. Read first and second time and referred to Committee on Public Lands.

By Mr. Foote: Senate File No. 171: A Bill for an Act to punish injuries done to Telegraph Lines. Read first and second time, and upon motion of Mr. Teter the 11th Rule was suspended and the Bill ordered to its third reading.

Mr. Redfield moved to reconsider the vote last taken. Carried.

On motion of Mr. Boardman, it was referred to Judiciary Committee. Carried.

By Mr. Hatch: Senate File 172: A Bill for an Act to regulate the taxation of costs in certain cases. Read first and second time, and Mr. Hatch moved that the Bill be engrossed and read a third time to-morrow.

Mr. Brown moved that the Bill be laid on the table, and upon which motion the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hesser, Holmes, Hurley, Kent, Leake,

Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Trumbull, Watson and Woodward—23.

The nays were, Senators Ainsworth, English, Esteb, Green, Hagans, Hammer, Hatch, Hastings, Neal, Pollard, Potter, Teter, Udell and Williams—14.

Absent but not excused, Duncombe, Gray and Jennings.

The Bill was tabled.

Received the following message from the House :

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

House File No. 147: A Bill for an Act entitled an Act to adapt the law for canvassing votes to the Supervisor System.

CHA'S ALDRICH, Chief Clerk.

Mr. Kent, from Committee on Engrossed Bills, reported Senate File No. 166 and Senate File No. 62 correctly engrossed.

Mr. Holmes introduced a Bill—Senate File No. 173: A Bill for an Act fixing the compensation of County Treasurers and to repeal Section 422 of the Revision of 1860. Read first and second time, and on motion of Mr. Holmes was made the special order for Wednesday next at 10 o'clock.

Mr. Potter introduced Senate File No. 174: A Bill for an Act to legalize and declare valid certain judgments. Read first and second time and referred to Judiciary Committee.

REPORTS OF COMMITTEES.

Mr. Dysart, from Committee on Township and County Organization, reported back Bill: Senate File No. 153: A Bill for an Act in relation to the organization of Townships and the number of Supervisors in any County, and recommend its passage.

The Bill was read and Mr. McPherson moved to strike out the word "fifty" and insert "twenty-five." Lost.

Mr. Redfield moved that 11th Rule be suspended and the Bill put upon its passage. Lost.

Mr. McPherson moved to refer to Special Committee of five. Carried.

The President announced as such Committee, Senators McPherson, Dysart, Duncombe, Redfield and English.

Mr. Brown, from Committee on Incorporations, reported back House File No. 203: A Bill for an Act regulating additions to incorporated towns and recommend its passage.

On motion of Mr. Teter, the 11th Rule was suspended and the Bill read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, English, Foote, Green, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis,

McCrary of Lee, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woodward—34.

The nays were, Senators Ainsworth, Burdick, Esteb, Gray and McCrary of Van Buren—5.

Absent but not excused, Senator Duncombe.

The Bill passed and the title was agreed to.

Mr. Dysart moved to take up Senate File No. 10: A Bill in relation to conferring civil and criminal jurisdiction on County Courts, and make it the special order for Tuesday next at 2 o'clock, P. M. Carried.

Mr. Redfield moved to take up special order: A Bill for an Act to provide for the purchase of the building now used by the State as a State House or Capitol and the lots on which the same is situated. Carried.

The Bill was read and Mr. Brown moved that the Bill be laid upon the table and be printed together with the report of the Committee, which motion prevailed.

Message from the House:

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

House File No. 197: A Bill for an Act punishing persons receiving the property of persons in arms against the Government or their aiders and abettors with intent to prevent its confiscation.

CHAS. ALDRICH, Chief Clerk.

Mr. Burdick submitted the following report:

MR. PRESIDENT:—The Committee on Public Lands, to whom was referred the memorial of Wm. Jackson asking legislation to protect the swamp and overflowed lands belonging to the several Counties against trespass, have instructed me to report a Bill and recommend its passage.

M. V. BURDICK, Chairman.

Senate File No. 174 was read a first and second time, and on motion it was ordered engrossed and read third time to-morrow.

Mr. Teter, from special Committee, reported as follows:

Your Committee having had under consideration House File No. 169, have instructed me to report it back to the Senate and recommend its passage, being a Bill for an Act for the relief of Willis Clemens and others.

On motion of Mr. Teter the 11th Rule was suspended, the Bill read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dysart, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woodward—28.

The nays were, Senators Ainsworth, Brown, Burdick, Dungan, Esteb, Foote, Holmes, Hurley, Kent, Lewis, McPherson and Watson—12.

Absent, but not excused, Senators Duncombe and Smith.

The President announced that the Bill had passed and the title agreed to, when Mr. Brown rose to a point of order: That 28 was not a sufficient number to pass the Bill, it being special in its nature; and requested that the question remain open for future consideration.

Mr. Woodward, upon leave, offered the following resolution:

Resolved, That the Rule or Resolution in relation to the sessions of this Body, be so amended as to provide that there shall be no session on the afternoon of Wednesdays and Saturdays.

WOODWARD.

Adopted.

On motion, Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, March 10, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Fleming.

Journal of Saturday 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. 133: A Bill for an Act providing for the registry of dogs, and defining the duties of Township officers in certain cases.

House File No. 242: A Bill for an Act to repeal Chapter 68, of the Laws of the 7th General Assembly.

Also return herewith, Senate File No. 63: A Bill for an Act more effectually to secure a part of the judgment in favor of the School Fund, and against J. D. Eads and his sureties, and for partial relief of said sureties. The same having been rejected by the House.

CHAS. ALDRICH, Chief Clerk.

PETITIONS.

Petitions were presented by Mr. Hagans, in relation to the pro-

tection of sheep from the ravages of dogs. Referred to Committee on Agriculture.

By Mr. Hagens: In relation to prohibiting stock from running at large. Referred to Committee on Agriculture.

By Mr. Bowen: In relation to the "Orphan's Home of Industry." Referred to Committee on Charitable Institutions

RESOLUTIONS.

By Mr. Boardman, the following Concurrent Resolution :
WHEREAS, Several Counties, Cities, Towns and individuals of this State have aided the Government in putting down the rebellion now being waged against it, by furnishing arms, clothing, subsistence and other means; therefore,

Resolved by the Senate, the House of Representatives concurring, That John N. Dewey, F. R. West and S. R. Ingham of Des Moines, in the County of Polk, be hereby authorized as a Board of Commissioners, whose duty it shall be to receive proofs upon all claims of the nature specified aforesaid, and report thereon to the next General Assembly.

Resolved, That said Commissioners shall receive no other pay for their services herein, than three dollars per day for the time actually spent in examining and reporting upon said claims, together with the necessary stationery and postage used for said purpose.

On motion of Mr. Neal, referred to Committee on Military Affairs.

Received the following message from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has adopted the following resolution :

Resolved by the House of Representatives, the Senate concurring, That the Joint Convention to convene at 10 o'clock this day for the purpose of electing three Bank Commissioners, and a Warden of the Penitentiary, shall, immediately after said election, proceed to elect three Directors of the State Bank of Iowa.

CHAS. ALDRICH, Chief Clerk.

On motion of Mr. Redfield, the Concurrent Resolution from the House was taken up and concurred in.

Mr. Woodward, from Judiciary Committee, made the following report :

MR. PRESIDENT :—The Judiciary Committee has instructed me to make the following report :

FIRST—In reference to Senate File No. 158: A Bill for an Act to establish a City Court in the City of McGregor: That, though there are some questions connected with this subject, yet if the citizens of McGregor are willing to assume these questions, the Committee does not desire to oppose their wishes, and reports the Bill back to the Senate without recommendation.

SECOND—Upon House File No. 202: A Bill to legalize the election and the official acts of D. D. Chase of Hamilton County: The Committee represent that they do not perceive what power the General Assembly possesses to legalize the election of said Chase, in view of the particular circumstances. We cannot arbitrarily declare an office vacant when there is an incumbent, and the law has made no vacancy, consequently we cannot declare an election legal, which is to an office in which there is no vacancy. But the Legislature can declare valid the acts done in the absence of the incumbent, and for that purpose we submit a substitute.

Senate File No. 158 was read: Being a Bill for an Act for a Court in McGregor, in this State, and on motion of Mr. Ainsworth, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gray, Green, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Trumbull, Udell, Watson, Williams and Woodward
—31.

The nays were, Senators English and Esteb.—2.

Bill passed and the title agreed to.

Substitute for House File No. 202: was read, adopted, and ordered engrossed and read a third time to-morrow.

Mr. Shaffer from Joint Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, have this day, presented the following to his Excellency, the Governor, for his approval, viz:

House File No. 156: Joint Resolution praying for additional mail facilities.

House File No. 184: Joint Resolution concerning "Lyon Memorial Regiment."

House File No. —: Joint Resolution concerning Regimental Flags for the Iowa Regiments.

House File No. 73: An Act relating to incorporation of Iowa Conference Seminary, known as Cornell College.

Senate File No. —: Joint Resolution authorizing the Governor to send persons to provide for wounded at Donelson.

Senate File No. 92: An Act authorizing Treasurer of Webster County to apportion certain taxes.

Senate File No. 70: An Act providing for the recording of bonds of county officers.

Senate File No. 56: An Act requiring clerks of District Courts to keep an appearance docket.

Senate File No. 83: An Act for assessment, levy and collection of the United States war tax, &c.

Senate File No. 87: An Act authorizing Boards of Supervisors to divide townships into election precincts.

Senate File No. 123: An Act to provide for the maintenance of widows and minor children of decedents, &c.

Senate File No. 60: An Act authorizing the reception of Auditor's Warrants on the "War and Defense Fund," in payment of State and Federal taxes.

Senate File No. 163: An Act relating to the proof of written instruments in actions, &c.

Senate File No. 157: Joint Resolution concerning construction of one Federal Judicial Circuit.

Senate File No. 75: An Act to amend Chapter 105 of the Revision of 1860, concerning Guardians of property of minors.

J. M. SHAFFER,

Chairman Senate Committee.

On motion of Mr. Gray, House File No. 8: was taken from the table, and 11th rule suspended, and the Bill put upon its third reading.

Mr. Gray moved to reconsider vote whereby the Bill was put upon its third reading, which motion prevailed.

On motion of Mr. McCrary, the Bill was laid on the table.

Committee from the House:

Messrs. Williams and Wilcox announced that the House was ready to meet the Senate in Joint Convention.

On motion of Mr. McCrary of Lee, Mr. Jennings was appointed Teller on part of the Senate.

Mr. McCrary of Van Buren, moved that the Senate proceed to the Hall of House of Representatives, which motion prevailed.

At 12 o'clock, M. the Senate returned, and on motion adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

Mr. Neal from Select Committee submitted the following report:

MR. PRESIDENT:—The Select Committee to whom was referred Senate File No. 72: A Bill for an Act providing for the Education of the Deaf, Dumb and Blind, beg leave to report a Substitute for the original Bill, and recommend its adoption.

J. E. NEAL, for Committee.

The Substitute was then read and on motion of Mr. Holmes, the Substitute and original Bill were laid on the table and made the special order for next Thursday at 10 o'clock, A. M.

On motion of Mr. Holmes, Senate File No. 147: An Act provi-

ding for Assistant Collectors and the better collection of Taxes, was taken from the table.

On motion of Mr. Hatch, the Senate went into Committee of the Whole for the consideration of the Bill. Mr. Trumbull in the Chair.

The Committee rose at half past five, and the chairman reported back the Bill with various amendments, and on motion of Mr. Holmes it was made the special order for 10 o'clock to-morrow.

The President laid before the Senate the following communication from the Mayor of the City :

DES MOINES, IOWA, March 10, 1862.

HON. J. R. NEEDHAM,

President of the Senate of Iowa :

DEAR SIR:—The funeral services of N. W. Doty & T. G. Weeks, (two Brave Boys of Company D, 2d Iowa Regiment, who sacrificed their lives for their Country, at the storming of Fort Donelson,) will take place to-morrow (Tuesday) at 12 o'clock, M. Please announce this to your branch of the General Assembly. As a token of respect to the memory of these brave men, the Legislature is hereby respectfully invited to attend and take part in the ceremonies on the occasion.

An appropriate position has been assigned the Legislature in the procession, by the Committee of Arrangements.

I have the honor to be,

Respectfully yours,

IRA COOK, Mayor.

Mr. Hatch offered the following resolution which was adopted :

Resolved by the Senate, That as a mark of respect, this Senate will adjourn to attend the Funeral on to-morrow of Sergeant N. W. DOTY and THEODORE G. WEEKS, members of Company D, Second Iowa Regiment of Iowa Volunteers, *who fell* while nobly defending the Flag of our Country in the gallant charge of the Iowa Second at Fort Donelson.

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

Resolved, That a Committee of two be appointed by the President, to inform the City Council or other proper authorities of the foregoing resolution of the Senate.

The President announced as the Committee to communicate the action of the Senate to the City Council, Messrs. Redfield and Gray.

On motion of Mr. Holmes the Committee were authorized to make such arrangements as might be necessary.

Mr. Shaffer submitted the following report :

MR. PRESIDENT :—The joint Committee of enrolled Bills of the General Assembly, have examined House File No. 169 : An Act

for the relief of Willis Clemens, etc., corrected errors therein, and present the same for your signature.

J. M. Shaffer, Chairman Sen. Com.

On motion of Mr. Pollard the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, March, 11, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Fleming.

Journal of yesterday read and approved.

Mr. Brown offered the following resolution:

Resolved, That the Secretary of State be and is hereby requested to transmit to the Senate at his earliest convenience any information in the possession of said officer in relation to the issuing of a proclamation authorizing the election of a District Attorney in the 11th Judicial District of the State of Iowa, at the October election, in the year A. D. 1861, together with any other information in relation to the canvass of the votes of such election, and the issuing of the certificates to D. D. Chase.

Mr. Ainsworth moved to amend by adding the following:

"Also, all facts which came to his knowledge, and documents in his possession which led to the issuing of such proclamation."

Amendment adopted, and resolution as amended adopted.

Mr. Neal presented a petition in relation to State Printing. Referred to Special Committee on that subject.

Mr. Pollard presented a petition in relation to the same subject. Referred to same Committee.

Mr. Esteb presented a petition upon the same subject. Referred to same Committee.

Mr. Teter offered the following resolution:

Resolved, That from and after the 15th of March, no new matter shall be admitted into this Body, unless by unanimous consent. Laid on the table.

Received the following message from the House:

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

House File No. 248: A Bill for an Act to legalize the acts of E. A. Alexander, Notary Public in and for Buchanan county, Iowa.

CHA'S. ALDRICH, Chief Clerk.

REPORTS OF COMMITTEES.

By Mr. Woodward :

MR. PRESIDENT :—The Judiciary Committee have directed me to make the following report in relation to House File No. 156 : A Bill for an Act for the relief of Reuben H. Webster and others : That they find a legal difficulty in the way of passing the Bill of the House, and in granting the entire prayer of the petitioners. The Committee know of no way to repeal the past and make it as if it had not been. The Legislature can *forgive* the past, and give *absolution* for the future, but there is no power to relieve from the legal effects of past acts. Therefore the Committee offer a Substitute for the Bill of the House.

W. G. WOODWARD, Chairman.

Substitute for House File No. 166 was read and adopted.

On motion of Mr. Pattison the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—38.

The nays were none.

Bill passed and title agreed to.

Received the following message from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House of Representatives has appointed Messrs. Mitchell of Polk and Dunlavy to confer with a similar Committee on the part of the Senate, in relation to attending the Funeral at 12 o'clock M. this day, of the Iowa soldiers who were killed at Fort Donelson.

CHA'S. ALDRICH, Chief Clerk.

Mr. Teter from Committee on Charitable Institutions reported back Substitute for House File No. 78 : An Act to amend Section 5192 of the Revision of 1860.

Mr. Teter moved to change publication clause. Carried.

Mr. Teter moved to strike out "\$30" and insert "\$35."

Upon which motion Mr. Ainsworth called the yeas and nays, as follows :

The yeas were, Senators Hesser, Jennings, McCrary of Lee, McPherson, Pattison, Shaffer and Teter—7.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagens, Hammer, Hastings, Holmes, Hurley, Kent, Kern,

Leake, Lewis, McCrary of Van Buren, Neal, Pollard, Potter, Smith, Trumbull, Udell, Watson, Williams and Woodward—32.

Motion lost.

On motion the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Williams and Woodward—37.

The nays were, none.

Bill passed and its title agreed to.

Mr. Pattison submitted the following report:

The Committee on Agriculture, to whom was referred House File No. 186: Being a Bill for an Act to prevent the importation, running at large, or sale of diseased sheep, have had the same under consideration, and unanimously instructed me to report the same back and recommend its passage, after being so amended as to require its publication in the Daily State Register and Daily Des Moines Times.

The amendment was adopted, and on motion of Mr. Pattison the 11th rule was suspended and the Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal Pattison, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—37.

The nays were, none.

The Bill passed and the title was agreed to.

On motion of Mr. Woodward the vote by which Substitute for House File No. 202 was ordered to a third reading was reconsidered.

On motion of Mr. Hagans the vote by which the substitute was adopted, was reconsidered, and the Bill and Substitute laid on the table.

Mr. Shaffer submitted the following report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, have examined House File No. 203: An Act regulating additions to unincorporated towns, find the same correct and present it for your signature.

J. M. SHAFFER, Ch'n. Sen. Com.

Mr. Kent, from Committee on Engrossed Bills, reported Senate File No. 174 correctly engrossed.

Mr. Leake submitted the following report :

The Committee on Elections, to whom was referred House File No. 103: A Bill for an Act to amend chapter 42 of the Revision of 1860, relating to vacancies and special elections, recommend that the same be amended by striking out the fourth section, and so amended they recommend its passage.

They have also had under consideration House File No. 178: A Bill for an Act to regulate the issuing of certificates of elections in certain cases, and recommend that the same be passed.

J. B. LEAKE, Chairman.

The amendment of the Committee was concurred in.

On motion of Mr. Leake the 11th rule was suspended and the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—39.

The nays were, none.

The Bill passed and the title was agreed to.

MR. PRESIDENT :—The Select Committee, to whom was referred Senate File No. 72: A Bill for an Act providing for the Education of the Deaf and Dumb and Blind, beg leave to report a Substitute for the original Bill and recommend its adoption.

J. E. NEAL, for Committee.

On motion of Mr. Leake House File No. 178 was taken up.

On motion of Mr. Ainsworth the words "with the County Seal" were stricken out of Section 1, and the following inserted "signed by the President and attested by the Clerk of the Board of Censors with the Seal of the District Court.

On motion of Mr. Leake the 11th rule was suspended and Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—39.

The nays were, none.

So the Bill passed and the title was agreed to.

On motion of Mr. Gray, House File No. 8: An Act in relation to Insurance Companies was taken up, read, and Mr. McCrary of Lee offered new Section which was adopted.

On motion of Mr. Gray 11th rule was suspended, Bill read third

time and upon the question: Shall Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—39.

The nays were, none.

Bill passed and title agreed to.

Mr. Boardman from Committee on Schools reported as follows:

Reported back House File No. 22, with amendments: A Bill for an Act to legalize the sale of certain School Lands. Amendments adopted. Mr. Ainsworth offered substitute for Bill. Lost.

Mr. Boardman moved that the Bill be engrossed and read third time to-morrow, upon which motion Mr. Esteb called the yeas and nays with the following result:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith and Woodward—22.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Gray, Green, Jennings, Kern, Neal, Pollard, Potter, Trumbull, Udell and Williams—15.

Bill was ordered engrossed.

Mr. Redfield from Committee in relation to funeral of Weeks and Doty, submitted the following report:

The Committee appointed on the part of the Senate to confer with the Mayor and Committee of arrangements of this city, relating to attending the obsequies of the heroic soldiers who have fallen in the defense of their country's honor, are requested by His Honor to report that the Chief Marshal will be in attendance at the Capitol at 11 o'clock, to escort the Governor and Staff, the State Officers and General Assembly, to the Hall of ceremonies.

The procession will be formed in the following order: Governor and Staff, State Officers, Lieut. Gov. and Speaker of House, Senate, Officers of Senate, House, Officers of House.

An appropriate place will be assigned the procession in the Hall.

JAMES REDFIELD,
G. W. GRAY.

Mr. Redfield moved that a Committee be appointed to inform the Governor of arrangements, which motion prevailed.

Mr. Dixon moved to reconsider the vote whereby House File No. 103 was passed. Carried; and on motion the vote by which the Bill was put upon its third reading was reconsidered.

On motion the Bill was then laid on the table.

Mr. Redfield moved that when the Senate adjourn it will be until to-morrow morning. Carried.

On motion the Senate then adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 WEDNESDAY, March 12, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Fleming.

Journal of yesterday read and approved.

PETITIONS AND MEMORIALS.

By Mr. Shaffer: Memorial from H. N. Moore. Referred to Committee on Claims.

By Mr. Trumbull: A remonstrance against changing the name of Jones County. Referred to Committee on County Boundaries.

By Mr. Duncombe: Petition of 142 citizens of Hamilton county, asking a reduction of the price of Public Printing. Referred to Committee on Printing.

INTRODUCTION OF BILLS.

By Mr. Boardman: Senate File No. 204: An Act to amend Section 1583 of Article 3 of Chapter 64 of the Revision of 1860, and in aid of the Revenue of the counties, cities and towns of this State. Read first and second time, and referred to Committee on Ways and Means.

Also, Senate File No. 205: An Act to regulate the allowance of costs in criminal prosecutions. Read first and second time, and referred to Judiciary Committee.

By Mr. McPherson: Senate File No. 206: An Act to amend Section 662 of the Revision of 1860. Read first and second time, and on motion of Mr. McPherson the 11th rule was suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams and Woodward—38.

The nays were, Brown and Watson—2.

Absent, but not excused, Senators Burdick, Lewis and Pollard.

Bill passed and the title was agreed to.

By Mr. Burdick: Senate File No. 207: An Act to amend Section 1123, of the Revision of 1860. Bill read a first and second time, and referred to Committee on Incorporations.

Mr. Udell, from Committee on Enrolled Bills, reported House Files No. 226, 190, 12 and 70, correctly enrolled.

Mr. Gue submitted the following report, which was adopted:

The Committee on Printing, to whom was referred the report of the "Board of Commissioners for auditing claims on the War and Defense Fund," have had the same under consideration, and find that two thousand copies of said report have been printed by order of the House; and believing that number to be sufficient, would recommend that no more be printed by the Senate.

B. F. GUE, Ch'n Com. on Printing.

Mr. Dysart, from the Committee on Township and County Organization, reported back Senate File No. 154: An Act to confer authority on Township Trustees to establish and vacate roads, with amendments.

On motion of Mr. Ainsworth, the following words were added to the second amendment of the Committee, to-wit: "and the same shall stand for trial the same as other appealed cases in that Court."

On motion of Mr. Esteb, the second amendment of the Committee as amended, was adopted.

On motion of Mr. Dysart, the first amendment of Committee was adopted.

On motion, the third amendment was then adopted.

On motion of Mr. Holmes, the Bill was ordered to be engrossed and read a third time to-morrow.

Mr. Redfield, from Committee on Schools, reported Senate File No. 208: An Act to protect the interest of the permanent School Fund, and to repeal Section 165, of the Revision of 1860, which was read a first and second time and referred to Committee on Ways and Means.

Mr. McPherson, from Special Committee, to whom was referred Senate File No. 153: An Act in relation to the organization of Townships, and of the number of Supervisors in any County, reported back the same with amendments—to strike out "50" in Section 1, and insert "25."

Mr. Watson moved to amend the amendment by striking out "25" and inserting "40"; and on this he called for the yeas and nays, which were as follows:

The yeas were, Senators Bowen, Esteb, Hesser, Jennings, McCrary of Van Buren, Pollard, Trumbull, Watson, Williams and Woodward—10.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Smith, Teter and Udeil—32.

The motion was lost.

The question now being on the amendment proposed by Committee, Mr. Hagans called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue,

Hagans, Hammer, Hatch, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Udell, Williams and Woodward—35.

The nays were, Senators Bowen, Foote, Hesser, Shaffer, Teter and Watson—6.

Absent, but not excused, Senators Burdick and Hastings.

The amendment prevailed.

Mr. Ainsworth moved to strike out the 3d and 4th Sections of the Bill; and on this he called for the yeas and nays, which were as follows:

The yeas were, Senators Binsworth, Bowen, Burdick, Dixon, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Jennings, Kern, Leake, Lewis, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Williams—32.

The nays were, Senators Boardman, Brown, Dysart, Foote, Holmes, Kent, McCrary of Lee, McPherson and Redfield—9.

Absent, but not excused, Senator Hurley.

The amendment prevailed.

Mr. Redfield moved that the Bill be indefinitely postponed, upon which motion the yeas and nays were called, which were as follows:

The yeas were, Senators Boardman, Green, McCrary of Van Buren, Neal, Redfield, Shaffer, Watson, and Williams—8.

The nays were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Pollard, Smith, Teter, Trumbull, Udell, Woodward and Woolson—31.

Absent, but not excused, Senators Brown and Potter.

The motion was lost.

On motion, the 11th rule was suspended and the Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Smith, Trumbull, Udell and Woodward—33.

The nays were, Senators Foote, Neal, Shaffer, Teter, Watson and Williams—6.

Absent, but not excused, Senators Brown, Dixon, Hurley and Redfield.

Bill passed and title agreed to.

Mr. Woodward, from Committee on Des Moines River Land Grant, submitted the following majority report:

To the Senate of Iowa :

A majority of your Committee upon the Des Moines Lands, to whom was referred diverse petitions, memorials and questions relating thereto, have instructed me to make the following report :

On the 8th May, 1846, the Congress of the U. S. granted to the State the alternate sections in a strip of five miles in width on each side of the Des Moines River, to aid in the improvement of the navigation of the river, from its mouth to the Raccoon Fork.

At the next session of the Legislature, on Jan. 9, 1847, the State accepted the grant and the trust, and at the same session instituted a Board of Public Works, and undertook the work of improvement.

In February, 1848, the Commissioner of the General Land Office, Mr. Young, in the course of his official business and communications, as is supposed, expressed the proposition that the State was entitled to the lands through the entire extent of the river.

In June of the same year the Land Officers of the State observed a proclamation for a public sale of lands, including some of those supposed to be granted to the State, and lying on the Des Moines river, above the Fork. This excited surprise, and in September (1848) they wrote to the Commissioner, but they never received a reply. The attention of our members in Congress was drawn to the subject, and they addressed the Secretary of the Treasury, in whose province it then was. In reply to this in March, 1849, Secretary Walker decided that the State held the lands to the source of the river.

In April, 1850, Mr. Ewing, then Secretary, held that the grant extended no higher than the Fork. But he referred the question of the extent of the grant to Attorney General Johnson, who, in July (1850) decided that the grant "extended to the source of the river, so far as the river was in what was the territory of Iowa at the time of the grant."

In June, 1851, the question was again referred to the Attorney General, who was then Mr. Crittenden, and he differed from Mr. Johnson, holding that the grant did not follow the length of the river.

In October, 1851, Mr. Secretary Stuart recognized the claim of the State, and notified the Commissioner of the General Land Office of his opinion. In October, 1851, and March, 1852, this Secretary approved over 225,616 acres lying *above* the Raccoon Fork.

Secretary McLellan also, in December, 1853, approved 45,955 acres *above* the Fork.

During this fluctuation of opinion, but after the Commissioner

and Secretary Walker had decided that the grant extended above the Fork, the State, believing the question then settled, on February 5, 1851, commenced a more vigorous prosecution of the work. By the act of that date the offices of President, Secretary and Treasurer were abolished, and a Commissioner and Register were to be appointed by the Governor.

But in June, 1853, a still greater effort was made to advance the work. The Commissioner and Register were made elective, and two assistant Commissioners were appointed to assist them and to share in certain powers. By this act (June 24, '53,) the Commissioner and the two assistants were authorized to contract with any competent person or company to carry on and complete the whole system of improvements, and to convey to them the entire grant of lands. But the lands were to be sold for not less than \$1,300,000, and not less than \$1,200,000 were to be expended on the works. Such a contract was made with the Des Moines Navigation and Railroad Company.

The above officers were further authorized to rent the tolls and water-power necessary to the contracting person or company.

Prior to this time the State had opened a Land Office, at which lands were entered under the State in a manner similar to that under the U. S. Government. Pre-emption rights, also, were allowed and existed, and in the Act above named, a reservation is made in regard to the rights of pre-empting settlers.

The Des Moines Navigation & R. R. Co. entered upon the execution of the work, under the contract made June 9, 1854. By this the State sold to that Company all the lands embraced in the grant, and supposed to be nearly a million of acres, but excepting those which had been sold prior to December 23, 1853, at which time the State Land Office had been closed.

Large sums were expended, and the work was progressing, when, in March, 1856, the Commissioner of the General Land Office decided that the grant did not extend above the Fork. The Secretary, Mr. McClellan, again referred to the Attorney General, who was then Mr. Cushing. The Attorney held the same, but in view of the vacillation of opinion which had taken place, he recommended that the Secretary approve the selections to the north boundary of the State, if the State would relinquish her pretensions above that line.

No such proposition was made known to the State, but no more lands were approved and certified.

The Committee does not desire to enter into any examination of the action of any person, official or unofficial, but they desire to call the attention of the Senate to these facts.

In a period when all supposed the question of the extent of the grant to be settled, when the Commissioner of the General Land Office, one Secretary of the Treasury, two Secretaries of the Interior, and two Attorney Generals had pronounced in favor of the

claim of the State; this State entered into a contract involving a vast sum of money, and a vast work, sold land to scores, and perhaps hundreds of individual settlers, and created great debts—all of which was done upon the basis of faith in this grant, and in the action and opinion of the highest law, and executive functionaries, (save in the President,) in the Union. Was there any fault, any haste in this? Is it of any consequence whether there was an "after-thought" in relation to the extent of the grant, when supported by such a weight of authority?

The lands ceased to be certified. There were no more with which to prosecute the work. The improvement must stop, and stop with all parties in this depth of difficulty! The Company had laid out large sums—more than the State had lands to pay for. That was done which alone could be done. The contract with the Company was rescinded in March, 1858. The Company surrendered its rights under the contract, its claims on the State for land, the water-power for a long term of years, and its working property and materials; and the State assumed certain obligations for work on the improvements, and conveyed the land it then held below the Fork, and that which had been certified and approved to the State, above the Fork, excepting those lands which had been sold by the State prior to 23d December, 1853.

At the time the contract was rescinded, the State owed the River Company 426,000 acres of land, and she had but 266,108 approved and certified, and not sold to others, and these she conveyed. Thus there were wanting 159,392 acres to even pay what we then owed, and of this 266,108 so paid, or sold, 212,751 acres were above the Fork, leaving only 53,367 acres that are free from question.

But still clinging to the last hope, the State reserved 50,000 acres above the Fork, with which to pay the claims assumed as above-mentioned, in case those acres should ever be certified, and farther, the remainder, if there should ever be a remainder, was granted to the Keokuk, Fort Des Moines & Minnesota Railroad Company, to aid in that work, the Company assuming the above-mentioned obligations and others, in case they received the consideration therefor.

This was done in March, 1858, and at the same time authority was given to the Governor and Register, "to issue patents to the purchasers of the Des Moines River Improvement Lands;" and under this authority patents were issued both to the Des Moines Navigation and Railroad Company, and to the other grantees of the State.

In the meantime, in 1856, May 15, the United States grants to the State lands to assist in constructing four railways from the Mississippi to the Missouri River, excepting therefrom "lands reserved by Congress, or other competent authority, for aiding in any object of internal improvement, or for any other purpose whatever."

This grant, or these grants, were from east to west, across the

Des Moines River, and across the supposed grant for that improvement of that river.

In July of the same year, (1856) the State accepted this grant and trust, and granted the same to certain railway companies, but providing that any of said companies accepting the grant under that act, should take the same with the condition imposed, and incumbrance specified, in this act"—the Act of the State.

These grants were made by the State to the Burlington & Missouri River Company, the Mississippi and Missouri River Company, the Iowa Central Air Line Company, and the Dubuque and Pacific Company. The Act of Congress prescribes the termini of each road, and also the general route, and in section 4 enacts that the "lands shall be disposed of by said State only in the manner following," and proceeds to define the mode and time.

The Act of the State granting to the Companies (14 July, 1856) in section 8, provides that "in case either of such Railroad Companies shall fail to have completed and equipped seventy-five miles of its road within three years from the first day of December next (1856), and thirty miles in addition in each year thereafter, for five years, and the remainder of their whole line of road in one year thereafter, or on the first day of December, A. D. 1865, then, and in that case, it shall be competent for the State of Iowa to resume all rights conferred by this Act upon the Company so failing, and to resume all rights to the lands hereby granted, and remaining undispensed of by the Company so failing to have the length of road completed in manner and time as aforesaid."

The Iowa Central Air Line Company having entirely failed* to comply with the Act, and this Company having, as we believe, in fact ceased to exist, by an Act of 17th of March, 1860, the grant to it was resumed, and the same lands were granted to the Cedar Rapids and Missouri River Company by the Act of 26th of March, 1860, which will be hereafter more particularly referred to.

By the Act of 14th July, 1856, which grants to the several railway companies, they were required to have completed and equipped one hundred and thirty-five miles of their respective roads by the first of December, 1861. None of the companies have met this requirement, and all are subject to having the grant resumed, with the lands referred to not yet disposed of.

It is necessary now to advert to the particular roads, and to some of the provisions of the Act relating to them.

The Act of Congress making the grant (15 May, 1856) in section 4, enacts that the lands hereby granted to the State shall be disposed of by said State, only in manner following, that is to say, "that a quantity not exceeding one hundred and twenty sections, and included within a continuous length of twenty miles, may be sold, and when the Governor shall certify to the Secretary of the Interior that any twenty continuous miles is completed, then another quantity of land hereby granted, not to exceed one hundred

and twenty sections, and included within a continuous length of twenty miles, may be sold, and so from time to time until said roads are completed.

By this section, and from the known construction and practice of the Land Department of the Government, we understand that, at the beginning and before work is begun, one hundred and 20 sections may be certified: and when the first 20 miles of road is completed, another one hundred and twenty sections may be certified, but this land must be within the next continuous twenty miles of road; so that the land can be anticipated only within the next twenty miles of road to be built. In other words, the land lying within the next twenty miles may be used to build that 20 miles of road. It will be observed that the number of sections in a tract of country, twelve miles (or sections) wide, and twenty miles (or sections) long, is two hundred and forty, so that the one hundred and twenty sections so certified, the total amount of sections (or of land) granted in each twenty miles.

The act of Congress, 15th of May, 1856, making the grant to the State, in defining the route of one of the proposed roads, describes it thus: "From Lyons City, Northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa; thence on said main line, running as near as practicable to the forty-second parallel, across the State of Iowa to the Missouri River."

This Iowa Central Company completed nothing, and cease to be. The rights and lands granted to it were resumed by the Act of March 17, 1860; and by that of March 20, 1860, they were conferred upon the Cedar Rapids and Missouri River Company. This Act recites the terms of the Act of Congress, describing the route from Lyons City Northwesterly to a point near the Maquoketa.

The second section requires, as an express condition, that forty miles of this road should be completed within one year from the first day of December, 1860, which is the only condition of that nature that the time now past has called for, and this, the Committee understands has been performed.

But there are other conditional provisions in this Act. The fifth section expressly provides that the Company shall not be entitled to the lands save as the work progresses; and goes further than the Act of Congress, in declaring that they shall not be entitled to the first one hundred and twenty sections until the first section of the road, of twenty miles, is completed.

And the sixth section provides that the Company shall, before 1st January, 1861, build a railway from Pearl Street in Lyons City, to a point of intersection with the Chicago, Iowa and Nebraska Railroad within the corporate limits of Clinton City, etc.

Section seven enacts that this Company shall not commence their Road at any point further West than the town of Marion in Linn county, and that the Governor shall not certify any of the lands to

the Company until that portion of the road between Marion and Cedar Rapids, together with so much more as will make in the aggregate, at least twenty miles, shall be completed, and in operation.

The Committee find that neither the road from Lyons to Clinton, nor that from Marion to Cedar Rapids, has been built, and that the work has not even been commenced. They further find that no part of the work has been done on that part of the route which runs from Lyons Northwesterly to a point near the Maquoketa.

This last is a requirement in the original grant from Congress, in regard to the road from Lyons to Clinton. The President of this road, in explaining and excusing the non-performance of the Company, presents financial difficulties, and also what he terms impossibilities, in the refusal of the authorities of Clinton to permit them to lay a road in the streets of that town; and also in the refusal of the Chicago, Iowa and Nebraska Company to allow them to connect with that road.

In regard to the last two difficulties, the Committee would direct the attention of the Senate to the fact, well understood in the world, that substantially the same persons are concerned, as promoters, capitalists and builders, in the Cedar Rapids and Missouri R. R. Company, and in the Chicago, Iowa and Nebraska Company; which fact was also stated by the same President, in his remarks before the joint Committee; and the further well understood fact, that the same persons (or interest,) laid out, and are the proprietors of the town of Clinton. So that your Committee are slow to credit these impossibilities, which are believed to be rather in the will of those who are interested in both these roads and in the town.

The attorney of the C. R. & Mo. R. Co. before the joint Committee urged that the State has no legal right to resume, save for a failure to comply with Section second, relating to the length of road to be built within certain times, since then the right to resume is expressly reserved. In reply to this we refer to section nine, which contains these words, "It is further expressly provided that if said company shall fail or refuse to accept of this grant upon the conditions hereby imposed," &c., the census board is empowered to confer the same rights upon some other party. Then if they did accept they took it with the "conditions imposed," and one of these conditions was the building the road from Lyons to Clinton.

And again, section one recites the Act of Congress defining a route from Lyons northwesterly to a point near the Maquoketa, and then Section two begins with these words, "The grant by this Act conferred upon said company is made upon the express condition that in case said company shall fail to have completed and equipped forty miles of its road along the route *aforesaid*" within a time named, "in that case it shall be competent for the State to resume all rights conferred by this Act." What was the route *aforesaid*?

No one had been named but that from Lyons northwesterly to near the Maquoketa.

All the works expressly required by the Act, are surely "conditions hereby imposed," and though, for some failures, the Governor may refuse to certify, is this state of things to stand continually? Surely not. Resumption is the ultimate remedy.

Although this company may have built the *length* of road required in the time prescribed, yet they have not built *where* the Act of the State appointed, and they have entirely omitted the requirement of the Act of Congress, so that if there are degrees in a default they are more subject to resumption than the others.

Or, if the Act of the State is construed to mean that they may *begin* their road at Marion, and run west from that point, omitting the route East of that, then the unwelcome inference follows, that the Act of the State is a violation of the trust, and is therefore, so far void.

The Mississippi & Missouri Company are also in default in respect to the length of road to be built in a given time, and so likewise, is the Burlington & Missouri company.

We arrive at the conclusion, therefore, that all these companies are subject to have the rights and lands conferred upon them, resumed by the State.

But why should the State resume these grants? She wants, and her people want, the Railways, and she does not want the lands. The answer is, there are weighty and conflicting interests which have come into conflict without any fault on the part of the State.

These conflicting interests must be reconciled as far as possible, and justice must be done. The present position of the State enables her to do this justice, and the high duty must be performed. She asks nothing for herself, but desires the benefit of her citizens and her grantees.

The State has been the common trustee, between the United States and several classes of beneficiaries, and having at a time when she and all the world believed she had right, done that which has since produced confusion and conflict, she is called upon, and it is her duty to use her position of common trustee and intermediate holder of rights, powers and titles, so as to determine the rights of all. We call attention to the thought that, as the common trustee between several beneficiaries, and the intermediate holder for all, she not only may but she must, determine between them.

All seem to consent that the State's grantees—the settlers on the lands must be protected. The Railway companies agree that they cannot maintain a road through a hostile population. Then what and who are the State's grantees, and who are the settlers? The State has granted lands to three classes of persons, viz: To individuals, to contractors and to companies.

At first the State undertook to carry on the work of the improvement, herself, by her officers. Prior to December 23d, 1853 she

maintained a Land Office, at which lands were entered, and pre-empted and sold as in the office of the United States. In this way hundreds of individuals bought of the State and hold her patent.

Again, persons took contracts on the public works, wrought on the improvement, and took part or all of their payment in the lands. Numbers of these hold the patent of the State, or they sub-sold and their grantees received the deed of the State.

Thirdly—On the 9th June, 1854, the State contracted with the Des Moines Nav. & R. R. Co. to perform the whole work of the improvement of the river. This company expended over half a million of dollars, and received 266,108 acres of land. They, too, hold the State's Patent for these lands, 212,741 acres of which lie above the Raccoon Fork, and a large portion of them have been sub-sold to individuals, who are part of the same settlers of whom we first spoke.

How are we to discriminate between these settlers? What distinction can we make? What line of division adopt? Is there a difference between him who holds the Patent and him who holds *under* the Patent of the State?

Again: the State is the common trustee for those who hold or claim under the River Improvement Grant, and under the Railway Grant, and it is her high duty to make good those who hold innocently, *bona fide*, and for a valuable consideration, under the prior grant and trust, against those who claim as voluntary grantees, without consideration, under the subsequent grant and trust. Is there any doubt upon this? How can the subsequent voluntary gift hold good against the prior sale for value?

The foregoing considerations afford abundance of reason and of ground, based upon the highest and strictest equity, if not upon actual law, why the State should make good the titles to her grantees of every class alike.

But there is another consideration to be looked at. The Federal Government seldom gives its Patent of title to the purchaser immediately upon the purchase. Under our law the certificate of purchase is held to be evidence of title to all practical intents. Upon this we maintain actions—even the action of right. Is not the certificate to the State of equal force? Then the State has given her Patent to hundreds. This Patent is an absolute deed in fee simple, and upon a principle of law familiar to all, if the State afterward acquires the title it enures to her grantees. She has before conveyed all but the mere title, and if she gets this, in any way, it goes, by the mere operation of law, to those who hold her deed in fee. The mere title was in the United States when, on March 2d, 1861, Congress passed a "joint resolution to quiet titles to lands in the State of Iowa." Its terms are these:

"Resolved, by the Senate and House of Representatives, etc., That all the title which the United States still retains in the tracts of land along the Des Moines River, and above the mouth of the

Raccoon Fork thereof, in the State of Iowa, which have been certified to said State improperly by the Department of the Interior, as part of the Grant, by act of Congress approved August 8, 1846, and which is now held by *bona fide* purchasers under the State of Iowa, be and the same is hereby relinquished to the State of Iowa."

"All the title which the United States still retain." What did they retain? The mere title; and it is the Title that they speak of, and this Title they relinquish. What could be stronger? What more effectually carry the Title? If the State had any right before would not this perfect the right, and add the title to it? and if the State had given a deed in fee simple to any man, how can we avoid the conviction that this title follows that deed and attaches to it? We cannot escape the conclusion that this title followed the deed of the State to every man, every contractor, and such contractor's grantee, and to the company and their grantees.

There remains, then, nothing but for the State to require the Railway Companies to relinquish any claim they make, to any and all the lands which the State has conveyed, either to individuals or the Company.

But there is yet another grant in which the State has been made the grantee, and which she has granted over to others. By the Acts of Congress of 28th September, 1850, March 2, 1855, and of March 2, 1857, the Swamp Lands were granted to the State, and by the Act the State has granted them over to the Counties. Under this system, too, individuals have bought, settled and improved, and pre-emption rights have been allowed. This adds another class of settlers who are calling upon the State for protection to those rights which they have purchased.

Now all these parties claim from and under the State. The corporations are the creatures of the laws of the State, and it is eminently right that the State shall cause right and justice to be done to all its citizens, and especially that it should protect its own good faith. It was certainly never intended, either by the Federal or State Government that these grants should interfere with each other, that the Railroad Grant of 1856 should trespass upon and conflict with the River Grant of 1846, made ten years before; nor with the Swamp Land Grant of 1850 and 1855. And if they can be construed to do so, between antagonist claimants, let it be remembered that the State is the first grantee in both cases, and the common grantor, and the people of the State are the real beneficiaries.

These Companies, the Railroad and the River Companies, are but contractors with the State. The State might have performed the work of improvement herself, as in fact she began to in the one case. But she abandoned this mode of working, and made contracts for its performance by others, and if she has made two contracts that conflict, that which was first made must prevail.

It appears to us that Congress has made express provision to avoid such conflict. In the Act of Congress, Section 1, third proviso is this language: "Any and all lands heretofore reserved to the U. S., by any Act of Congress, or in any other manner by competent authority, for the purpose of aiding in any objects of internal improvement, or for any other purpose whatever, be and hereby are reserved from the operation of this Act, except so far as it may be found necessary to locate the routes of said Railroads through such reserved lands, in which case the right of way only shall be granted, subject to the approval of the President of the United States."

If any doubts remain after the foregoing considerations, this proviso must settle them. Congress excepts from this R. R. Grant all lands heretofore "reserved for aiding in any object of internal improvement." What lands in the State of Iowa had Congress ever reserved for any object of internal improvement, save these Des Moines River lands? None other. They are the only ones. And to make it perfectly clear that it means these very lands, we refer to the words "except so far as it may be found necessary to locate the routes of said Railroads through such reserved lands." Then these same Railways are to, or may, run through the lands thus excepted from the Grant. Now what lands reserved for works of internal improvement, will these roads run through, but these same Des Moines River lands? We could hardly frame a sentence more clear.

We advert to but one other consideration, or objection. It will be said that the Supreme Court of the United States has decided that the River Grant did not extend above the Fork of the River.

The cause is open again, and if the opinion is reversed, all will be right.

If the Court remains of the same opinion, then we recall the recollection of the Senate to the fact that the whole action of the State was induced by the repeated opinion of the Commissioner of the General Land Office, of one Secretary of the Treasury, and two Secretaries of the Interior, and of two Attorney Generals, and that these official decisions were supported by the most eminent jurists of the country who were consulted both by the authorities at Washington, and by the agents of the State. Such were Chancellor Walworth and Chief J. Bronson of N. Y., and Thos. H. Benton of Missouri, and others. Having acted upon such a weight of opinion and authority, and by it having induced capitalists from abroad and hundreds, if not thousands, of her citizens, to trust in her, her dignity as a State and her character compel her to make use of the position of common Trustee and intermediate holder of all the rights, to require the Railway Companies to adopt such a course as shall protect the rights of all concerned.

And, to this end your Committee recommend that the State resume, or in some manner, obtain the control of all the lands, rights

and privileges under the aforesaid Act of Congress, and that the General Assembly provide that, in any Act hereafter passed, or contract made, for the purpose of granting or of contracting the said rights, land and privileges to the same or any other Companies, or persons, there shall be clearly and absolutely excepted and reserved from such grant or contract, any lands granted by the United States to this State as Swamp Lands; as School or University Lands; as Saline Lands; any lands along the Des Moines River, granted to aid in works of internal improvement, or which the State claims to be such, and lands selected as part of the grant known as the "Five Hundred Thousand Acre Grant," and that the General Assembly provide that any such Act or contract, granting or contracting said rights and land to the same or any other Companies or persons, shall provide and enact that such Company or person, so taking such rights and lands, shall properly execute and file in the office of the Register of the State Land Office of this State, a written relinquishment (to be approved by the Governor) of all claims to any and all the lands and classes of lands above named, and all which the State claims to fall within those descriptions, before any right in said lands or privileges shall accrue to such company or person.

In the conclusion of this general report, the Committee desire to express distinctly the idea that they do not entertain the remotest thought that the State is under any obligation of the nature of a warranty, nor do they intend to intimate such an idea, nor do they recommend a course which implies it or induces to it. But they say that when it is within the power of the State, consistently with justice and equity, to perfect or hold good a title that she has given for a valuable consideration, then believing it to be, and intending it should be good, it is her moral duty to do so, as it would be that of any individual citizen.

The Committee would now further represent in relation to the said Dubuque & Pacific R. R. Company, that they find that the said Company have attempted to encumber the entire mass of the lands intended to be conferred upon them, by a trust deed, for the large sum of \$12,000,000, before they had acquired any real right or interest in them; that such incumbrance has been foreclosed in the Courts of this State; and that in satisfaction thereof, said Company has sought to transfer and convey to another Company, namely, the Dubuque & Sioux City R. R. Company, their entire rights, interests and privileges in the said lands, together with their franchises: thus showing the said Company to be insolvent; and that said Company has ceased, practically, to exist as an actual body corporate.

Wherefore, your Committee would recommend that the General Assembly resume the lands, rights and privileges heretofore granted to the said Company by the Act aforesaid; and the Committee herewith report a Bill for that purpose.

In regard to the other Companies the Committee will at a future day make further recommendations.

The herewith report to the Senate certain resolutions relating to the above mentioned lands and interests.

All which is respectfully submitted.

W. G. WOODWARD,
G. W. McCRARY,
J. H. HATCH.

I agree substantially with the foregoing report, except with its construction of Section 2210 of the Revision of 1860 as affecting the several grants of lands to this State.

WARREN S. DUNGAN.

Mr. Duncombe submitted the following report :

The undersigned, members of the Select Committee, appointed by the Senate to inquire into the condition of the Des Moines River Grant and other matters connected therewith, beg leave to submit the following report :

HISTORY OF DES MOINES RIVER GRANT.

Congress, on the 8th day of August, 1846, made the following grant of lands to the Territory of Iowa, viz : That there be and is hereby granted to the Territory of Iowa, for the purpose of aiding said Territory to improve the Navigation of the Des Moines River from its mouth to the Raccoon fork, (so called) in said Territory, one equal moiety in alternate sections of the public lands, (remaining unsold and not otherwise disposed of, incumbered or appropriated) in a strip five miles in width on each side of said river, to be selected within said Territory by an Agent or Agents to be appointed by the Governor thereof, subject to the approval of the Secretary of the Treasury of the United States.

December 28th, 1846, Iowa became a State. January 9th, 1847, she accepted the grant by a joint resolution. February 24th, 1847, the Legislature created a "Board of Public works," to take charge of the Improvement. February 6th, 1851, this "Board" was superseded by a Commissioner and Register. January 24th, 1853, the State provided by law for the election of a Commissioner, and appointed Geo G. Wright, and Uriah Riggs, Assistant Commissioners, and authorized these Commissioners "to sell all and any lands which have been or may hereafter be granted," &c. (See Rev. 1860, p. 903-4.) Section 9 of this Act reads, "Any contract made under the laws, now or hereafter to be in force, shall be so made as to protect the State from any damages under any pre-existing contracts; and in no event, shall the State be liable for any contract made or to be made; but the person or company contracting shall look alone to the funds belonging to, and arising from said Improvement." Hence, no contract could be made that would "make the State liable," or would give any contractor the right to look for pay

to any other funds except those "alone belonging to and arising from said improvement." Any contract that should be made in violation of the provisions of this law authorizing it, would be clearly void. Hence, the Commissioners, on the 9th day of June, 1854, made a contract with the "Des Moines Navigation and Rail Road Company," better known as the "River Company," (which had been organized under the laws of Iowa, May 6th, 1854) by which, that Company agreed, "to make and finish the Des Moines River Improvement from the Mississippi River to the Raccoon Forks, on said Des Moines river," and that company agreed, "that the State should not be liable in this contract," but that they would "look alone to the funds belonging to, and arising from said improvement for compensation." (For copy of contract, see appendix to Senate Journal 1857, p. 126, and following pages for supplemental contents hereafter referred to.) We shall treat this contract as valid although it is exceedingly doubtful whether it is so. By this, it will be observed, that this Company, took this whole work of 33 dams and locks, agreeing to pay about \$60,000 of the indebtedness of the "Improvement" for the lands granted, and for the rents and tolls arising from the improvement, for 40 years.

CONSTRUCTION OF CONTRACT WITH D. M. N. & R. R. CO.

If language was ever made plain in any contract, it was in this. No doubt can arise in any mind in relation to its construction. The State was in no event "to be liable," and the Company was to be paid out of the "funds belonging to, and arising from said improvement," and in no other way. The Company took the place of the State. The Company, upon these express terms, agreed to "finish" the work "on or before the 1st day of July, 1858," and to complete "one fourth part, at least, of said work each and every year, commencing on the 1st day of July, 1854." This contract was signed by Orville Clark, President, and Henry O'Riley, Secretary. No shrewder man could be found than Gen. Clark, whose face is so familiar to this General Assembly. He needed no guardian. The inexperienced officers of the State of Iowa, however, looked carefully to the interests of the State in this contract, in some respects at least, and expressly provided in the first Section, that "no change shall be made authorizing an inferior kind of work, or less valuable materials, or diminishing in usefulness or value the said General Improvement."

SUPPLEMENTAL CONTRACTS WITH D. M. N. & R. R. CO.

But before the month of June had expired, two supplemental Contracts had been made, the first, extending the time which the Company was to have the rents, tolls, &c. of this immense improvement, from 40 to 60, and the second from 60 to 75 years. Septem-

ber 27, 1855, a third supplemental Contract was made between the Company and Wm. McKay, Commissioner, and Uriah Biggs, Assistant Commissioner, (Judge Wright not signing any of the supplemental contracts,) which was in direct violation of the first contract, in that it "authorized an inferior kind of work" and "less valuable materials." It so changed the character of the work, that in place of solid cut stone masonry "walls might be built in the said walls" extending from the bottom to the top thereof," and further provided that "the walls should be faced with timber and plank of a suitable quality and properly secured to the masonry." This supplemental contract was without consideration and doubtless void. On the fifth day of December, 1855, when by their contract, this Company should have completed 12 dams and locks, three-eighths of their entire work, and before any adverse action had been had by the Department at Washington, since they took the contract, in any way affecting the title to the lands above the Raccoon Forks, without a shadow of consideration, the fourth supplemental contract was made, by which the Company was "authorized to lay up the whole or any portion of the locks of said Improvement, with quick lime mortar, or grout, in the interior of the walls, provided, the face stone of the same shall be pointed with hydraulic cement, and in such case the timber and plank facing of the Chambers of the locks may be omitted"! If this contract had not been void for want of consideration or legal authority to make it, but little would have remained for the Company to do, but to get their lands and pay, without doing the work.

The winter following the making of the original contract, the Legislature, carrying out the literal expression, and exact meaning of the contract, passed a law, expressly providing that no patents should be made binding the State, to any of these lands about which there was a doubt as to title, (see Sec. 8, Chap. 153, p. 224, Laws 1854-5.) For further information on this subject, we call the attention of the Senate to the Report of the Joint Committee of the Legislature of 1857, with the Report of Commissioner Manning, found in Senate Journal of 1857.

HOW THE CONTRACTS WERE UNDERSTOOD BY STATE AND RIVER CO.

From these facts, no one can doubt, that this Company accepted this contract, and the State gave it, under an express understanding that the State should in no event be liable, and that the Company should take all the risks.

The State and Company both well understood that there had been decisions made by Polk, Ewing, Stuart and Crittenden, holding that the Grant only extended to the Raccoon Forks, and that Young, Walker and Johnson had decided that the grant extended to the source of the river. It was, for this very reason, expressly provided by the law under which the contract was made, by the

contract itself, by the Law providing for the issuing the patents for these lands, that in no event should the State be made liable.

CAUSES OF SETTLEMENT OF THE STATE WITH THE RIVER COMPANY AND
RESOLUTION PROPOSING IT.

In 1856, when by the terms of the contract, one half of the entire work should have been completed, the fifth decision in the same way was made, that the grant only extended to the Raccoon Forks. The company, notwithstanding their contract, utterly refused to go on with the work, and left the State to take care of herself. Without building and completing a single dam or lock, this company claimed to have expended upwards of \$360,914.19, by the 15th day of November, 1856 (see the President's report to Gov. Grimes.) The State, under these circumstances, being exceedingly desirous to settle the existing difficulties, by the resolution above referred to, proposed to make a settlement, and in that proposition offered to relieve the company from about \$66,000 of debt, and as the resolution expressly states, to certify and convey to the said company, "the lands undisposed of above the Raccoon Forks which had been in any manner certified to the State, under said grant," and expressly providing that "said company or its assignees shall have right to all of said lands as herein granted to them, as fully as the State of Iowa could have under or by virtue of such grant, or in any manner whatever, with full power to settle all errors, false locations, commissions or claims in reference to the same, and all pay or compensation therefor by the General Government * * * and it is understood that among the lands excepted and not granted by the State to said company, are 25,487.87 acres lying immediately above Raccoon Forks supposed to have been sold by the General Government, but claimed by the State of Iowa."

WHAT WAS THE PROPOSITION OF SETTLEMENT ?

This proposition of settlement fully corresponds with the former policy of the State to protect herself from any liability. She says to this River Company, "You have a contract which you have refused to perform, or to permit the State to perform. Your work, on account of your failure, has been a curse, instead of a benefit to the State. Your work amounts to nothing, but you say you have expended upwards of \$360,000, and yet owe about \$66,000. You know that this very year, you agreed to complete the entire work, without making "the State liable." You have not built a single dam and lock out of the thirty-three you were to build. The State has already conveyed to you 53,367 acres of land below the Raccoon Forks, worth in these prosperous times \$300,000. We will see your \$60,000 and upwards of debts paid. We have 212,741 acres of land above the Raccoon Forks, for which if we had a per-

fect title we could get at this time from a half a million to a million of dollars. These lands are worth more than five times as much as the remainder of lands we claim in Northern Iowa and Minnesota, and the lands we have sold to you are worth seven or eight times as much as those lands, out of the reach of timber or settlement. You know that no one ever supposed that the grant extended above the Raccoon Fork until nearly two years after it was made. You know that President Polk by Proclamation dated June 19, 1848, brought the lands above the Forks into market October 16, 1848, and sold of these lands 25,487.87 acres. You know that July 20th, 1850, 12,813.57-100 acres of these same lands were selected as a part of the 500,000 acres University grant of Congress to the State.

That Mr. Secretary Walker reversed Mr. Polk's decision, March 2d, 1849, and that Mr. Secretary Ewing, April 6th, 1850, reversed Mr. Walker's decision, and held that the grant only extended to the Raccoon Forks. That Mr. Secretary Stuart, concurred in Mr. Ewing's decision. That June 30th, 1851, Mr. Attorney General Crittenden, reversed Mr. Attorney General Johnson's decision, and held that the grant only extended to the Raccoon Forks. That Mr. Secretary Stuart, in his letter of Oct. 29th, 1851, expressly says, "that no decision which I can make will be final, as the question involved partakes more of a judicial than an executive character, which must be finally determined by the judicial tribunals of the country." You know that Mr. Stuart has certified or turned over these lands to the State "without prejudice to the rights of other parties, leaving the question as to the proper construction of the statute entirely open to the action of the judiciary." You know well that there is a doubt as to the construction of this grant, and that the law has been a hundred times settled by decisions, "that all public grants of property, money or privileges, are to be construed most strictly against the grantee." You know by that construction the State could not hold the lands above the Raccoon Forks. You know that the State by her express contract with you, can not be made liable. You know that by her contracts and laws in dealing with you, you agreed to look "alone to the funds arising out of the improvement." You understand all the decisions in reference to these lands above the Raccoon Forks. If you are willing to take them, with these chances of finally getting an absolute title, although you have already received more pay than you deserve, for the sake of getting rid of you, "for the purpose of such settlement, and for that purpose only (as the resolution expresses it) we will turn over to you this 212,741 acres, as fully as the State of Iowa could have under or by virtue of said grant," and you shall take our plan, and we will give you "full power to settle all claims in reference to the same," and if you loose the title, we will give you "full power to settle all pay or compensation therefor by the General Government." If you refuse this fair offer, then we will cause a legal proceeding to be commenced against you, and try in that

way to oust you." By law, they made all these provisions and propositions. The company accepted, as a matter of course. In pursuance of this policy, patents were executed for the consideration of one dollar and without any covenants of warranty.

IS THE STATE LEGALLY OR EQUITABLY LIABLE TO THE RIVER CO?

Judge Mason in his report to the Governor, submitted this Session, admits that these persons have no legal remedy. They certainly have not, and could not sue the State in any event. Under such a record of facts in favor of the State, who will say that this Company, which has been a curse to her, from the date of the first contract to this time, can ask equity, or relief in any way, which that Company contracted never to ask of the State? Suppose the title of this Company had failed forever, to these 212,741 acres of land above the Raccoon Forks; what one of the members of this General Assembly, under such a record, would vote that the State was legally or equitably liable to pay, what this Company had expressly contracted she should not be liable to pay? Then would any man claim that we should now come forward, and by resuming the lands of these Railroad Companies, disturb millions of capital that has been invested to the very great benefit of the State, for the benefit of a Company showing such an equity? If we should pass any such laws, if we should take such immense responsibilities for the benefit of this Company, and two years hence, the Courts should hold our acts were illegal, or that this River Company had no title, would not the State by that very act, say to this Company, we will back you, we will see you through, although we are neither legally nor equitably bound to do so? When this Company should return again to lay siege to the General Assembly, could it not say with a far better equity than now, "pay us a few hundred thousand dollars for our lands!"

PATENTS TO SETTLERS—SETTLERS SHOULD BE PROTECTED.

The patents of all lands conveyed to settlers by the State above the Raccoon Forks, contained a clause relieving the State in case of failure of title. But these settlers paid a valuable consideration for their lands and should be protected by the State. They deserve the kindly favor of the State. To such, the State can well afford to extend protection, even if she were not legally or equitably bound to do so.

Not so with this River Company. This Company has made no such case as can be made for the settlers. Notwithstanding the pay it has received from the State, it has been a great injury to the State. It has received more pay than it should have received, without an acre of the lands above the Raccoon Forks, and in the opinion of the undersigned, it has no right to come before this

General Assembly, attempting by its immense lobby influence, represented by the shrewdest men in the State of New York, and by its local lobby agents, to try to get the young State of Iowa again in its treacherous embrace.

THE LOVE OF THE RIVER COMPANY FOR SETTLERS, A FRAUD.

All its pretended love for the settlers, in our opinion, is a mere sham. It is well known that the lands in Webster and Hamilton Counties, sold as a part of the School lands of those Counties, to men who now occupy them and hold them under School land contracts, some one-fourth paid, some one-half, some three-fourths, and some paid up and patented by the State, have been re-sold and re-patented to this River Company. There are 130 claimants and settlers in Webster County on these lauds, have proved up their claims before the County Judge of that County, under the pre-emption act granting lands to Railroad Companies, (See Sec. 11, Act July 14 1856,) and some of them acting upon the decision of the U. S. Supreme Court in the case of *Litchfield vs. the D. & B. C. R. R. Co.*, have purchased them under that Act, from the Railroad Company. That in case this River Company holds the title to these lands, these settlers, many of whom settled on these lands before the River Company had any claim of title to them, will be turned out of their homes, without any possible remedy. That when this Company supposed they would be able to hold to the title to the lands, they refused to sell to these settlers without enormous prices, which they could not pay, and then large numbers of prosecutions were commenced, which were only stopped by mobs, and by the unconditional discontinuance of these prosecutions. That if the title is held by the Railroad Companies, these settlers can get their lands, at the pre-emption prices. If the River Company holds the title, then they loose it, and another "anti-rent" war will be again commenced.

REMONSTRANCE OF SETTLERS AGAINST LEGISLATION FOR RIVER COMPANY.

One hundred and ninety-two settlers have remonstrated against any action of the General Assembly which will in any manner disturb the *status* of these titles, and asked that the decision of the matter may be left to the Courts, where it properly belongs, and must finally, in any event, be decided.

LANDS ABOVE RAILROAD GRANTS SOLD BY UNITED STATES.

The United States Land Office at Fort Dodge, has been open for the entry of all the River Lands above the limits of the land grant, to the Dubuque and Pacific Railroad Company since the decision of the Supreme Court in *Litchfield vs. the D. & P. R. R. Co.*, and

from a letter from the Register of that office, we learn that only very few lands remain yet undisposed of. Some considerable portions of these remaining lands have been pre-empted.

If any Senator retains a doubt on the subject, let that Senator examine the report of the Joint Committee of twelve, appointed by the Sixth General Assembly for the full investigation of this entire subject, of which a Senator from Lee County was Chairman, and to which report we have before referred; and in comparison to that report, what may be, by those unacquainted with the subject, considered as herein too severely expressed against this River Company. Such severity will be hereafter considered as complimentary in such a comparison.

The undersigned are, therefore, clearly of the opinion that any legislation that would favor this River Company, would injure and not benefit the settlers, and for this reason they protest against any such legislation.

SHOULD THE STATE RESUME THE RAILROAD GRANT ?

A portion of the Committee are in favor of resuming these Railroad Lands from the Dubuque and Sioux City and Cedar Rapids and Missouri River Railroad Companies, for the purpose of compelling them to give up any claim they may have to these River Lands.

Against that proposition we also enter our respectful but earnest protest. While we care nothing for Railroad Companies, as such, we believe that at this time, to resume these grants (if it were legally possible, which we deny) would be a policy both cruel in the extreme, and exceedingly impolitic for the State. There are five land grant roads in the State, including the Keokuk, Fort Des Moines and Minnesota Company. Not one of these roads is half completed. Only one, over one-third. The hardest part of these roads to build, that part that pays the least when built, and that part most necessary for the people to be built, is not yet commenced. The State and people are far more interested in the completion of these roads than the Companies themselves. By their completion, the taxable property of the State would be doubled. The means of the people to pay their taxes would be, in those parts, now without roads, doubled. It is notorious that the western ends of the railroads built do not pay. The only interests that will cause them to be built, are roads on each separate line which carry the trade of these western extensions. The interest which extends the Dubuque and Sioux City Road west, is the 100 miles between Cedar Falls and Dubuque already built, which would carry nearly all the freight that would be brought to it by a Western extension. So with any other road. No company can be found that will take any of these grants, and give good security that will ensure the completion of these roads west. Hence resumption would cripple

the only interest that can or will build these roads. Such legislation would destroy confidence and drive capital from the State.

Again, if these lands in dispute are granted to the State for railroad purposes, the Legislature has not the power to dispose of them in any other way for any other purpose. They must be sold and the proceeds applied to the building of these roads. They must be disposed of by the Legislature for railroad purposes. If they are not, the title remains in the State as trustee. Section 3, of the Act of Congress making the grant, reads: "Said lands hereby granted to the said State, shall be subject to the disposal of the Legislature thereof for the purpose aforesaid, and no other." By law, it is made a criminal offense for these Companies to dispose of these lands for any other purpose.

Again, resumption would doubtless stop the building of these two northern roads, which are much less in default, in every respect, than any other roads in the State.

WHAT THE D. & S. C. R. R. AND O. R. & M. R. R. HAVE DONE.

We learn that the Dubuque and Sioux City Railroad Company has a contract, made within the last two months, for the building of 42½ miles more of road. That contract would be broken up in case of a resumption. The contract for equipping and laying the iron for thirty miles of the Cedar Rapids and Missouri River Railroad would be broken up.

Will any man say that this road has not accomplished wonders, in building and completing over 40 miles of road, and grading over thirty miles of road within the last year? What company in the United States has done half as much! Both of these companies have certainly done more than could have been expected, considering the times, and to take advantage, or to attempt to take advantage of any failure under such circumstances, would be unbecoming in this General Assembly.

Again, by resuming, the State would disregard the wishes of the people most interested, on the lines of these roads, and of the representation in both Houses of the General Assembly.

THE LANDS CANNOT NOW BE RESUMED FROM THE C. R. & M. R. R.

Again, the right of resumption is merely a right of forfeiture. A contract with the State is like a contract with an individual. No individual could forfeit his contract with another, unless they had mutually expressly agreed upon the happening of what event or events, a forfeiture should take place, and unless that specific event had taken place. This is equally true of the State. An individual may break his contract in a thousand ways, and no forfeiture takes place, unless it is agreed upon between the parties to the contract. Now, section 2, of the Act of March 26th, 1860, granting lands to

the Cedar Rapids and Missouri River Railroad Company reads as follows, viz: "The grant by this act conferred upon said Company is made upon the express condition that in case said company shall fail to have completed and equipped forty miles of its road along the route aforesaid, and west from some convenient point on the Cedar River near the 42d parallel, within one year from the first day of December next after the passage of this Act, thirty miles in addition, each year thereafter, for two years, and the remainder of their whole line of road in two years thereafter, or by the first day of December, 1865, then, and in that case, it shall be competent for the State of Iowa to resume all rights to the lands hereby granted and remaining undisposed of by the Company so failing to have the length of road completed in manner and time as aforesaid."

The foregoing is the only possible contingency mentioned in the Act authorizing resumption. Forty miles of road was completed precisely as in the time and manner provided for by this Act, and before the first day of December, 1861, the time limited by the Act. No failure under this conditional Act has taken place, and consequently there can be no resumption. The State, by her own contract, cannot resume. By giving only one cause of resumption the State as effectually said that no other breach of the contract should be cause for resumption, as if it had been so expressed in the law itself. This proposition in law, is as fixedly a maxim, that no good lawyer will dispute, as the axiom in geometry, that "equals added to equals, their sums will be equal." And in the opinion of the undersigned, no more can the State resume these lands from the Cedar Rapids & Missouri River Company, by an Act of the General Assembly, if that Company had violated every other provision of the law making the grant, than she could the lands she has conveyed away below the Raccoon Forks to the River Company, because that Company violated nearly every provision of its contract. The failure to build the Lyons and Marion Plugs to this Road, had a distinct penalty attached. That penalty was that no lands should be certified to the Company until these pieces of Road were built. The Company has suffered that penalty. No lands have been certified.

If there is no legal right, then, or certainly a very doubtful right, in the State to resume, an attempt to resume would be extreme folly, and would only result in boundless litigation and in showing a want of good faith which would be unbecoming to the State, and would drive capital from our great Railroad enterprise.

THE DUBUQUE & SIOUX CITY RAILROAD COMPANY.

In relation to the Dubuque & Sioux City Rail Road Company, we find that that Company is nothing more nor less than the old Dubuque & Pacific Rail Road Co., under a new name, but representing the same interests. In the early construction of the first

part of the road from Dubuque to the level above the Mississippi River on account of the steep grades the work was very expensive. A debt of about \$1,800,000 was made. It was deemed important by the stock-holders of the D. & P. R. R. Co., to have the bonds of the road changed into preferred stock. The best way to reach this was by an amicable foreclosure, by agreement, in the District Court of Dubuque County. That foreclosure was made. A decree was accordingly entered, and the name of the Company was changed. The bond-holders took preferred stock, the old stock-holders had their stock renewed, and the name Dubuque & Pacific changed to Dubuque & Sioux City, as it was thought by the parties in interest to be more appropriate, as marking the extremities of the line of road; no new interests were made and no other change except that the bond-holders became stock-holders, and thus the road was entirely freed from debt, and better prepared to go on with the work. Thus the road as contractor and the State as trustee, were mutually benefited.

At the Special Session in May last, this Road, not yet in default until the following December, seeing the extreme difficulty of prosecuting the work that season on account of the scarcity of money, caused by the war, and anticipating that the Company would not be able to raise the means to build the thirty-five miles required, came before the General Assembly and asked an extension, so that such a failure would not interfere in any manner in their future progress; a Bill was presented but objected to on the grounds that the General Assembly had met only to prepare for the war, and that no other business should be received. Abundant assurances were given, that at the Regular Session, such an Act would, on account of the ruinous condition of the finances of the country, be passed for all the roads desiring it.

Relying upon these assurances, the Company has, as we learn from reliable sources, contracted for the completion of 42½ miles of road to be completed by the first day of December next. To resume the lands from this Company under such circumstances would be both unjust and impolitic, and would only result in creating renewed litigation and excessive trouble to all parties concerned.

THE INJUSTICE OF RESUMING FROM THE COMPANIES LEAST IN DEFAULT.

To single out these two roads in the northern part of the State, one of which is now built from Clinton, on the Mississippi, 125 miles west, and has never yet received one single acre of land, and is the longest direct line in the State, and the other one hundred miles west, the next longest direct line in the State, each far less in default than the other three roads, including the Keokuk, Fort Des Moines & Minnesota Railroad, which is now as much in default as any other Road, would only be justifiable by that system of legislation which has heretofore too much characterized our State, in ap-

appropriations of hundreds of thousands of dollars in the south-east corner of the State, while not one dollar has been expended north or west of the center of the State. Such a system of legislation as we humbly trust, will not be sanctioned by the General Assembly.

But this River Company claims the title to these lands now, and only asks the cloud to be removed. Why ask resumption on the two northern Roads? Are not thousands of acres held by settlers on the Mississippi & Missouri River line of road? Is not this road more in default than either of the roads referred to? It has not since the grant, built west, one-half as much road as the Dubuque & Pacific Railroad.

If the River Company has the title to these lands they claim, no legislation will help them. If they have not the title, then legislation will only involve the State, and no legislation can divert the lands from the object for which they were granted.

WHEN THE RAILROADS CLAIMED THE RIVER LANDS.

In 1856, the Hon. Bernhart Henn, the agent of the State to make the selections of Railroads lands, appointed by Gov. Grimes, claimed these lands as belonging to that grant. One of the Committee was in Washington City at the time, and personally knows such to be the case. As further evidence, Mr. Henn, as one of the proprietors of a part of the town of Ft. Dodge, immediately after his appointment as State agent, and the month after the grant was accepted by the Company, procured a deed for a part of that town from the Dubuque & Pacific Railroad Company, which is duly recorded in the records of Webster County, and now in the possession of a member of this Committee. And at the time he procured that deed, he held the title of the State and a quit claim from this same River Company, thus showing that in his opinion, at that time, the real title must come through the State as a part of the Railroad Grant.

DECISION OF THE SUPREME COURT OF IOWA.

At the last sitting of the Supreme Court of this State, in a case taken up from the District Court of Webster County by one of this Committee, entitled *Stockdale vs. Morgan, Treasurer*, on a question of taxes, raised in reference to a lot in the part of the town of Fort Dodge referred to, that Court decides that the Railroad Company "is entitled to the title," and holds the lot taxable on account of the title having come through that Company, thereby discarding the patent of the State, and the quit-claim of the River Company.

WHAT OUGHT THE STATE TO DO?

The undersigned, therefore, being of the opinion that by section 14

of the act of July 14, 1856, making the grant which provides that "said Railroad Companies 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 this Act and the Act of Congress making the Grant," certain restrictions may be imposed upon these Rail Road Companies, and further understanding that these Companies are willing to protect all the settlers upon any of the School Lands herein referred to, and all of the settlers or purchasers of lands above the Raccoon Forks, purchased prior to the settlement with this River Company, and that said Companies are willing to release any claim they may have on any Swamp Lands which have been, or may hereafter be approved by the proper Department at Washington, and only ask that in case they hold the legal title to these River Lands by a final decision of the Courts, to have remitted from any taxes that may be levied upon the Companies severally, to the amount of the River Lands so released by each road, at the price of \$1,25 per acre with legal interest, and that they may have an extension of one year's time for the building of their several Roads on account of hard times.

And further believing that some consideration is necessary, in order to make valid such an arrangement, and believing that the question of title, is one purely for the Courts, and that no arrangement should be made except one based upon their final decision which would affect this title—that the State is not under the slightest equitable or legal liability to the River Company—that Company having time and again agreed that they would look "alone to the fund arising out of the improvement" and "that the State should not be liable to them," having taken 53,367 acres of land absolutely, having left as much debt for the State to pay as they paid for the State; having accepted of the 212,741 acres of land "as fully as the State could give it by virtue of the grant," and having taken deeds for it with a consideration of one dollar, and without covenant of warranty; the Rail Road Companies having performed all and more than could be expected of them, considering the hard times; having done an immense service to the State while the River Company has been a curse to it, and in case the River Company loose its title finally, legislation now, being in the opinion of the undersigned only a shrewd plan, originated by this Company to pave the way for asking pay for these lands at a future time—

The undersigned recommend the passage of a law providing that the Governor shall hereafter certify no more lands to any of these roads, nor to the building of any more roads, and that they shall be entitled to receive no more lands until they shall severally have executed a release of all the River lands sold by the State prior to the settlement made with the River Company, and until they shall have released all the School Lands that are now or may hereafter

be approved: And, further, providing that upon the execution of such releases, the road so releasing shall have the time for the building of the same extended one year, and in case the Courts hereafter finally hold that said Companies are entitled to the River Lands so released, and that then and in that case the said Companies shall be entitled to State Warrants at the rate of \$1,25 per acre for the same with interest, which shall be receivable only for State taxes assessed on the line of road to which the same were so issued.

And, finally, that the said River Company and the said Rail Road Companies be left to settle in the Courts the question of title now pending where that question properly belongs; by which means the State will be protected from all risks, the *bona fide* purchaser and settler will be protected, and the prayers of the people most affected, be granted, and the wishes of the local representatives in the General Assembly fully carried out.

All of which is respectfully submitted,

JOHN F. DUNCOMBE,
EDWIN B. POTTER.

I concur in the above report so far as it relates to the duty of the State to perfect the titles of the innocent grantees of Des Moines River Lands, certified by the State previous to its final settlement with the Des Moines Navigation & Rail Road Company in 1858. As said settlement was made with said Company when the title to the lands above the Raccoon Fork was considered doubtful, and purposely, as I believe, in such terms as to make the State in no case liable, should the title to such lands fail, I would not disturb that settlement by any legislation whatever. In regard to the Rail Road Companies I desire to be understood as making no report other than to favor certifying no more lands to any of said Companies except on condition that they release, unconditionally, all School Lands and Swamp Lands claimed by the State, and all claim to all Des Moines River Lands that have been sold by the State, except the lands certified to the Des Moines Navigation & Rail Road Company, under the settlement with said Company in 1858.

J. W. DIXON.

The Bill introduced by Mr. Woodward, was then read a first and second time, when Mr. Neal moved to lay on the table and print the usual number of the Bills and one thousand copies each of the Reports.

Mr. Brown called for a division of the question; and on the question of printing one thousand copies each, of the Reports, Mr. Lewis called for the yeas and nays, with the following result:

The yeas were, Senators Gray, Gue, Hammer, Hatch, Hastings, Holmes, Kent, Leake, Neal, Pollard, Redfield, Shaffer, Smith and Trumbull—14.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown,

Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Green, Hagans, Hesser, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Udell, Watson, Williams and Woodward—26.

Absent but not excused, Senators Duncombe, Jennings, and Teter.

The motion was lost.

Mr. Dysart moved to print twice the usual number.

Mr. Pollard moved to amend by printing the usual number.

Mr. Trumbull moved to amend the amendment by striking out the "usual number" and inserting "800 copies;" and on this amendment Mr. Brown called for the yeas and nays, with the following result:

The yeas were, Senators Ainsworth, Bowen, Dixon, Duncombe, English, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Kent, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Shaffer, Smith and Trumbull—22.

The nays were, Senators Boardman, Brown, Burdick, Dungan, Dysart, Esteb, Foote, Green, Hagans, Holmes, Hurley, Kern, Lewis, McPherson, Redfield, Udell, Watson, Williams and Woodward—19.

Absent but not excused, Senators Jennings and Teter.

The amendment prevailed.

The motion as amended then prevailed.

On motion of Mr. Duncombe, the Joint Resolution was then laid on the table.

On motion of Mr. Woodward, Senate File No. 10 was taken up and made the special order for to-morrow at 2 o'clock, P. M.

On motion of Mr. Hammer, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, March 13, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Nash.

Journal of yesterday read and approved.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bill:

House File No. 138: A Bill for an Act making further appropriations for the completion of the Blind Asylum at Vinton.

I am also directed to inform the Senate that the House has passed the following Concurrent Resolution :

Resolved by the House of Representatives, the Senate concurring, That the General Assembly will adjourn *sine die* on Tuesday, the 1st day of April; in all of which the concurrence of the Senate is asked.

CHAS. ALDRICH, Chief Clerk.

PETITIONS.

By Mr. Dysart: Petition of 103 citizens of Iowa County: For an Act to confer civil and criminal jurisdiction on County Courts. Referred to Committee on Township and County organization.

By Mr. Duncombe: Petition of 12 citizens of Hamilton County: For the abolition of the office of State Printer, or reduction of his fees. Referred to Special Committee on Public Printing.

Mr. Duncombe asked leave of absence for Mr. English for a few days, which was granted.

By Mr. Jennings: Memorial from F. Gottschalk. Referred to Committee on Claims.

REPORTS OF COMMITTEES.

Mr. Hatch, from Special Committee, submitted the following report :

Your Committee have had under consideration Senate File No. 110, referred with instructions to report what it would cost to build an arsenal of sufficient size to store the arms and munitions of war, necessary, and belonging to the State of Iowa; and find, by the assistance of a competent architect, that an arsenal building, 32 by 58 feet; two stories high; built with brick and stone; foundation about three feet thick; and first story walls eighteen inches thick, and second story twelve inches thick; with iron shutters to the windows; and roof of tin or slate, with trip roof and substantially made; with an office finished in lower story, and stairs inside running to the upper story; the upper story to be well floored and substantially stayed, and to contain racks and stands for muskets, with proper passage way between to allow of care and cleaning of same; the lower floor to be substantially floored, and suitable to store guns and carriages, musket boxes and heavy articles of this kind; with one wide door for entrance of heavy ordnance; said building to be fire proof, and considered by your Committee capable of storing fifteen thousand stands of arms, with some heavy ordnance.

Your Committee have become satisfied that said building can be erected for the sum of five thousand dollars, provided the ensuing summer is allowed for its completion.

And your Committee also think that such a building is sufficient for the present emergency and necessities of the State; and here-

with report back the Bill referred to your Committee, providing for the building of said arsenal, and recommend its passage.

J. H. HATCH,

Chairman Com. on Public Buildings.

Mr. Woodward from Judiciary Committee submitted the following report :

MR. PRESIDENT :—The Judiciary Committee have instructed me to make the following report :

FIRST—In reference to Senate File No. 124 : In relation to the acknowledgment of deeds, &c. That they report a substitute, and recommend its passage.

SECOND—Upon Senate File No. 162 : To amend Chapter 122 of the Revision, relating to filing interrogations with pleadings. That they are of the opinion the proposed Bill would not be an improvement on the present law, and therefore they recommend its indefinite postponement.

THIRD—Upon House File No. 15 : A Bill relating to the duties of Justices of the Peace and Special Constables. That the proposed action will be appropriate in the Bill of amendments, and will be incorporated in them.

FOURTH—Upon substitute for House File No. 163 and 173, an Act to amend Section 2475 of the Revision, and to legalize certain acts of County Judges. That they do not consider the proposed change and legalization expedient, and therefore recommend an indefinite postponement.

FIFTH—Upon House File No. 150 : An Act in relation to estates of decedents. The Committee report same back with a recommendation that it pass.

SIXTH—On House File No. 157 : To amend Section 2779 and 2780, in relation to challenges in criminal cases. That the amendment will be embraced in the Bill of amendments.

SEVENTH—Upon House File No. 181 : To amend Section 3952 of the Revision, Sub division 3, relating to pleading in cases of Forcible Entry and Detainer. That the same conveniently falls into the Chapter of amendments, and will be so placed.

EIGHTH—Upon substitute for House File No. 179 : To amend Section 3962 of the Revision. That the same comes more appropriately in the Bill of amendments, and it will be so done.

W. G. WOODWARD, Chairman Committee.

The substitute for Senate File No. 124, a Bill for an Act relating to the acknowledgment of Deeds, Mortgages, &c., was read a first and second time, and adopted in lieu of the original Bill.

On motion of Mr. Ainsworth the 11th rule was suspended and the Bill read a third time, and on the question, " Shall the Bill pass ?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gne, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jen-

nings, Kent, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Shaffer, Smith, Trumbull, Udell and Woodward—30.

The nays were, Senators Kern, Neal, Pollard, Redfield and Williams—5.

Absent, but not excused, Senators Brown, Hatch, Leake, Lewis, McPherson, Teter and Watson.

Bill passed and the title was agreed to.

Senate File No. 162: A Bill for an Act to amend Chapter 122 of the Revision of 1860, was indefinitely postponed.

Substitute for House Files No. 163 and 173: A Bill for an Act to amend Section 2475 of the Revision of 1860, and to legalize certain acts of County Judges, was indefinitely postponed.

House File No. 150: An Act in relation to the estates of decedents, was read, and on motion of Mr. Teter the 11th rule was suspended and the Bill read a third time.

Mr. Boardman moved to reconsider the vote by which the rule was suspended, on which motion Mr. Ainsworth called the yeas and nays:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Smith, Watson, Williams and Woodward—30.

The nays were, Senators Duncombe, Esteb, Gue, Hagans, Hammer, Jennings, Kent, Kern, Leake, Pattison, Teter, Trumbull and Udell—12.

The vote was reconsidered.

The Chair announced that there was a special order for this hour.

Mr. Brown moved to lay the Bill and amendment on the table, and take up the special order. Lost.

Mr. Jennings moved to amend the amendment of Mr. Ainsworth.

Mr. Boardman moved to refer to a Special Committee, of which Mr. Woodward should be Chairman.

Mr. Redfield moved to add Senators Duncombe and Neal to the Committee. Lost.

Mr. Teter moved to refer to Judiciary Committee, which motion prevailed.

Mr. McCrary of Lee from Committee on Military Affairs, submitted the following report:

Your Committee on Military Affairs, to whom was referred the Concurrent Resolution requiring the Auditing Commissioners to audit and allow claims of E. S. Stout and H. W. Munger against the War and Defense Fund, have had the same under consideration and have instructed me to report the same back and recommend its passage.

GEO. W. McCRARY, Chairman.

The Joint Resolution was then read when Mr. Dungan moved to lay on the table, and upon which motion Mr. Duncombe called the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Esteb, Foote, Gray, Green, Gue, Hagans, Hastings, Hesser, Neal, Pollard, Shaffer, Smith, Trumbull, Udell, Watson and Williams—23.

The nays were, Senators Duncombe, Dysart, Hammer, Hatch, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield and Teter—17.

Absent, but not excused, Senators Jennings and Woodward.

The motion to table prevailed.

On motion of Mr. McCrary, of Lee, the report of the Committee of the Whole, being Senate File No. 117 with amendments, was taken from the table and made the special order for to-morrow at 10 o'clock.

Mr. Bowen, from Committee on Claims, submitted the following reports, all of which were adopted :

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of J. & H. N. Moore for carrying passengers by Hack from Fairfield in Jefferson County to Summit in Van Buren County, connected with raising Volunteers for the service of the United States, have directed me to report that while they stand ready to support a general Bill to provide for the payment of all just and equitable claims of all parties who have furnished means and rendered services in aid of the State to raise Volunteers for the defence of the country, they are opposed to the adjustment of such claims by special Acts in each case.

They therefore have directed me to report this claim back to the Senate with the expression of a hope that the Legislature will pass some general Bill, before its adjournment, by which the adjustment of these claims may be provided for.

J. BOWEN, Chairman.

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of J. P. Stibolt for translating the Governor's Message, directed me to report that the said Stibolt be allowed the sum of twenty-five dollars, which they deem sufficient compensation for the services rendered, and have directed me to report the following resolution :

J. BOWEN, Chairman.

Resolved, That the Committee of Ways and Means be directed to include in the General Appropriation Bill \$25 in favor of J. P. Stibolt for translating the Governor's Message in the German language. Adopted.

MR. PRESIDENT:—The Committee on Claims to whom was re-committed the claim of Lowrie & Miller, have directed me to report the same back to the Senate, and recommend that the claimants be permitted to withdraw their claim.

J. BOWEN, Chairman.

MR. PRESIDENT;—The Committee on Claims to whom was re-

ferred the claim of Gray Wills for services on the Des Moines River Improvement have directed me to report: That as the law now stands on our Statute Book, the claims against said Improvement should be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company, when it is ascertained that their claim to the Des Moines River Lands is confirmed to them above the Raccoon Forks of the Des Moines; and as the liability of the State cannot be determined until the case now pending in the Supreme Court of the United States is finally settled, it would be improper on the part of the State to assume and pay any part of those claims until it is legally determined she is liable. Your Committee have therefore directed me to report this claim back to await future developments.

J. BOWEN, Chairman.

MR. PRESIDENT:—The Committee on Claims to whom was referred the claim of James Hall, late Geologist of the State of Iowa, beg leave to make the following report:

The claim as presented amounts to \$4,883 45, not including the amount of C. A. White up to January 1862. Upon this claim there has been paid \$2,630 19, leaving a balance of \$2,253 26.

The foregoing account accrued for services rendered previous to the 1st of January, 1860, to the amount of \$2,309 63. This account was discharged by an appropriation at the last regular session of the Legislature. The balance of the amount is for services rendered since March 1860, amounting to \$2,573 87. Upon this amount there has been paid \$320 61, the amount said claimant had in his hands at the time when the account was presented to the Legislature in 1860, leaving a balance claimed, now of \$2,253 26, without including the claim of C. A. White, the amount of which the Committee have no means of ascertaining.

Your Committee are of the opinion that this account should not be paid. The Legislature at its session in 1860, when it provided for the payment of the account then rendered by the State Geologist, had refused to make further appropriation for the continuation of the survey, was certainly a sufficient notification that his services were dispensed with. If this was not deemed sufficient by the Geologist, had he consulted the authority by which he held the office of State Geologist, he could have satisfied himself that he was acting without authority of law in prosecuting said survey.

The Act of 1855, by which the office of State Geologist was created, provided that the State Geologist when appointed should hold his office for two years unless sooner removed by the Governor.—James Hall of Albany, New York, received his appointment on the 8th day of January, 1857, consequently his term of service expired on the 7th day of January, 1859. Since that time, your Committee are not aware that he has been reappointed. At least, there is no evidence of that fact in the archives of the State.

Your Committee have therefore instructed me to report that this claim should not be allowed.

J. BOWEN, Chairman.

A communication from the Register of the State Land Office was also received and referred to the Committee on Public Lands.

Mr. Dysart asked to take up House File No. 138 which was done and Bill referred to Committee on Public Buildings.

Mr. Smith asked leave of absence for one week which was granted.

On motion of Mr. Teter, the rule was suspended and Senate File No. 62: An Act supplementary to an Act entitled an Act for the suppression of intemperance, passed January 22d, 1855, and the Act entitled an Act supplementary and amendatory to an Act for the suppression of intemperance, passed January 28th 1857, was taken from the table, read third time and on the question shall the Bill pass :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson and Woodward—26.

The nays were, Senators Ainsworth, Burdick, Duncombe, Gray, Green, Hammer, Hesser, Jennings, Leake, Neal, Pollard, Potter, Trumbull and Udell—14.

Absent but not excused, Senators Esteb and Williams.

So the Bill passed and the title agreed to.

During the call of the roll Mr. McCrary of Van Buren asked leave to vote. Objections were made.

Mr. Leake raised the point of order that the Senate has no right to exclude a Senator from voting, if he understands the question, though he was not in the Chamber when the question was stated.

The Chair decided the point not well taken, when Mr. Leake appealed from the decision of the Chair, and the vote being taken on the appeal the decision of the Chair was sustained.

On motion of Mr. Jennings the rule was suspended in order to allow Mr. McCrary to vote.

On motion of Mr. Smith the rule was suspended in order to allow Senators Kent and Redfield to vote.

On motion of Mr. Woodward the communication from Secretary of State, and Bills in relation to the election of D. D. Chase as District Attorney, were referred to a committee of the Senators from the Eleventh Judicial District.

The following communication from Secretary of State was taken from the President's table, read, and on motion of Mr. Udell was laid on the table:

OFFICE OF SECRETARY OF STATE, }
DES MOINES, IOWA, March 12, 1862. }

HON. JNO. R. NEEDHAM,

President of the Senate :

SIR:—In compliance with a resolution of the Senate, asking information “in relation to the issuing of a proclamation authorizing the election of District Attorney in the 11th Judicial District of the State of Iowa, at the October election, in the year 1861, together with any other information in relation to the canvass of the votes of such election, and the issuing of the certificate to D. D. Chase; also, all facts and documents which led to the issuing of said proclamation;” I have the honor to inform the Senate that the following is a copy of a letter received from N. H. Brainard, the Governor’s private Secretary, at Iowa City :

“EXECUTIVE OFFICE, }
IOWA CITY, September 14th. }

Secretary of State:

Issue a call for election of Attorney in 11th District. No time to say more.

N. H. BRAINARD.”

Which letter was submitted to the Governor, who was in the Secretary’s office at the time of the receipt of said letter from said Brainard; and the Governor directed me to issue a proclamation ordering an election for District Attorney in the Eleventh Judicial District, which proclamation was issued bearing date of 14th of September, 1861, being the date of the order from the Governor’s private Secretary, as directed by the Governor, as follows :

PROCLAMATION.

WHEREAS, A vacancy has occurred in the office of District Attorney of the Eleventh Judicial District of the State of Iowa, composed of the Counties of Franklin, Hardin, Hamilton, Wright, Hancock, Winnebago, Webster, Marshall, Story, Cerro Gordo, Worth and Boone, which vacancy is occasioned by the resignation of the Hon. William P. Hepburn;

Now, therefore, I, Samuel J. Kirkwood, Governor of the State of Iowa, by the authority in me vested, publish and declare, that, on the second Tuesday of October next, (the day on which the general election is held) an election will be held in the several Counties composing said District, for the purpose of filling such vacancy.

Whereof, all officers and citizens concerned will take notice and be governed accordingly.

SEAL. In testimony whereof, I have hereunto set my hand and caused to be affixed the Great Seal of the State of Iowa.

Done at Des Moines this 14th day of September, A. D. 1861.
By the Governor.

SAMUEL J. KIRKWOOD.

ELIJAH SELLS, Sec'y of State.

A copy of said proclamation was sent to the Sheriff of each County in said Eleventh Judicial District, with instructions to give the proper notice.

Returns of election were regularly made from the several Counties in said Eleventh Judicial District, and the votes were canvassed as follows:

An Abstract of the votes cast in the several Counties composing the Eleventh Judicial District of the State of Iowa, at the election held on the second Tuesday of October, (8th day) 1861, for the election of District Attorney for said district:

ABSTRACT.

COUNTIES.	DANIEL D. CHASE.	JOHN A. ELUL.
Cerro Gordo.....	200.....	12.....
Boone.....	328.....	390.....
Franklin.....	274.....	1.....
Hamilton.....	245.....	72.....
Hancock.....	33.....	11.....
Hardin.....	712.....	81.....
Marshall.....	245.....	57.....
Story.....	406.....	324.....
Webster.....	243.....	254.....
Winnebago.....	9.....	35.....
Wright.....	84.....	40.....
Worth.....	126.....	.....
Total.....	2905.....	1277.....

STATE OF IOWA, SS:

We, the undersigned, Board of State Canvassers, hereby certify that we have this day canvassed the official returns of an election held in the Counties composing the Eleventh Judicial District, on the second Tuesday of October, 1861, for the election of District Attorney of said District, and find the result to be as follows:

Whole number of votes cast for said officer was forty-one hundred and eighty-two, (4182) of which number Daniel D. Chase received two thousand nine hundred and five, (2905) and John A.

Hull received one thousand two hundred and seventy-seven (1277)

Daniel D. Chase having received the highest number of votes cast for said office, we therefore declare him duly elected to the office of District Attorney of the Eleventh Judicial District of the State of Iowa.

{ SEAL. } In testimony whereof, we have hereunto set our hands, and affixed the Great Seal of the State of Iowa. Done at Des Moines, this 7th day of November, 1861.
 ELIJAH SELLS, Sec'y of State; } Board of
 J. W. CATTELL, Aud. State; } State
 LEWIS. KINSEY, Cl'k Sup. Court; } Canvassers.

The Board of Canvassers issued a certificate of election to D. D. Chase, as follows :

STATE OF IOWA :

At an election holden on the second Tuesday of October, A. D. 1861, D. D. Chase was elected to the office of District Attorney of the 11th Judicial District of said State, for the term, ending January 1st, A. D. 1863.

{ SEAL. } Given at Des Moines, the 7th day of November, 1861.

ELIJAH SELLS, Sec'y of State.
 [Attest:] J. W. CATTELL, Aud. of State; } Board of
 LEWIS KINSEY, Clk. Sup. Court; } State Canvassers.

D. D. Chase filed in my office a bond in the penal sum of \$10,000, which bond was approved by John Porter, District Judge of the Eleventh Judicial District.

Upon the back of said bond, is the oath of said D. D. Chase, which bond and oath bear date Nov. 12th, 1861.

ELIJAH SELLS, Sec'y of State.

Unfinished business was then taken up, being Substitute for Senate File No. 3: A Bill for an Act for the better protection of the School Fund.

An amendment was pending to strike out of the second line of Section 5 all after the word "to" to the word "written" in third line and insert "otherwise make satisfactory arrangements for an extension of time," which was adopted, and the section as amended was then adopted.

Mr. Trumbull moved to amend section 6 by striking out "shall" and inserting "may." Carried.

On motion of Mr. Boardman Section 9 was stricken out.

Mr. Trumbull moved to strike out "shall" in second line of Section 9, and insert "may."

On motion of Mr. Jennings, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The Bill pending on adjournment, was laid on the table.

Mr. Bowen offered a Joint Resolution in relation to sending physicians to the relief of our soldiers in Arkansas.

A Committee from the House, consisting of Messrs. Moir and Shipman, was announced, who invited the Senate to be present at the flag presentation, this afternoon at 4 o'clock.

Received the following message 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. 155: A Bill for an Act providing for the taxing of salaries for State purposes.

CHAS. ALDRICH, Chief Clerk.

On motion of Mr. Ainsworth. the resolution of Mr. Bowen was laid on the table.

On motion of Mr. Redfield, the Joint Resolution from the House, on the same subject, was taken up and read a first and second time.

Mr. Dixon moved to strike out the words "and not selected from members of the General Assembly." Lost.

Mr. Neal moved to strike out the words "that the Governor be authorized to send." Lost.

Mr. McPherson moved to strike out the words "who shall be physicians and." Lost.

On motion of Mr. Ainsworth, the 11th Rule was suspended and the Bill put upon its third reading.

The Resolution was read a third time.

Mr. Redfield moved to reconsider the vote by which the rule was suspended.

Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Dixon, Dungan, Hagans, Hastings, Holmes, Hurley, Kent, McCrary of Lee, McPherson, Pattison, Redfield, Udell, Williams and Woodward—16.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, Dysart, Esteb, Foote, Gray, Green, Gue, Hammer, Hatch, Hesser, Jennings, Kern, Leake, Lewis, McCrary of Van Buren, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, and Watson—26.

Motion to reconsider lost.

Question now being on the passage of the resolution, the vote was taken with the following result :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes,

Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—42.

The nays were, none.

The Bill passed.

Mr. Burdick offered the following resolution :

Resolved, That the Committee of Ways and Means be instructed to provide in the appropriation Bill to be reported by them for the mileage of the President of the Senate.

Mr. Redfield moved to add the Secretary of the Senate.

Mr. Ainsworth moved to include all Officers of the Senate. Adopted.

On Mr. Redfield's amendment, Mr. Ainsworth called for the yeas and nays and the vote was as follows :

The yeas were, Senators Burdick, Dysart, Hammer, Hatch, Jennings, McCrary of Lee, Neal, Smith and Trumbull—9.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Duncunbe, Dungan, Esteb, Foote, Gray, Green, Gue, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Williams and Woodward—28.

The amendment was lost.

The original resolution was then adopted.

Mr. Dysart moved that the substitute to Senate File No. 10: A Bill for an Act to confer Civil and Criminal Jurisdiction on County Courts, be made the special order for 10 o'clock A. M. of tomorrow. Lost.

The Bill was then taken up, when Mr. Woodward moved that the Senate go into Committee of the whole for the consideration of it. Lost.

The question being on an amendment, which was pending, to strike out the words "Judge thereof" in Section 15, and insert "Clerk of the District Court."—Lost.

Mr. Dixon moved to amend Section 22, by striking out the first sentence and inserting the following :

The terms of the said County Court, in addition to the regular sessions thereof, as now provided by law, shall be held in the several organized Counties of the State for the hearing of causes therein pending under the provisions of this Act as follows: In Counties having less than five thousand inhabitants there shall be two terms of said court, commencing on the second Monday of January and June of each year. In Counties having five thousand, and not more than eight thousand inhabitants, there shall be three terms of said court, commencing on the second Monday of January and June, and the third Monday of September. In Counties having more than eight thousand inhabitants there shall be four terms of said court commencing on the second Monday of January, April

and June and the third Monday of September. In all cases where the terms of said County Court as herein provided shall conflict with a term of the District Court, in any County, the term of the County Court shall commence on the second Monday preceding the time fixed for the setting of the District Court.

Mr. McCrary of Lee moved to add to Section 22 the following, which was adopted:

Add to Section 22: And in said Lee County, the provisions of law requiring appeals from Justices of the Peace in certain Townships to be taken to the District Court at Keokuk, shall apply to the County Court, in said County.

Mr. Woodward offered the following amendment to Section 22, which was adopted:

In Clayton County the terms of the said court shall be held as follows: At Elkader, on the first Monday of March; at McGregor, on the first Monday of April and November; and at Guttenberg, on the first Monday of December, in each year.

Mr. Woodward offered the following, as Section 26 of the Bill, which was adopted:

SECTION 26. This Act is not intended to affect the provisions of Chapter 22 of the Revision of 1860, relating to the County Judge and the County Court; and the provisions of that Chapter shall be held to apply to those subjects and matters only for which it was designed and to which it was applicable before the passage of this Act. The provisions of the existing law in relation to the sessions of the Court for probate business, shall remain as they now are.

Mr. Woodward offered the following, as Section 27 of the Bill, which was adopted:

SECTION 27. When the County Judge is disqualified to act in any cause pending in his court, by the provisions of section 2685 of the Revision of 1860, the venue of such action shall be changed and the cause sent to the District Court or a Justice of the Peace in the same Township, if there be one qualified to act, and if not, then to a justice in one of the nearest townships.

Mr. Duncombe offered the following substitute for Section three:

No jury shall be summoned unless the same shall be at or before the time of the trial demanded by either party, in which case the costs of the jury in that cause, shall be taxed to the losing party, and in that event a jury shall be summoned as in justice's courts, in causes of the same nature. They shall receive the same fees and mileage for attendance as jurors before a Justice of the Peace.

Mr. Ainsworth moved to strike out the words "Iowa Homestead," in Section 26. Carried.

On motion of Mr. Udell the Bill was referred to Judiciary Committee.

A Committee from the House consisting of Messrs. Shipman and Hardie, announced that the House was in readiness to receive the Senate to witness the flag presentation.

On motion of Mr. Hatch the Senate proceeded to the Hall of the House of Representatives.

Senate returned to the Senate Chamber at five o'clock, and on motion of Mr. Teter the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, March, 14, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Nash.

Mr. Gue moved to take up Senate File No. 166: A Bill for an Act to provide for the taking up of Estray Animals, and that it be made the special order for Tuesday next at two o'clock P. M., which motion prevailed.

Mr. Gue moved to take up Senate File No. 114: A Bill in relation to the State Agricultural Society, and make it the special order for the same time. So ordered.

Petitions were presented by Mr. Foote in relation to extending the right of suffrage. Referred to Committee on Elections.

General File of Bills on third reading was taken up.

Senate File No. 174: A Bill for an Act to punish trespass on the swamp and overflowed lands belonging to the several counties of the State, was read a third time; and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson and Williams—35.

The nays were, none.

Absent but not excused, Senators Burdick, Dixon, Duncombe, Leake, Teter and Woodward.

The Bill passed and its title agreed to.

Mr. Green asked leave of absence for Mr. Neal. Granted.

Senate File No. 176: A Bill for an Act relating to draining. Read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of

Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Watson, Williams, Woodward and Woolson—39.

The yeas were, Senator Udell—1.

Absent, but not excused, Senator Teter.

Bill passed and its title was agreed to.

Mr. Kent from Committee on Engrossed Bills reported House File No. 22, and Substitute for Senate File No. 110, correctly engrossed.

House File No. 22: An Act to legalize the sale of certain school lands in Tama County, was read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Burdick, Duncombe, Esteb, Gray, Green, Kern and Williams—8.

The Bill passed and its title was agreed to.

Substitute for Senate File No. 110 was read a third time, being a Bill for an Act for the erection of an Arsenal building, to keep and secure the arms and munitions of war belonging to the State of Iowa; and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Hagans, Hatch, Hesser, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull and Watson—24.

The nays were, Senators Ainsworth, Bowen, Esteb, Gray, Green, Gue, Hammer, Holmes, Lewis, Udell, Williams and Woodward—12.

Absent but not excused, Senators Boardman, Hastings, McCrary of Van Buren, Teter and Woolson.

The Bill passed and its title was agreed to.

At 10 o'clock the Chair announced that the hour for the special order had arrived, and on motion of Mr. McCrary of Lee, special order, Senate File No. 117, a Bill for an Act providing for the auditing and allowance of certain claims against the War and Defense Fund, was taken up, and the first amendment of the Committee of the whole Senate was read.

Mr. Pollard moved to amend the amendment by striking out of Section 1 the words "audit and allow," and insert "examine and report upon." Also, after the word "specified," insert "to the next General Assembly." Also, an amendment to Section 1.

Mr. Dungan called for a division of the question, and on the adoption of the amendments to the first section Mr. Hagans called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Dixon, Duncombe, Esteb, Gray, Green, Hammer, Hastings, Holmes, Lewis, Pollard, Potter, Williams and Woodward—15.

The nays were, Senators Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Udell and Watson—24.

The amendment was lost.

Mr. Pollard withdrew his second amendment.

The question now being on the amendment proposed by the Committee, Mr. Udell called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Dixon, Duncombe, Esteb, Gray, Green, Hammer, Holmes, Hurley, Pollard, Potter, Trumbull and Williams—13.

The nays were, Senators Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—28.

The amendment was lost.

The question now being on the second amendment of the Committee, Mr. Dungan moved to amend by adding after the word "meritorious" the following : "and, also, the just claims of all persons who furnished subsistence to said troops," which was adopted.

Mr. Pollard offered the following Substitute for Section 2 :

It shall be the duty of the Auditing Commissioners to examine the claims of Col. John Edwards, Col. Morledge, and the officers, men and teamsters, recently under their command ; also, the claims of citizens of this State who have enlisted and served temporarily under command of Col. Moore of the North-East Missouri Regiment, and report the same to the next General Assembly.

Pending, which amendment, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The question before the Senate being Mr. Pollard's Substitute for Section 2 of the Bill, Mr. Bowen called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Boardman, Duncombe, Gray, Green, Hammer, Pollard and Woodward—8.

The nays were, Senators Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hatch, Hastings, Hesser, Hur-

ley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woolson—30.

Absent but not excused, Senators Gue, Holmes and Williams.

The amendment was lost.

The question now being on the amendment proposed by Committee of the Whole to strike out the second Section of the Bill, Mr. Dungan called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Duncombe, Gray, Green, Pollard and Woodward—6.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woolson—33.

Absent but not excused, Senator Holmes.

The amendment was lost.

Message from the House:

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

House File No. 215: A Bill for an Act to provide for the publication of the laws.

Also, House File No. 233: A Bill for an Act further defining the duties of Register of the State Land Office.

I also herewith return Senate File No. 46: A Bill for an Act to enable the State or any County to acquire real estate under certain circumstances and to hold, control and dispose of the same, the same having passed the House without amendment.

I also herewith return Senate File No. 158: A Bill for an Act to establish a Court in the City of McGregor, the same having passed the House with the following amendments in which the concurrence of the Senate is asked:

Strike out all between the word "Court" in the 25th line of Section 5, and the word "if" in the 26th line of said Section.

Also, strike out the 14th, 15th and 16th lines of Section 9.

CHA'S ALDRICH, Chief Clerk.

Mr. Brown moved to refer the Bill to the Committee on Military Affairs with instructions. Lost.

Mr. Dixon moved to amend Section 4, by adding "but nothing in said Act, or in this Act, shall be so construed as to authorize the payment of any claim made by any Town, City, County or other corporation against the War and Defense Fund until such claim shall have been examined by said Auditing Board, reported to the next General Assembly and appropriation made for this class of claims.

Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Dixon, Duncombe, Dungan, Esteb, Gray, Green, Hammer, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Potter, Teter, Trumbull, Udell, Woodward and Woolson—23.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dysart, Foote, Gue, Hagans, Hastings, Hesser, McCrary of Van Buren, Pattison, Redfield, Shaffer and Watson—15.

Absent but not excused, Senators Hatch and Williams.

The amendment prevailed.

Mr. McCrary of Lee offered an additional section as section 7.

Mr. Ainsworth moved to amend by striking out "or may be," upon which motion Mr. Ainsworth called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Gray, Green, Gue, Hammer, Hastings, Kern, Pollard, Potter, Watson, and Woodward—16.

The nays were, Senators Esteb, Foote, Hagans, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Udell and Woolson—20.

Absent but not excused, Senator Hatch.

The amendment was lost.

Question now being upon the amendment of Mr. McCrary of Lee, it was adopted.

Mr. McCrary moved to fill the blank in the first line of Section 5 with 6.

Mr. Jennings moved to amend by filling with 12. Carried

Mr. Dixon moved to strike out of Section 6 "first line." Lost.

Mr. McCrary of Lee, moved to add the words "of United States" after Government, which motion prevailed.

Mr. Burdick moved to reconsider vote by which Pollard's substitute for Section 2 was lost, upon which motion Mr. Udell called the yeas and nays :

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, Gray, Green, Gue, Hammer, Hastings, Jennings, Pollard, Potter, Trumbull and Woodward—14.

The nays were, Senators Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson and Woolson—25.

Absent but not excused, Senator Hatch.

Motion to reconsider was lost.

Mr. Burdick offered an amendment to Section 1st.

Mr. Ainsworth raised point of order that the Section had been adopted and could not be amended.

The Chair sustained the point of order.

Mr. Dixon moved to reconsider the vote by which the Senate refused to strike out subdivision 1, 2, 3, 4 of Section 1. Carried.

Mr. Burdick moved to amend 1st subdivision of Section 1 as follows :

Provided, nothing in this Act contained shall be construed to prevent Counties, Cities and Towns from presenting their claims to said Auditing Board, and having the testimony taken thereon and reported at the next session of the Legislature whether the articles were furnished under contract with any officer in command, or whether they were furnished relying upon the State to pay the same or not. Amendment adopted.

Mr. Dixon moved to insert in sixth line the words "conveyance of." Amendment adopted.

Mr. Bowen moved to amend eighth line by striking out "under contract with any officer in command" upon which motion Mr. Brown called for the yeas and nays which were as follows :

The yeas were, Senators Bowen, Burdick, Dixon, Dysart, Foote, Hastings, Hesser, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Woodward and Woolson—17.

The nays were, Senators Ainsworth, Boardman, Brown, Duncombe, Dungan, Esteb, Gray, Green, Gue, Hagans, Hatch, Kern, Lewis, Potter, Redfield, Udell and Watson—17.

The motion was lost.

Mr. Ainsworth moved to strike out the words "relying on the State for payment." Lost.

Mr. Jennings moved to strike out 8th line after volunteers, and all of 9th line, and called for the yeas and nays :

The yeas were, Senators Ainsworth, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Green, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Udell and Woodward—24.

The nays were, Senators Boardman, Brown, Duncombe, Esteb, Gray, Gue, Hagans, Holmes, Kern, Potter, Watson and Woolson—12.

Absent but not excused, Senators Leake, Redfield and Trumbull, The motion prevailed.

The question now being on the adoption of the amendments of the Committee of the whole Senate, they were not adopted.

Mr. Bowen moved to amend Section first by inserting after the word "allow" in third line, the words "subject to the provisions hereinafter contained." Adopted.

Mr. McCrary moved that the Bill be engrossed and read third time to-morrow.

Mr. Ainsworth called the yeas and nays, which were as follows :
The yeas were, Senators Bowen, Burdick, Dixon, Dungan,

Foote, Hagans, Hatch, Hesser, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Trumbull, Udell, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Boardman, Brown, Duncombe, Dysart, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Pollard and Potter—14.

Absent but not excused, Senator Redfield.

The motion prevailed.

On motion of Mr. Hammer, Senate File No. 158: An Act to establish a City Court in the city of McGregor, was taken up and the House amendment concurred in by the following vote:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Woodward—37.

The nays were, none.

Absent but not excused, Senators Kent, Redfield and Woolson.

On motion of Mr. Ainsworth, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, March 15, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Nash.

Journal of yesterday read, corrected and approved.

Message from the House:

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

Substitute for House File No. 64: A Bill for an Act authorizing the people of Mills County to cancel the indebtedness of said County to the Swamp Land Fund.

House File No. 249: A Bill for an Act relative to the Public Square in the town of Indianapolis in Mahaska County.

CHAS. ALDRICH, Chief Clerk.

Mr. Bowen moved to reconsider the vote by which Senate File No. 117 was ordered to be engrossed.

Mr. Hagans called for the yeas and nays and the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Leake, Pattison, Redfield, Teter, and Trumbull—21.

The nays were, Senators Dixon, Dungan, English, Esteb, Green, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Potter, Teter, Trumbull, Udell Williams, Woodward and Woolson—17.

Absent but not excused, Senators Ainsworth, Duncombe, Shaffer and Watson.

The motion prevailed.

On motion of Mr. Bowen the Bill was recommitted to the Committee on Military Affairs, with instructions to re-draft and report at the earliest moment.

On motion of Mr. Hammer the vote by which the House amendment to Senate File No. 158, was reconsidered, and the Bill laid on the table.

PETITIONS.

Mr. Watson presented petition in relation to conferring Civil and Criminal Jurisdiction on County Courts. Referred to Committee on Township and County Organization.

INTRODUCTION OF BILLS.

By Mr. Jennings: Senate File No. 213: A Bill for an Act granting to Railroad Companies the right of way over the streets of towns and cities. Read first and second time and referred to Committee on Railroads.

Mr. Leake presented petition for the suspension of the Appraisal Act. Referred to Judiciary Committee.

Mr. McCrary of Lee, presented claim of John B. Lodge. Referred to Committee on Claims.

Mr. Shaffer from Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have examined House File No. 127: An Act to amend Chapter 98, Laws of Sixth General Assembly, and find the same correct.

J. M. SHAFFER, Chairman Sen. Com.

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have this day, (March 14th, 1862,) presented the following to His Excellency the Governor, viz:

House File No. 203: An Act regulating additions to incorporated towns.

House File No. 169: An Act for relief of Willis Clemens and others.

House File No. 170: An Act relating to duties of Clerks and Justices.

House File No. 190: An Act to legalize acts of Charles A. Perry, &c.

House File No. 226: An Act to exempt from taxation, grounds leased by County Agricultural Societies.

House File No. 12: Joint Resolution praying for additional mail facilities.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Brown offered the following resolution:

Resolved, That after the present week the Senate will hold evening Sessions, Monday, Wednesday, Thursday and Friday, commencing at 7 o'clock P. M.

A. F. BROWN.

Mr. Jennings moved to lay upon the table, upon which motion Mr. Brown called the yeas and nays with the following result:

The yeas were, Senators Ainsworth, Burdick, English, Esteb, Gray, Green, Gue, Hammer, Jennings, Kent, Pattison, Pollard, Potter, Trumbull, Udell, Williams and Woodward—17.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Teter and Woolson—22.

Absent but not excused, Senators Duncombe, Shaffer and Watson.

The motion was lost.

Resolution was adopted.

Mr. Woodward moved to suspend the rule, that House File No. 112 be taken up. Lost.

On motion of Mr. Woodward, Senate File No. 10: A Bill for an Act to confer Civil and Criminal Jurisdiction on County Courts, was taken up.

On motion of Mr. Woodward all after the word "jury" was stricken out of Section 4, and the following inserted, "The challenges of jurors shall be the same as provided in cases before Justices of the Peace."

On motion of Mr. Hammer that portion of the Bill in relation to the places of holding courts in the County of Clayton, was stricken out.

On motion of Mr. Woolson the substitute was adopted.

On motion of Mr. Dysart the 11th rule was suspended and the Bill read third time.

Message from the House:

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

House File No. 18: A Bill for an Act entitled an Act providing for auditing all accounts and disbursements arising under the call

for volunteers from Iowa, and also for all men organized as the State militia of Iowa.

I am also directed to inform the Senate that the House has concurred in the Senate's amendment to House File No. 22.

CHA'S. ALDRICH, Chief Clerk.

Mr. Brown moved the previous question, which was ordered.

Mr. Dysart moved a call of the Senate, all of the Senators answering to their names except Mr. Gray and Mr. Jennings, who were sent for.

Mr. Ainsworth moved that further proceedings under the call be dispensed with. Carried.

Upon the passage of the Bill the yeas and nays were called with the following result:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hastings, Holmes, Kern, Leake, McPherson, Pattison, Pollard, Teter, Watson, Williams, Woodward and Woolson—25.

The nays were, Senators Ainsworth, English, Esteb, Hammer, Hesser, Hurley, Jennings, Lewis, McCrary of Lee, McCrary of Van Buren, Potter, Redfield, Shaffer, Trumbull, and Udell—16.

Absent but not excused, Senators Gray and Kent.

Bill passed and its title was agreed to.

Mr. Shaffer gave notice that he should enter a protest.

Mr. Bowen moved to suspend rule and take up House File No. 96: A Bill for an Act to amend Section 506⁶ of the Revision of 1860, in relation to change of venue. Carried.

Bill was read and Mr. Teter moved to suspend rule and put Bill upon its third reading. Carried.

The Bill was then read third time and on the question: Shall Bill pass? the yeas and nays were called with the following result:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Brown, Duncombe, English, Esteb, Green, Hammer, Hesser, Jennings, Pollard, Potter, Trumbull and Williams—13.

The Bill passed, and its title was agreed to.

Mr. Duncombe by leave, presented a petition from citizens of Webster County for an Act to quit the title to certain lands. Also Senate File No. 114: An Act to quit titles to certain bona fide purchasers of land in Webster County, Iowa. Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Jennings the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, March 17, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Shaffer.

On motion of Mr. Duncombe the reading of the Journal was dispensed with.

Received the following message from the House;

MR. PRESIDENT:—I am directed to inform your Honorable body that the House has concurred in the Senate's amendments to House Files No. 97, 8, 186, 178 and Substitute for House File No. 78.

The House has also adopted the Senate's substitute for House File No. 156 and passed the same without amendment.

I am also directed by the Houses to ask that Senate File No. 158, A Bill for an Act for a Court in the City of McGregor be returned to the House.

CHA'S. ALDRICH, Chief Clerk.

PETITIONS.

By Mr. Woolson in relation to State Reform School. Referred to the Committee on Charitable Institutions.

By Mr. Trumbull against the change of the name of Jones county. Referred to Committee on New Counties.

By Mr. Esteb in relation to State Printing. Referred to Special Committee on that subject.

By Mr. Shaffer in relation to Revenue Law and Collection of Taxes. On motion of Mr. Teter referred to Special Committee consisting of Senators Shaffer, Hagans and Potter.

INTRODUCTION OF BILLS.

By Mr. Trumbull: Senate File No. 215, A Bill for an Act to radically change the laws in relation to the School Fund and Revenue. Read 1st and 2d time, and on motion of Mr. Trumbull laid upon the table and ordered printed.

Mr. McCrary of Lee, submitted the following report from the Committee on Military Affairs:

MR. PRESIDENT:—Your Committee on Military Affairs to whom was referred Senate File No. 117, with instructions to report a Bill in substance the same as the one so referred, have instructed me to report the accompanying Bill in accordance with such instructions, with certain verbal amendments.

GEO. W. McCRARY, Chairman.

Mr. Ainsworth raised the point of order that the Bill as reported was not the same in substance as the original. So the Senate must concur in such amendment.

Question being whether the first amendment of the Committee came within the scope of their authority, it was decided in the affirmative.

On motion of Mr. Hammer, the Senate concurred in the request of the House to return Senate File No. 158.

Mr. Woolson moved that the amendment to Section 2 be adopted as a portion of the Bill and within the scope of the authority of the Committee, on which motion Mr. Ainsworth called the yeas and nays :

The yeas were, Senators Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Homes, Hurley, Jennings, Kent, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Udell, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Hammer, Kent, Neal, Pollard, Potter and Williams—12.

Absent but not excused, Senators Boardman, Brown, Esteb, Leake, Lewis and Teter.

The motion prevailed.

The other amendments were then concurred in.

Mr. Holmes offered a substitute for the Bill.

Mr. Udell rose to a point of order. The Senate had adopted the whole Bill, so a substitute was not in order. Point of order not sustained.

The substitute was read and Mr. Teter moved the previous question, which was sustained.

The question being upon the adoption of the substitute offered by Mr. Holmes, upon the question the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Brown, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, Neal, Pollard, Potter, Trumbull and Williams—24.

The nays were, Senators Bowen, Dixon, Dungan, Dysart, Foote, Hagans, Hesser, Leake, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson and Woolson—17.

Absent but not excused, Senator Woodward.

The question now being upon the engrossing of the Bill, the yeas and nays were called, which resulted as follows :

The yeas were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, English, Esteb, Foote, Gray, Green, Gue, Hammer, Hatch, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Lewis, Neal, Pollard, Potter, Trumbull, Williams and Woodward—26.

The nays were, Senators Bowen, Dixon, Dungan, Dysart, Hagans, Hesser, Leake, McCrary of Lee, McCrary of Van Buren, McPherson,

Pattison, Redfield, Shaffer, Teter, Udell, Watson and Woolson—18.

The Bill was ordered engrossed and to be read a third time tomorrow.

Mr. Kent from the Committee on Engrossed Bills reported Senate File No. 154 correctly engrossed.

Received the following message from the House :

MR. PRESIDENT :—I am directed to inform your Honorable body that the House has amended Senate File No. 158 : "A Bill for an Act for a Court in the City of McGregor," by providing that it shall take effect upon its publication in certain papers in this City, instead of those in McGregor.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House has passed the following Bills :

House File No. 200 : A Bill for an Act for the relief of all persons heretofore divorced, to whom the disability to marry again has been attached, either by law under which the divorce was had, or by decree of the Court granting the same.

House File No. 260 : A Bill for an Act fixing the salaries of the Superintendent and Assistant Physician of the Hospital for the Insane, in which the concurrence of the Senate is asked.

I also herewith return Senate File No. 62 : A Bill for an Act supplementary to an Act entitled an Act for the suppression of Intemperance, passed January 22, 1855 ; and the Act entitled an Act supplementary and amendatory to an Act entitled an Act for the suppression of intemperance, passed January 28th, 1857 ; the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Neal, from Committee on Public Lands, offered the following report :

MR. PRESIDENT :—The Committee on Public Lands, to whom was referred House File No. 139 : A Bill for an Act to provide for the making deeds for Swamp and Overflowed Lands sold by order of the County Court or Boards of Supervisors, beg leave to report a substitute for the original Bill making a general law upon the subject applicable to all deeds and contracts executed formally by the County.

J. E. NEAL, for Committee.

The Substitute was read, when Mr. Woolson moved to recommit, on which motion Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Duncombe, Esteb, Gray

Green, Hammer, Hesser, Kern, McCrary of Van Buren, Neal, Pollard and Williams—12.

Absent but not excused, Senators Boardman, English, Jennings and Potter.

The motion to recommit prevailed.

Mr. Hatch, from Committee on Public Buildings, submitted a report, which was laid on the table :

MR. PRESIDENT :—Your Committee on Public Buildings, beg leave to submit the following report :

They have had under consideration House File No. 207 : A Bill for an Act defining the duties of the Physician to the Penitentiary, and fixing his salary, and report the same back, recommending a substitute for Section 10, herewith returned ; and recommend that Section 9 be amended by striking out the words, "the same wages as other day guards or keepers," and insert in the place thereof, the words, "twenty dollars per month," and add, after the word regulation in the last line of Section 9, the words, "as other day guards and keepers, provided a convict with the necessary qualifications can not be obtained to perform this duty." And with these amendments, (if concurred in) your Committee would recommend the passage of the Bill.

HATCH, Chairman.

On motion of Mr. Hammer, the message from the House was taken up.

Mr. Hammer moved that the Senate concur in House amendments to Senate File No. 158 ; and upon the call of the roll the vote was as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams and Woodward—35.

The nays were, none.

Absent but not excused, Senators English, Hastings, Holmes Jennings, Neal, Potter, Trumbull and Woolson.

The amendments were concurred in.

On motion of Mr. Redfield, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

Received the following communication from the Governor :

Gentlemen of the Senate :

I herewith transmit a copy of a recent Act of Congress, providing for the appointment, by the President of the United States, of three Commissioners for each State having troops in the Federal army, to visit such troops and procure from them such allotment of their pay as they may desire to send to their families and friends at home.

You will perceive that the United States will not pay these Commissioners, and in order that the very desirable object of the appointment may be secured, it is necessary that provision for their payment be made by the General Assembly.

I recommend the matter to your early and favorable consideration. The President has appointed as Commissioners, Rev. A. J. Kynett, Thomas French, Esq., and Rev. E. C. Bryan.

SAMUEL J. KIRKWOOD.

On motion of Mr. Woolson, the communication and document accompanying were referred to the Committee on Federal Relations.

Report of Mr. Hatch was taken up, and substitute for Section 10, of Bill, was adopted.

Mr. Ainsworth offered an amendment to Section 4, which was adopted.

On motion of Mr. Teter, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—39.

The nays were, none.

Absent but not excused, Senators Brown, Burdick and Jennings.

The Bill passed and the title amended by adding, "providing for appointment of Steward."

By request of Mr. Duncombe, Mr. Esteb was excused.

Mr. Shaffer from Joint Committee on Enrolled Bills submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have examined the following, corrected errors therein, and present them for your signature :

Senate File No. 78: An Act to enable the State or any County, to acquire Real Estate, &c.

House File No. 8: An Act in relation to Life Insurance Companies.

House File No. 78: An Act to amend Section 5192 of the Revision of 1860.

House File No. 178: An Act to regulate the issuing of certificates of election in certain cases.

House File No. 186: An Act to prevent importation, &c., of diseased sheep.

House File No. 97: An Act to prevent the unlawful driving away of stock, &c.

House File No. 156: An Act for the relief of Reuben H. Webster, &c.

House File No. 22: An Act to legalize the sale of certain school lands in Tama county.

House File No. 96: An Act to amend Section 5066 of the Revision of 1860.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Dysart from Committee on Township and County Organization made the following report:

The Committee on Township and County Organization, to whom was referred House File No. 48, a Bill for an Act to incorporate civil townships, have instructed me to report the same back and recommend its passage.

On House File No. 107: A Bill for an Act to amend Section 317. of Chapter 22 of the Revision of 1860, the Committee make no recommendation, having on a former occasion reported against the changes proposed in this Bill.

The Committee have directed me to report back House File No 47, a Bill for an Act for the re-location of County Seats, and recommend its passage.

J. DYSART, Chairman.

Received the following messages from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bill:

House File No. 265: A Bill for an Act making an appropriation for the payment of the mileage of the members of the Ninth General Assembly, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I herewith return Senate File No. 130: A Bill for an Act to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and James A Brown and George C. Allender, the same having passed the House, with the following amendments:

FIRST—In the 4th line after the word "Allender," insert the following: "one half to be payable in six months, and the balance in equal parts in one and two years thereafter, with interest at the rate of six per cent." A new Section is added, numbered "9," which is as follows:

SEC. 9. The said Brown and Allender, before they or either of them shall be entitled to any warrant for any money appropriated by this Act, shall procure and file in the office of the Secretary of State, a release to the State of Iowa by George Green, Willis N.

Bragg, James Green, and Green, Bragg & Co., of all liabilities, demands or claims, which the said parties or either of them may hereafter have against the State of Iowa, under any contract or lease or sub-lease with the State of Iowa, or Brown and Allender, or other parties for the use of the said water-power, and the said dam, hereinbefore referred to at Bentonsport or Vernon, on said Des Moines River; said release to be approved by the Attorney General of the State.

The numbers of the following sections are correspondingly changed: In Section 12 strike out "immediately" and insert after the word "act" the words "being deemed of immediate importance," and insert after "Daily" the word "State," and before "Daily Times" the word "Des Moines." In all of which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

House File No. 48: A Bill for an Act to incorporate Civil Townships, was read, and on motion of Mr. Dysart the 11th rule was suspended, Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Bowen, Dungan, Dysart, Gue, Hammer, Hatch, Holmes, Leake, Potter, Woodward and Woolson—12.

The nays were, Senators Boardman, Brown, Burdick, Dixon, Duncombe, English, Foote, Gray, Green, Hagans, Hesser, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Williams—26.

Absent but not excused, Senators Hastings, Hurley and Jennings. The Bill did not pass.

House File No. 107 was read, when Mr. Boardman moved to indefinitely postpone the Bill, being a Bill for an Act to amend Section 317, Chapter 22 of the Revision of 1860, in relation to the Board of Supervisors.

Mr. Udell offered the following amendment: After the word "twenty" in the 7th line, insert "and in counties less than 5,000, not to exceed ten days. Where the population does not exceed 10,000, no Supervisor shall receive pay for more than fifteen days. Between 10,000 and 20,000, not more than twenty days."

Mr. Holmes moved to lay Bill and amendments upon the table, upon which motion the yeas and nays were as follows:

The yeas were, Senators Boardman, Brown, Dungan, Foote, Holmes, Kent, Lewis, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Watson and Williams—14.

The nays were, Senators Bowen, Burdick, Dixon, Duncombe, Dysart, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kern, Leake, McCrary of Lee, Neal, Pollard, Teter, Trumbull, Udell, Woodward and Woolson—26.

Absent but not excused, Senators Ainsworth and Shaff.

The motion to table was lost.

Mr. Teter moved to strike out "10" and insert "15." Lost.

The question now being on the first part of Mr. Udell's amendment, relating to counties of less than 5,000 inhabitants, the yeas and nays were as follows:

The yeas were, Senators Dixon, Duncombe, Dungan, Hesser, Holmes, Kern, McCrary of VanBuren, McPherson, Udell, Watson, Williams and Woolson—12.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull and Woodward—29.

The amendment was lost.

On the second part of the amendment, Mr. Udell called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Bowen, Duncombe, English, Green, Gue, Hagans, Hatch, Hesser, Leake, McCrary of Van Buren, Pollard, Trumbull, Udell and Woodward—15.

The nays were, Senators Boardman, Brown, Dungan, Dysart, Foote, Gray, Hammer, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Teter, Watson, Williams and Woolson—25.

Mr. Boardman withdrew his motion to indefinitely postpone.

Mr. Hammer moved to strike out of the Bill "20,000" and insert "25,000."

Mr. Udell moved to amend by striking out "25,000" and inserting "11,000." Lost.

Mr. English moved to strike out "25,000" and insert "35,000."

Mr. Jennings moved the previous question, which was ordered and the question being on the amendment of Mr. English, it was lost.

The question now being on the amendment offered by Mr. Hammer, he called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Boardman, Brown, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Woodward and Woolson—23.

The nays were, Senators Bowen, Dixon, English, Green, Hagans, Hurley, Jennings, Kern, McCrary of Lee, Neal, Pollard, Potter, Shaffer, Teter, Trumbull, Udell, Watson and Williams—18.

Absent but not excused, Senator Burdick.

The amendment was adopted.

The Bill was then ordered to be read a third time to-morrow.

House File No. 47: An Act to amend an Act entitled an Act in relation to County Seats.

Mr. Hagans moved to amend Section 2 by adding: "*Provided*, Such vote for said re-location shall not take place in any County oftener than once in every three years."

Mr. English moved to amend by striking out "three" and inserting "five."

Mr. Kent moved the previous question, which was ordered and the question being on striking out "three" and inserting "five," Mr. Brown called for the yeas and nays with the following result:

The yeas were, Senators Bowen, Dungan, English, Green, Kent, Pattison, Pollard, Potter, Williams and Woodward—10.

The nays were, Senators Boardman, Brown, Duncombe, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Teter, Trumbull, Watson and Woolson—26.

Absent but not excused, Senators Burdick, Neal and Hurley.

The question now being on the amendment proposed by Mr. Hagans, he called for the yeas and nays which resulted as follows:

The yeas were, Senators Boardman, Bowen, Duncombe, Dungan, English, Foote, Green, Hagans, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Shaffer, Teter, Watson, Williams and Woodward—25.

The nays were, Senators Brown, Dysart, Gray, Gue, Hammer, Hatch, Hastings, Holmes, Jennings, McPherson, Redfield, Trumbull and Woolson—13.

Absent but not excused, Senators Ainsworth, Burdick, Dixon and Udell.

The motion prevailed.

On motion of Mr. Redfield, the 11th Rule was suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Duncombe, Dungan, Dysart, English, Foote, Hagans, Hastings, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Watson, Williams and Woodward—27.

The nays were, Senators Brown, Gray, Green, Gue, Hammer, Hatch, Holmes, Jennings, McPherson, Trumbull and Woolson—11.

Absent but not excused, Senators Ainsworth, Burdick, Dixon and Udell.

The Bill passed and the title agreed to.

Mr. Teter asked to take up House File No. 197, which was done, and on motion of Mr. English the Bill was made the special order for Thursday at 10 o'clock, A. M.

Mr. Shaffer, from Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly have this day, (March 17th,) presented the following to His Excellency, the Governor, viz :

Senate File No. 78: An Act to enable the State, or any County, to acquire real estate, &c.

House File No. 8: An Act in relation to Life Insurance Companies.

House File No. 78: An Act to amend Section 5192 of Revision of 1860.

House File No. 178: An Act to regulate issuing of certificates of elections, &c.

House File No. 186: An Act to prevent importation of diseased sheep.

House File No. 97: An Act to prevent the unlawful driving away of stock.

House File No. 156: An Act for the relief of Reuben H. Webster.

House File No. 22: An Act to legalize the sale of School Lands in Tama County.

House File No. 96: An Act to amend Section 5066 of Revision of 1860.

House File No. 127: An Act to amend Section 1st, Chapter 8th, of the laws of the Sixth General Assembly respecting conveyances in Recorder's Office at Fort Madison.

J. M. SHAFFER,

Chairman of Senate Committee.

Mr. Woodward, from Judiciary Committee, submitted the following report:

MR. PRESIDENT:—The Judiciary Committee instruct me to make the following report:

FIRST—In respect to Senate File No. 171: An Act to punish injuries to Telegraph Lines; that they believe the existing law adequate to the object sought, and that no further legislation is necessary. They therefore recommend an indefinite postponement of the Bill.

SECOND—Upon Senate File No. 112: An Act to authorize stockholders in Branches of the State Bank to file information. They report the same back and recommend its passage.

THIRD—In respect to Senate File No. 205: A Bill to regulate the allowance of costs in criminal cases: that they can not favor the proposed legislation, and recommend an indefinite postponement of the Bill.

W. G. WOODWARD, Ch'n Com.

Senate File No. 171: An Act to punish injuries to Telegraph Lines, was read and on motion of Mr. Redfield it was laid on the table.

Senate File No. 112 was read, and on motion of Mr. Dungan the 11th Rule was suspended, the Bill read a third time, and on the

question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson, Williams and Woodward—35.

The nays were, Senator Woolson—1.

Absent but not excused, Senators Brown, Burdick, Dixon, Duncombe, Holmes and Teter.

The Bill passed and its title was agreed to.

Senate File No. 205: A Bill for an Act to regulate the allowance of costs in criminal prosecutions was read, when Mr. Neal moved to strike out the last Section of the Bill. Carried.

The question now being on the indefinite postponement of the Bill, Mr. Neal called the yeas and nays, and the vote was taken and resulted as follows:

The yeas were, Senators Ainsworth, Brown, Duncombe, English, Green, Hesser, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Shaffer, Trumbull, Udell, Watson and Woodward—20.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Kent, Neal, Potter, Redfield, Williams and Woolson—20.

The President voted nay.

The motion was lost.

On motion of Mr. Burdick the Bill was referred to a Special Committee consisting of Senators Boardman, Woolson and Potter.

Mr. Dungan asked to take up Senate File No. —, and refer to same Committee, which was done.

Mr. Hatch moved to reconsider the vote by which the resolution to hold evening sessions was passed—upon this the yeas and nays were called and the vote was as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Jennings, Kent, Neal, Pattison, Pollard, Potter, Redfield, Trumbull, Udell, Williams and Woodward—23.

The nays were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Foote, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Shaffer, Watson and Woolson—18.

Absent, but not excused, Senator Teter.

The vote was reconsidered.

Mr. Redfield moved to amend the Resolution by adding the words "unless otherwise ordered."

Mr. Neal moved to adjourn. Lost.

Mr. Duncombe moved to lay the whole question on the table and on this he called the yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Gray, Green, Jennings, Neal, Pollard, Potter, Trumbull, Udell, Williams and Woodward—13.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Watson and Woolson—29.

The motion was lost.

Mr. Duncombe moved the Senate adjourn.

Mr. Woolson called the yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Green, Hammer, Jennings, Neal, Pollard, Potter, Trumbull, Udell, Williams and Woodward—13.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Watson and Woolson—29.

The motion to adjourn was lost.

Mr. Duncombe moved the Senate adjourn. Lost.

Mr. Ainsworth moved that the Resolution and amendments be indefinitely postponed. Lost.

Mr. Bowen moved the previous question, which was ordered.

The question now being, shall the main question be put, Mr. Duncombe called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Watson, Woodward and Woolson—36.

The nays were, Senators Ainsworth, Duncombe, English, Neal, Udell and Williams—6.

The main question was ordered.

The question being upon the amendment of Mr. Redfield, Mr. Duncombe called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Jennings, Kent, Neal, Pollard, Potter, Redfield, Trumbull, Udell, Williams and Woodward—23.

The nays were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Foote, Hastings, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Watson and Woolson—19.

The amendment prevailed.

The question now being upon the adoption of the Resolution as

amended, Mr. Duncombe called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, Dungan, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams and Woodward—32.

The nays were, Senators Bowen, Dixon, Dysart, Foote, Hastings, Kent, Kern, Leake, Lewis, McCrary of Lee, and Woolson—11.

The Resolution was adopted.

Mr. Jennings moved to adjourn. Lost.

Mr. McCrary of Lee moved that when the Senate adjourn it be until to-morrow at 9 o'clock, A. M., upon which Mr. Ainsworth called for the yeas and nays which were as follows :

The yeas were, Senators Boardman, Burdick, Dixon, Gray, Hammer, Hesser, Jennings, McCrary of Lee, Pattison, Redfield, Trumbull, Udell, Williams and Woodward—14.

The nays were, Senators Ainsworth, Bowen, Brown, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hatch, Hastings, Hurley, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Teter, Watson and Woolson—27.

Absent but not excused, Senator Holmes.

The motion was lost.

Mr. Duncombe raised the question that as the resolution just passed read that "after this week the Senate hold two sessions, etc." the evening sessions would not begin until next week.

The Chair decided that it was to be understood as referring to this week.

Mr. Watson moved that the Senate adjourn, on which Mr. Duncombe called for the yeas and nays which were as follows :

The yeas were, Senators Boardman, Brown, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Hammer, Kent, Neal, Pollard, Potter and Trumbull—11.

Absent but not excused, Senator English.

The Senate adjourned.

EVENING SESSION.

Senate called to order at 7 o'clock.

Mr. Redfield moved a call of the Senate. Lost.

Mr. Ainsworth moved to adjourn. Lost.

Mr. Gue, from Committee on Printing, presented the following report :

The Committee on Printing, to whom was referred a communication from the Governor, recommending a change in the laws relating to reports of officers, have had the subject under consideration, and report the following Bill and recommend its passage.

B. F. GUE, Ch'n Com. on Printing.

Mr. Udell objected that a quorum was not present.

The roll being called, 27 Senators answered to their names.

On request of Mr. Watson, Senators Neal and Green were excused for the evening.

Senate File No. —: An Act regulating the printing, binding and distribution of the reports of State Officers and others, was read a first and second time.

Mr. Ainsworth moved to suspend the 11th rule and put the Bill on its third reading.

Mr. Duncombe moved to lay the motion on the table. Lost.

Mr. Hesser moved the previous question, which was ordered.

On the question, "Shall the main question now be put?" Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Watson and Woolson—27.

The nays were, Senators Ainsworth, Duncombe, Kern, Pollard, Potter, Udell and Woodward—7.

Absent but not excused, Senators Hatch, Hastings, McPherson and Williams.

The main question was ordered.

The question now being on the suspension of the rule, Mr. Udell called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Burdick, Duncombe, Foote, Hagans, Hammer, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—26.

The nays were Senators Burdick, Duncombe, Gray, Holmes, Kern, Pollard and Potter—7.

Not excused, Senators Gue, Hatch, Hastings, McPherson and Williams.

The rule was suspended. The Bill was then read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of

Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Watson and Woolson—27.

The nays were, Senators Ainsworth, Duncombe, Kern, Pollard, Potter, Udell and Woodward—7.

Not excused, Senators Hatch, Hastings, McPherson and Williams.

The main question was ordered.

The question now being on the suspension of the rule, Mr. Udell called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Burdick, Duncombe, Foote, Hagans, Hammer, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—26.

The nays were, Senators Burdick, Duncombe, Gray, Holmes, Kern, Pollard and Potter—7.

Not excused, Senators Gue, Hatch, Hastings, McPherson and Williams.

The rule was suspended.

The Bill was then read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Duncombe, Gray, Hammer, Holmes, Kern, Pollard and Potter—9.

Not excused, Senators Hatch, Hastings, McPherson and Williams.

The Bill passed and its title was agreed to.

Senate File No. 3 : An Act for the better protection of the School Fund, was taken up.

Mr. Udell moved to adjourn, on which motion Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Jennings, Udell and Woodward—3.

The nays were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Watson and Woolson—31.

Not excused, Senators Hatch, Hastings, McPherson and Williams.

The motion was lost.

Mr. Duncombe moved to make the Bill the special order for Wednesday at 10 o'clock A. M. Lost.

The pending amendment to Section 9, to strike out "shall" and insert "may," now being the question, Mr. Duncombe called for the yeas and nays, which were as follows :

The yeas were Senators Ainsworth, Dixon, Duncombe, Dungan, Dysart, Gray, Hagans, Hammer, Hesser, Holmes, Jennings, Kern, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Udell, Watson and Woodward—21.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Foote, Gue, Hurley, Kent, Leake, Lewis, Shaffer, Teter, Udell, Watson and Woolson—15.

Not excused, Senators Hatch, Hastings, McPherson and Trumbull.

The amendment prevailed.

Mr. Woolson moved to strike out Section 9, on which motion Mr. Potter called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dungan, Foote, Gue, Holmes, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Shaffer, Teter and Woolson—17.

The nays were, Senators Ainsworth, Duncombe, Dysart, Gray, Hagans, Hammer, Hesser, Kern, Pollard, Potter, Redfield, Udell, Watson and Woodward—14.

The motion prevailed.

Mr. Woolson moved that the Senate adjourn, and on this motion Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Brown, Burdick, Dysart, Foote, Gray, Hagans, Hurley, Kent, Kern, Lewis, McCrary of Van Buren, Pattison, Watson, Woodward and Woolson—16.

The nays were, Senators Ainsworth, Bowen, Duncombe, Dungan, Gue, Hammer, Hesser, Holmes, Leake, McCrary of Lee, Pollard, Potter, Redfield, Shaffer, Teter and Udell—16.

The Chair voting "yea," the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, March, 18, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Schaeffer.

On motion of Mr. Burdick, the reading of the Journal was dispensed with.

Mr. Shaffer, from Joint Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :—The Joint Committee of Enrolled Bills have examined Senate File No. 158 : An Act to establish a Court at McGregor, find the same correct, and present it for your signature.

J. M. SHAFFER, Chairman Sen. Com.

The following message from the House was received :

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

House File No. 238 : A Bill for an Act making appropriations for Guards' Salaries, Library, Locks, Cisterns, Ash-house, Vault for Clerk's office, Contingent Fund, Blacksmiths' Shop, and past Indebtedness of the Penitentiary.

House File No. 273 : A Bill for an Act legalizing the acts of Ray B. Griffin and Z. D. Scobey as Recorders and Treasurers of Delaware County, Iowa.

House File No. 212 : A Bill for an Act repealing part of Section 1583, Chapter 64, of the Revision of 1860.

I also herewith return Substitute for Senate File No. 143 : A Bill for an Act regulating the purchase of supplies for the use of Charitable Institutions belonging to the State ; the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Shaffer entered the following protest upon the Journal, against the passage of the Act to confer civil and criminal jurisdiction upon County Courts :

The undersigned, for the reasons subjoined, respectfully protest against the passage of the Act to confer civil and criminal jurisdiction on County Courts.

FIRST—Because the evidences are wanting that the people whom we represent, demand the creation of a Court of such varied and extensive powers.

SECOND—Because, though much valuable time has been consumed in attempts to perfect the Bill, yet no adequate discussion of its merits as a whole had been had, and any measure which, like the County Court Bill, affects the material interests of every individual of the State, should receive the most careful consideration.

THIRD—Because the Bill inaugurates a system which creates, at once, a hundred new Courts, and a hundred new Judges of the law and the facts in civil and criminal cases, and a measure so important should not be passed without a fair canvass of its merits before the people.

FOURTH—Because this Act is the natural corollary to the Board of Supervisor system ; and a careful analysis of the sentiment of this Senate, as expressed on the question of adopting the report of the Committee on Township and County Organizations, in the matter of the petition of certain Supervisors of Ringgold County, will discover the fact that the said system is merely *toleratea*, as an experiment, by the people of this State.

FIFTH—Because, the creation of this County Court will vastly increase litigation, offering, as it does, from two to four additional chances a year to impatient creditors to seize upon delinquent or

contumacious debtors, and hasten their claims to judgment and execution.

SIXTH—Because it virtually abrogates the provisions for the stay of execution; and those other measures of relief to the debtor, passed two years ago, and which were then demanded by the press and people, and of which they have not failed, and do not, to-day, fail to take advantage.

SEVENTH—Because the tendency of such a Court is to demoralize the District Courts and their judges.

EIGHTH—Because its provisions are so comprehensive that the beneficial exercise of its powers imperatively demands that the incumbent should be a thoroughly educated Attorney at Law; not the pettifogger; not the fifth rate country justice; not the mere scrivener; not merely the man of excellent financial ability; but more than these: the educated, refined and accomplished lawyer.

NINTH—Because the exigencies of the times do not demand that greater facilities be afforded to collect debts, than are now afforded by Justices' Courts and the half yearly sessions of the District Court.

TENTH—Because it is unwise, unjust and impolitic to fasten upon the whole State a system of such vast importance, and of such extended application, to increase the labor and pay of one set of officers.

ELEVENTH—Because it is impossible to create a Court which will, in any true sense, be superior to that of a Justice of the Peace, without additional expense to the people.

A. H. McCrARY,
G. W. TRUMBULL,
J. M. SHAFFER,
GEO. W. McCRARY,
FRANK HESSER,
H. W. ENGLISH.

We subscribe to all except the fourth reason stated above.

JAMES REDFIELD,
EDWIN B. POTTER.

We can not endorse all of the above exceptions, but deem some of them sufficient for the basis of a protest.

J. S. HURLEY,
JOHN D. JENNINGS.

Mr. McCrary of Van Buren, offered the following resolution:

Resolved by the Senate, That the Secretary of the Senate be authorized to employ an Assistant Secretary during the remainder of the session. Adopted.

Mr. Jennings offered a Joint Resolution in relation to the appointment of a Catholic Clergyman for the Iowa Volunteers.

On motion of Mr. Hatch, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown,

Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams and Woodward—40.

The nays were, Senator Woolson.

The Bill passed and the title was agreed to.

Mr. Potter introduced Joint Resolution asking for additional Mail facilities. Read a first and second time, and on motion of Mr. Burdick, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams and Woodward—39.

The nays were, none.

The Bill passed and the title was agreed to.

Mr. Hatch, from the Committee on Public Buildings, submitted the following:

Report of Committee on Public Buildings:

Your Committee beg leave to submit the following report: They have had under consideration House File No. 135: A Bill for an Act making further appropriations for the completion of the Blind Asylum at Vinton, and report the same back without amendment, and recommend its passage.

J. H. HATCH, Chairman.

Bill: House File No. 138: An Act making further appropriation for the completion of the Blind Asylum at Vinton. Read a first and second time.

Mr. Holmes moved to strike out "\$10,000" and insert "\$1000," and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Dungan, English, Esteb, Foote, Gray, Green, Gue, Holmes, Kent, Lewis, Neal, Pollard, Potter, Udell, Watson and Williams—18.

The nays were, Senators Bowen, Brown, Burdick, Dixon, Dysart, Hagans, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Woodward and Woolson—24.

The motion was lost.

On motion of Mr. Dysart, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Bowen, Brown, Burdick, Duncombe,

Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Hurley, Jennings Kern, Leake McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Boardman, Dungan, English, Esteb, Gray, Green, Gue, Hammer Holmes, Kent, Lewis, Neal, Pollard, Potter, Udell, Watson and Williams—18.

The Bill passed and the title was agreed to.

Mr. Watson offered the following resolution :

Resolved, That from and after the 22d day of March, no new matter, except reports of Committees, shall be introduced for the action of this Senate, except to adjourn *sine die*. Resolution was not adopted.

Mr. Woodward, from Judiciary Committee, reported back Senate File No. 214: An Act to quiet titles to certain purchasers and occupants of land in Webster County.

Mr. Esteb moved that the 11th rule be suspended and that the Bill be put upon its passage now; which motion prevailed.

The Bill was read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—40.

The nays were, none.

The Bill passed and the title was agreed to.

Mr. Holmes, from Committee on Ways and Means, reported back Senate File No. 204: A Bill for an Act to amend Section 1583, of Article 3, of Chapter 64, of the Revision of 1860, and in aid of the Revenue of the Counties, Cities and Towns of this State, and recommend its indefinite postponement.

Upon the adoption of the recommendation of the Committee, Mr. Udell called for the yeas and nays, which were as follows :

The yeas were, Senators Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Shaffer, Teter, Trumbull, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Boardman, Gray, Green, Hammer, Hatch, Pollard, Potter, Redfield, Udell and Williams,—11.

The recommendation was concurred in.

Mr. Dungan asked leave to take up Senate File No. 172, and that it be referred to Special Committee of which Mr. Boardman is Chairman. Agreed to.

Mr. Teter by leave offered a Joint Resolution in relation to additional mail facilities.

Mr. Neal moved to amend by adding "Knoxville," which amendment was adopted.

On motion of Mr. Teter the 11th rule was suspended, Bill read a 3d time and upon the question shall the Bill pass, the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagens, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Woodward and Woolson—36.

The nays were, none.

The Bill passed and its title was agreed to.

On motion of Mr. Holmes, Senate File No. 147: An Act providing for Assistant Collectors and for the better collection of Taxes was taken up.

Mr. Neal offered the following amendment to the Bill. Strike out all after the enacting clause and insert:

SECTION 1. That it shall be the duty of the Treasurer on the 1st day of February following the levy of the Taxes, or as soon thereafter as practicable, to appoint a sufficient number of Deputies, to collect the delinquent Taxes in his county, by distress and sale of personal property, when the same can be found.

SEC. 2. That the Treasurer or one of his deputies as soon after the 1st day of February following the levy of the Taxes as practicable, shall call upon the person taxed or at his residence and demand the Taxes unpaid, and if such Taxes are not paid within thirty days after such demand, such Treasurer or his Deputies are hereby authorized to collect such Taxes by distress and sale of personal property, where the same can be found, according to Section 757 of the Revision of 1860.

SEC. 3. That the Deputy Treasurer at the time of collecting taxes, shall in addition to the taxes assessed against each person, collect five per cent. upon all sums collected without distress and sale of personal property, which shall be his compensation for collecting; and in case of the sale of personal property, he shall charge and be allowed the same fees allowed Constables on execution.

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's amendments to House Files Nos. 47 and 207, and passed the same as so amended.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Hatch the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Brown moved to reconsider the vote by which substitute for Senate File No. 117 was ordered engrossed, on which Mr. Jennings called for the yeas and nays.

Mr. Ainsworth moved a call of the Senate, which was seconded, and the roll being called, the following Senators were absent and not excused :

Senators Dixon, Duncombe and Leake.

Mr. Woolson moved that further proceedings under the call be dispensed with, which motion prevailed.

The question being on the motion to reconsider, the yeas and nays were called, which were as follows :

The yeas were, Senators Bowen, Brown, Dungan, Dysart, Esteb, Foote, Magans, Hatch, Hesser, Hurley, Kent, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison Redfield, Shaffer, Udell, Watson, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Gray, Green, Gue, Hammer, Hastings, Holmes, Jennings, Neal, Pollard, Potter, Teter, Trumbull and Williams—19.

The motion prevailed.

On motion of Mr. Teter the 5th Rule was suspended to permit Mr. Duncombe to vote, who was absent at the time the question was put.

Mr. Brown moved to reconsider the vote by which substitute for Senate file No. 117 was adopted.

Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Brown, Dungan, Dysart, Esteb, Foote, Hagans, Hatch, Hesser, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—23.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Gray, Green, Gue, Hammer, Hastings, Holmes, Jennings, Kern, Neal, Pollard, Potter, Trumbull and Williams—18.

The vote was reconsidered.

Mr. Brown moved to refer the Bill and Substitute to a Special Committee of five.

Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Brown, Dungan, Dysart, Esteb, Foote, Hagans, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson, Woodward and Woolson—25.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Gray, Green, Gue, Hammer, Hastings, Kern, Neal, Pollard, Potter, Teter and Williams—16.

The motion prevailed.

The President named the following Committee: Senators Brown, Udell, Holmes, Trumbull and McCrary of Lee.

Mr. Holmes moved to suspend the special order and take up Senate File No. 147, which motion prevailed.

Mr. English offered the following amendment:

“But no personal property shall be sold for taxes on real estate,” and upon which amendment, Mr. English called the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Boardman, Duncombe, Dysart, English, Esteb, Hagans, Hammer, Hastings, Hesser, Holmes, Jennings, Kent, Kern, Potter, Redfield, Teter, Trumbull, Woodward and Woolson—20.

The nays were, Senators Bowen, Brown, Dixon, Dungan, Foote, Gray, Green, Gue, Hatch, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Shaffer, Udell, Watson and Williams—22.

The amendment was lost.

Mr. Pollard offered the following amendment to the amendment:

SEC. 4. Real estate shall not be sold for taxes in any case where personal property can be found not exempt from execution; any law in the State to the contrary notwithstanding.

Upon which Mr. English called the yeas and nays which were as follows:

The yeas were, Senators Boardman, Dysart, Gray, Green, Pollard, Udell, Williams and Woodward—8.

The nays were, Senators Ainsworth, Bowen, Brown, Dixon, Duncombe, Dungan, English, Esteb, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Watson and Woolson—34.

The amendment did not prevail.

Mr. Lewis moved to strike out “five” and insert “three.” Lost.

The question now being on the adoption of the Substitute, Mr. Holmes called the yeas and nays which were as follows:

The yeas were, Senators Bowen, Duncombe, Dungan, English, Esteb, Hagans, Hatch, Hesser, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Shaffer, Trumbull, Udell, Watson and Williams—22.

The nays were, Senators Ainsworth, Brown, Burdick, Dixon, Dysart, Foote, Gray, Green, Gue, Hammer, Hastings, Holmes, Hurley, Kent, Kern, Redfield, Smith, Teter and Woolson—19.

The Substitute was adopted.

Mr. Holmes moved to lay on table. Lost.

Mr. Leake moved to engross and read a third time to-morrow. The motion prevailed.

Mr. Udell moved that the Senate adjourn. Lost.

Mr. McCrary, of Van Buren, moved to take up Senate File No. 130: A Bill for an Act to provide for a full settlement of all claims, rights and liabilities between the State of Iowa and Jas. A. Brown and Geo. C. Allender.

Upon which motion, Mr. Ainsworth called the yeas and nays which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Green, Hammer, Hatch, Hastings, Hesser, Hurley, Jennings, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woodward—29.

The nays were, Senators Ainsworth, Esteb, Gray, Gue, Holmes, Kent and Pattison—7.

The Bill was taken up.

The House amendments were read, and the question being upon concurring in the first amendment, the yeas and nays were called and were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hatch, Hastings, Hesser, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Burdick, Esteb, Gray, Hagans, Hammer, Kent and Pattison—8.

The amendment was concurred in.

The question being upon concurring in the second amendment, the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Foote, Green, Gue, Hatch, Hastings, Hesser, Holmes, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Brown, Burdick, Esteb, Gray, Hagans, Hammer, Hurley, Kent and Pattison—10.

The second amendment was concurred in.

Mr. Shaffer from Joint Committee on enrolled Bills, submitted the following reports:

MR. PRESIDENT:—The Joint Committee of enrolled Bills of the General Assembly, have this day, March 18th, presented Senate File No. 158, an Act to establish a Court at McGregor, to His Excellency the Governor, for his approval.

J. M. SHAFFER, Chairman Sen. Com.

MR. PRESIDENT :—The Joint Committee of enrolled Bills of the General Assembly have examined House File No. 138, an Act making further appropriation for the completion of the Blind Asylum at Vinton, find the same correctly enrolled and present the same for your signature.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Watson presented claim of I. J. Teagarden. Referred to Committee on Ways and Means.

On motion of Mr. Watson, Senate File No. 21, a Bill for an Act to amend article 1 Chapter 51 of Revision of 1860 entitled an Act for the Incorporation of Cities and Towns, was taken up, and on motion of Mr. Leake 11th rule was suspended, Bill read third time and upon the question: Shall the Bill pass? the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Redfield, Teter, Trumbull, Udell, Watson, Woodward and Woolson—31.

The nays were, Senators Brown, Burdick, English, Esteb, Gray, Green and Williams—7.

Bill passed and its title was agreed to.

Mr. Kent moved to take up Senate File No. 211, a Bill for an Act to prevent the spreading of fire on the prairie and the timber, in certain seasons of the year, which motion prevailed.

Mr. Jennings moved to adopt substitute.

Mr. Neal moved to insert "willfully." Lost.

Mr. Kern moved to insert after "control," in 7th line, the words, "Provided he can avoid it." Lost.

Question now being upon the adoption of substitute, it was adopted.

On motion of Mr. Dungan 11th rule was suspended, Bill read third time, and upon the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, McCrary of Lee, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull and Woodward—29.

The nays were, Senators Ainsworth, Esteb, Kern, Lewis, McCrary of Van Buren, McPherson, Neal, Udell, Watson and Williams—10.

The Bill passed, and its title was agreed to.

On motion of Mr. McPherson, Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 WEDNESDAY, March 19, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Schaffer.

Journal of yesterday was being read when on motion the further reading was dispensed with.

Mr. Duncombe moved to suspend rule requiring Bills to lie over one day before being sent to the House. Lost.

On the request of Mr. Trumbull, Senator Jennings was excused for the day.

Mr. Gue presented the claim of Mr. Heinrichs for translating the Governor's Inaugural Address into the Danish Language. Referred to Committee on Claims.

INTRODUCTION OF BILLS.

By Mr. Dungan: Joint Resolution: Senate File No. 221: In relation to additional mail facilities. Read first and second time, and on motion of Mr. Dungan 11th rule was suspended, Bill read third time, and upon the question: Shall Bill pass? the vote was as follows:

The yeas were, Ainsworth, Bowen, Brown, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Shaffer Teter, Trumbull, Udell, Watson, Woodward and Woolson—32.

Bill passed and its title was agreed to.

Received the following message 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. 246: A Bill for an Act to authorize the Recorder and Treasurer of Appanoose County to re-index the Records of said County.

CHA'S. ALDRICH, Chief Clerk.

By Mr. Woodward: Senate File No. 222: A Bill for an Act to legalize the acts of James N. Miles, a Notary Public. Read first, and second time, and referred to Judiciary Committee.

By Mr. Woolson: Senate File No. 223: A Bill for an Act to amend Chapter 32 of the laws of the present Session of the General Assembly, and to further provide for the collection of moneys due the State and Counties. Read first and second time and referred to Judiciary Committee.

By Mr. Ainsworth: Senate File No. 224: A Bill for an Act to legalize the acts of G. C. Wright, a Notary Public of Bremer Coun-

ty, State of Iowa. Read first and second time, and on motion of Mr. Ainsworth Bill was read third time, and upon the question: Shall Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagens, Hammer, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Shaffer, Teter, Trumbull, Udell, Watson and Woolson—32.

The nays were, Senators English and Williams—2.

The Bill passed and its title was agreed to.

Mr. Teter offered the following concurrent resolution:

Be it Resolved by the Senate, the House of Representatives concurring, That the Governor be and is hereby authorized to appoint two agents to proceed at once to the various Hospitals of the country in which Iowa Volunteers are now sick, to look after their wants and effects; to be paid out of the Contingent Fund in the Governor's hands. Said agents to forward the effects of deceased soldiers to their various friends and relatives. Referred to Committee on Military Affairs.

Mr. Duncombe offered the following resolution:

Resolved, That the Committee on Schools and Universities be instructed to report a Bill providing an amendment to the present school laws, so that hereafter the entire amount of school tax for all purposes levied for any one year shall not exceed five mills.

Mr. Kent moved to lay on the table. Upon which motion Mr. Duncombe called for the yeas and nays which were as follows:

The yeas were, Senators Boardman, Bowen, Hatch, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Shaffer, Teter and Woolson—13.

The nays were, Senators Ainsworth, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagens, Hammer, Hastings, Hesser, Holmes, Neal, Pattison, Pollard, Potter, Trumbull, Udell, Watson, Williams and Woodward—24.

The motion to table was lost.

Mr. Woolson offered the following amendment as a substitute for original resolution:

Resolved, That the Committee on Schools be instructed to inquire into the expediency of further limiting the powers of school districts to levy taxes, and that they report by Bill or otherwise.

Lost.

Mr. Trumbull moved to amend by adding the following:

“And further providing that no tax shall be levied for school purposes by any school directors without a vote of a majority of the electors present at any regular district meeting.”

Upon which motion Mr. Duncombe called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Bowen, Burdick, Duncombe,

Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hastings, Holmes, Kent, Kern, McPherson, Neal, Pattison, Pollard, Potter, Teter, Trumbull, Watson, Williams and Woodward—27.

The nays were Senators Hammer, Hesser, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer and Woolson—8.

The amendment prevailed.

Question being upon the adoption of the resolution, Mr. Duncombe called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hatch, Hastings, Holmes, Neal, Pattison, Pollard, Potter, Teter, Trumbull and Williams—21.

The nays were, Senators Bowen, Hammer, Hesser, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Udell, Woodward and Woolson—13.

The resolution was adopted.

Mr. Shaffer, from Joint Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT :—The Joint Committee of Enrolled Bills have examined the following, find the same correctly enrolled, and present them for your signature :

House File No. 45 : An Act in relation to county seats.

House File No. 207 : An Act defining duties, etc., of physician of Penitentiary, and fixing salary.

Senate File No. 143 : An Act regulating purchase of supplies for use of Charitable Institutions of this State.

Senate File No. 62 : An Act amendatory of prohibitory liquor law.

J. M. SHAFFER, Ch'n. Sen. Com.

Mr. Brown offered the following resolution :

Resolved, That J. L. Dana be and is hereby allowed mileage in attending the present session of the Senate.

Resolution adopted.

Mr. Ainsworth offered the following resolution :

Resolved, That the Committee on Schools be instructed to inquire into the expediency of repealing the 14th sub division of Section 7, of an Act, entitled an Act, to amend an Act, entitled an Act, to provide a System of Common Schools, passed by the Board of Education at its last session, and substituting the rate bill system of paying Teachers in its stead, and report by bill or otherwise.

Upon the adoption of which Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman, Brown, Burdick, English, Esteb, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Trumbull, Udell, Watson and Woodward—25.

The nays were, Senators Bowen, Dungan, Dysart, Foote, Kent, Lewis, McCrary of Lee, Shaffer and Woolson—9.

The resolution was adopted.

On motion of Mr. Udell, House File No. 246 was taken up, read 1st and 2d time, 11th rule suspended, Bill read 3d time, and on the question Shall the Bill pass? the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Shaffer, Teter, Trumbull, Udell, Watson, Woodward and Woolson—37.

The nays were, none.

The Bill was passed and its title agreed to.

On motion of Mr. Brown, House File No. 212: A Bill for an Act repealing part of Section 1583, Chapter 64, of the Revision of 1860, was taken up.

Mr. Brown moved to refer to a Special Committee.

Mr. Ainsworth moved to amend by inserting the names of the Committee as follows: Senators Teter, Esteb, Kern, Watson and Kent.

Motion to amend did not prevail.

Mr. Udell moved to instruct the Committee to report to-morrow morning. Lost.

Mr. English moved to instruct the Committee to report Saturday morning. Lost.

The question now being upon Mr. Brown's motion to refer, the yeas and nays were called, which were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Foote, Gue, Hagans, Hatch, Holmes, Hurley, Kent, Leake, McCrary of Van Buren, McPherson, Pattison, Shaffer, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Hastings, Hesser, Kern, Lewis, McCrary of Lee, Neal, Pollard, Potter, Teter, Trumbull, Udell, Watson and Williams—21.

Motion to refer lost.

Mr. Duncombe moved to suspend the 11th rule, and that the Bill be put upon its passage now, which motion prevailed.

The Bill was read a 3d time and the question being shall the Bill pass?

Mr. Holmes moved the previous question, which being seconded, the question was, Shall the main question now be put?

Mr. Woolson called the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Bowen, Brown, Dixon, Dungan, English, Foote, Green, Gue, Hagans, Hatch, Holmes,

Hurley, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Shaffer, Watson and Williams—22.

The nays were, Senators Burdick, Duncombe, Dysart, Esteb, Gray, Hammer, Hastings, Hesser, Kern, McCrary of Lee, Neal, Pollard, Potter, Teter, Trumbull, Udell, Woodward and Woolson—18.

The previous question was ordered.

The main question now being "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Duncombe, Dysart, English, Esteb, Gray, Green, Hastings, Kent, Kern, Lewis, Neal, Pollard, Potter, Teter, Udell, Watson and Williams—18.

The yeas were, Senators Bowen, Brown, Burdick, Dixon, Dungan, Foote, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Trumbull, Woodward and Woolson—22.

The Bill was lost.

Mr. Bowen moved to reconsider the vote by which Senate File I47: A Bill in relation to authorizing the appointment of Deputy Collectors, was ordered engrossed; pending which, on motion of Mr. Dungan, the Senate adjourned.

EVENING SESSION.

Mr. Woolson called the Senate to order.

Mr. Duncombe addressed the Secretary, and refused to recognize the organization until the Senate had been duly called to order by the Secretary, and a President *pro tem.* elected. The Secretary proceeded to call the roll, and having ascertained that a quorum was ruled that it was necessary for the Senate to now elect a present, President *pro tem.*, the Chair being vacant.

Mr. Woodward nominated Mr. Woolson President *pro tem.*

Mr. Gray nominated Mr. Hagans.

The roll was called and the vote was as follows :

Those voting for Mr. Hagans, were Senators Ainsworth, Gray, Green, Hammer, Udell and Woolson—6.

Those voting for Mr. Woolson, were Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter, Watson and Woodward—23.

Mr. Woolson having received a majority of the Senators voting, was declared elected President *pro tem.*

Mr. Woolson, upon taking the Chair, announced that the ques-

tion pending upon the adjournment was the motion to reconsider the vote by which Senate File No. 147 was ordered engrossed.

Motion to reconsider prevailed.

Mr. Bowen moved to reconsider the vote whereby the Substitute was adopted, which motion prevailed.

Mr. Watson moved to lay the Bill and Substitute on the table. Carried.

Mr. Ainsworth moved to reconsider the vote by which Senate adopted the resolution authorizing the Secretary of Senate to employ assistance. Which motion prevailed.

Mr. Brown moved to lay the resolution on the table. Carried.

Mr. Gue moved to take up Senate File No. 114: A Bill for an Act to amend Chapter 67, of the Revision of 1860. Which motion prevailed.

Mr. Gue moved to take up Senate File No. 114: A Bill for an Act to amend Chapter 67, of the Revision of 1860, which motion prevailed.

Upon motion of Mr. Ainsworth, the Senate resolved itself into Committee of the Whole.

Fifteen minutes before nine o'clock, Committee rose, and Mr. Burdick, Chairman, reported that the Committee of the Whole Senate, have had under consideration Senate File No. 114, and have made sundry amendments thereto, and report the same back and recommend its passage as amended.

Mr. Woodward moved to lay on the table, upon which motion Mr. Duncombe called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Burdick, Dixon, Gray, Hagens, Hastings, Hesser, Watson, Woodward and Woolson—10.

The nays were, Senators Ainsworth, Bowen, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hammer, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter and Udell—18.

The motion to lay on the table was lost.

Mr. Duncombe moved that the Senate concur in the amendments of the Committee; which motion prevailed.

On motion of Mr. Duncombe, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hammer, Hastings, Hesser, Holmes, Hurley, Kern, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter, Udell, Watson, Woodward and Woolson—25.

The nays were, Senators Gray, Green, Hagens and Lewis—4.

The Bill passed and the title was agreed to.

Mr. Dixon moved to take from the table House File No. 103: A Bill for an Act to amend Chapter 42, of the Revision of 1860, relating to vacancies and special elections, which motion prevailed.

Mr. Dixon moved to substitute for 2d Section of Bill, the following:

That vacancies in the Board of County Supervisors may be filled by appointment, by the Trustees of the Township unrepresented in consequence of such vacancy; and the appointee of said Trustees shall hold the office of County Supervisor until the first of January following, and until his successor shall be elected and qualified. Should such vacancy occur in the County Board of Supervisors during the first year after the regular election of a supervisor in such Township, and before the general election of such year, there shall be elected in such Township, a member of the Board of Supervisors, to fill such vacancy, who shall hold his office for one year from the first day of January following his election, and until his successor shall be elected and qualified.

The substitute was adopted.

Mr. Dixon moved to lay on the table.

Mr. Hammer moved to adjourn. Lost.

Question being upon the motion to lay on the table, the motion prevailed.

Mr. McCrary of Van Buren, by leave, introduced Senate File No. 225: A Bill for an Act to legalize the acts of Wm. H. Manning, as Notary Public of Van Buren County. Read a first and second time, and on motion of Mr. McCrary of Van Buren, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter, Udell, Watson, Woodward, Woolson—29.

The nays were, none.

The Bill passed and the title was agreed to.

Mr. Teter, by leave, offered the following resolution:

Resolved, That the Fireman be instructed to keep the water tank in this chamber filled with wine made from grapes, currants or other fruits, beer, or cider made from apples, from this time until the close of the Session, for the benefit of the friends of these beverages.

Mr. McCrary moved to lay on the table.

Mr. Duncombe moved a call of the Senate. So ordered.

The following Senators were found to be absent:

Senators Brown, English, Esteb, Hatch, Kent, Leake, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Trumbull and Williams.

Mr. Duncombe moved that the Sergeant-at-Arms proceed to call the absent members.

Mr. Holmes moved that further proceedings under the call be

dispersed with ; upon which question Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hesser, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter, Watson, Woodward and Woolson—21.

The nays were, Senators Ainsworth, Burdick, Duncombe, Green, Hammer, Hastings and Udell—7.

The motion prevailed.

Question being upon laying the resolution upon the table, Mr. Teter called for the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Brown, Hesser, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Teter, Watson, Woodward and Woolson—13.

The nays were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Green, Gue, Hagans, Hammer, Hastings, Shaffer and Udell—14.

The motion to table was lost.

Mr. Watson moved to indefinitely postpone. Lost.

Mr. Woodward moved to amend by requiring fireman to furnish separate tanks for each kind of liquor.

Mr. Hagans moved to amend the amendment by requiring fireman to leave one tank for water. The amendment as amended adopted.

Mr. Ainsworth moved to amend by "providing that the same be furnished without expense to the State. The amendment prevailed.

The question being upon the indefinite postponement, Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Dungan, Foote, Kern, Lewis, Teter, Watson and Woolson—7.

The nays were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Dysart, Green, Gue, Hagans, Hammer, Hastings, Hesser, Hurley, Shaffer and Woodward—15.

The motion was lost.

Mr. Duncombe moved a call of the Senate. So ordered.

The following were found absent but not excused :

Senators Boardman, Brown, English, Gray, Hatch, Holmes, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Trumbull, Udell and Williams.

Further proceedings under the call were dispensed with.

Mr. Woodward moved to amend the Resolution by requiring the fireman to furnish a tank of Milk for the benefit of members who favored the repeal of the Lager Beer clause. Adopted.

Mr. Ainsworth's amendment as amended was adopted.

Mr. Duncombe moved a call of the Senate, which was ordered.

Mr. Watson moved that further proceedings under the call be

dispensed with, and on this motion he called the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Dixon, Dungan, Dysart, Foote, Hagans, Hesser, Holmes, Hurley, Kern, Lewis, Shaffer, Teter, Watson, Woodward and Woolson—14.

The nays were, Senators Ainsworth, Burdick, Duncombe, Green, Gue, Hammer and Hastings—6.

The motion prevailed.

Mr. Watson moved that the Senate adjourn, upon which motion Mr. Burdick called the yeas and nays, which were as follows :

The yeas were, Senators Burdick, Dixon, Dungan, Dysart, Foote, Hagans, Hesser, Hurley, Kern, Lewis, Watson Woodward and Woolson—13.

The nays were, Senators Ainsworth, Duncombe and Shaffer—3.
The Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, March 20, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Young.

The Journal of yesterday read, amended and approved.

Mr. Esteb asked that leave of absence be granted to Mr. English. Granted.

Petitions were presented by Mr. Esteb in relation to Public Printing. Referred to the Special Committee on that subject.

Received the following message from the House :

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

House File No. 183: A Bill for an Act in relation to Plank Roads and conferring certain powers upon Boards of County Supervisors.

House File No. 79: A Bill for an Act, amendatory to an Act, entitled an Act, to provide for the making and repairing of public highways, and prescribing the further duties of Township Officers in certain cases; Approved March 23, 1858.

House File No. 217: A Bill for an Act relating to the bringing of suit against Counties.

House File No. 229: A Bill for an Act, entitled an Act, to regulate the taxation and collection of costs in certain cases.

House File No. 243: A Bill for an Act to repeal Chapter 68 of

the laws of the 7th General Assembly, in relation to keeping in repair a levee on Muscatine Island.

House File No. 281: A Bill for an Act to legalize the acts of John H. Brown, Notary Public.

I also herewith return the following Senate Files, the same having passed the House without amendment:

Senate File No. 168: A Bill for an Act to legalize the laying out of the town of Grove City in Cass county, Iowa.

Senate File No. 129: A Bill for an Act to legalize the official acts of Edward F. Edgington, a Notary Public of Lucas county.

Senate File No. 218: A Joint Resolution relating to a Roman Catholic Clergyman for the Iowa Regiments of Volunteers.

CHA'S. ALDRICH, Chief Clerk.

Mr. McCrary of Lee, introduced Senate File No. 226: A Bill for an Act to authorize the Governor of this State to procure passes over Railroad and Steamboat Routes for such sick and wounded soldiers as may need the same in returning home from the army. Read 1st and 2d time and on motion the 11th rule was suspended, the Bill read a 3d time, and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—36.

The nays were, none.

The Bill passed and its title was agreed to.

Mr. Potter introduced Senate File No. 227: A Bill for an Act to legalize the official acts of Joseph G. Tanner, a Justice of the Peace of Nevada township in and for the County of Story, Iowa. Referred to Judiciary Committee.

Mr. Woodward introduced Senate File No. 228: A Bill for an Act to secure the remainder of the University Land Grant. Referred to Committee on Public Lands.

Also, Senate File No. 229: A Bill for an Act to provide for a complete list of lands selected under the Swamp Land Grant. Read first and second time, and referred to Committee on Public Lands.

On motion of Mr. Hammer, House File No. 273, a Bill for an Act legalizing certain acts of Ray B. Griffin and Z. D. Scobey, as Recorders of Delaware County, Iowa. Read first and second time, and referred to Judiciary Committee.

On motion of Mr. Holmes, the File of House Bills was taken up.

House File No. 18 was read first and second time, and referred to a Special Committee, of which Mr. Brown is Chairman.

Substitute for House File No. 64 was read first and second time,

and referred to a Special Committee, consisting of Senators English, Burdick and Kent.

House File No. 133 was read first and second time, and referred to Special Committee, of which Mr. McCrary of Van Buren is Chairman.

The Chair announced that the time for taking up the special order had arrived.

Mr. Duncombe moved to discharge special order. Carried.

House File No. 183 was read first and second time, being a Bill for an Act in relation to Plank Roads, and conferring certain powers upon Boards of County Supervisors.

On motion of Mr. McCrary of Lee the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—40.

The nays were, none.

Absent but not excused, Senators Duncombe and Hatch.

Bill passed and its title agreed to.

Mr. Shaffer from Joint Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined Senate File no 130: An Act to provide for the full settlement, &c., of the State and Brown and Allender, corrected errors therein, and present the same for your signature.

J. M. SHAFFER, Chairman Sen. Com.

House File No. 79 was read first and second time, and referred to Committee on Roads and Highways.

House File No. 147 was read first and second time, and referred to Committee on Elections.

House File No. 155 was read first and second time, and on motion of Mr. Neal made the special order for Monday next at 10 o'clock A. M.

House File No. 200 was read first and second time, and referred to Judiciary Committee.

House File No. 215: A Bill for an Act to provide for the publication of the Laws, read first and second time, and Mr. Esteb moved to refer to Committee on Printing. Lost.

Mr. McPherson moved to indefinitely postpone the Bill, upon which motion Mr. Bowen called the yeas and nays, as follows:

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Dungan, Esteb, Foote, Gray, Green, Hagans, Hastings, Hesser,

Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Potter, Redfield, Shaffer, Teter, Udell, Watson, Williams and Woolson—27.

The nays were, Senators Bowen, Brown, Dysart, Gue, Hamner, Jennings, Kent, Kern, Pattison, Pollard, Trumbull and Woodward—12.

Absent but not excused, Senators Duncombe, Hatch and Holmes. The Bill was indefinitely postponed.

Received the following message from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed Senate File No. 206: A Bill for an Act to amend Section 662 of the Revision of 1860, which is herewith presented, and in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed a Substitute for Senate File No. 73: A Bill for an Act defining the manner of canvassing votes cast at Special Elections, which is herewith presented, and in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

House File No. 233: A Bill for an Act further defining the duties of Register of the State Land Office. Read first and second time.

Mr. Udell moved to strike out the last section, which motion prevailed.

On motion of Mr. Jennings the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hagaus, Heseer, Holmes, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Watson, Williams and Woodward—32.

The nays were, Senators Ainsworth, Gray, Green, Hammer and Udell—5.

The Bill passed and its title was agreed to.

House File No. 238, read first and second time, and referred to Committee on Ways and Means.

House File No. 242, read first and second time, and referred to Judiciary Committee.

House File No. 248: A Bill for an Act to legalize the acts of E. A. Alexander, Notary Public in and for Buchanan County, Iowa, read first and second time and on motion of Mr. Hastings the 11th rule was suspended, Bill read third time, and upon the question: Shall Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray,

Green, Gue, Hagans, Hammer, Hastings, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—38.

The nays were, none.

Bill passed and its title was agreed to.

House File No. 249: A Bill for an Act relative to the public square in the town of Indianapolis, in Mahaska County, read first and second time, and on motion of Mr. Williams, 11th rule was suspended, Bill read third time, and upon the question: Shall Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Teter, Trumbull, Udell, Watson, Williams and Woodward—37.

The nays were, none.

Bill passed and its title was agreed to.

House File No. 260, was read first and second time, and on motion of Mr. Woolson laid on the table.

House File No. 265, was read first and second time, and on motion of Mr. Woolson referred to Committee on Ways and Means.

On motion Senate File of Bills on third reading was taken up.

On request of Mr. Esteb, House File No. 197 was referred to Judiciary Committee.

On motion of Mr. Dungan, House File No. 133, was referred to special Committee, of which Mr. McCrary of Van Buren, was Chairman.

On motion of Mr. Duncombe Senate File No. 164 and 209 were referred to Railroad Committee.

Message from House:

MR. PRESIDENT:—I herewith return Senate File No. 211, the same having passed the House with the following amendment, in which the concurrence of the Senate is asked: In fifth line of Section one, strike out the words "the same," and insert "such free."

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Teter, certain papers relating to claims of Lowrie & Miller were referred to Committee on Charitable Institutions.

Senate File No. 154: A Bill for an Act to confer authority on Township Trustees to establish and vacate roads, being on its third reading, was read third time.

On motion of Mr. Dixon, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at 2 o'clock P. M.

Question being on the passage of Senate File No. 184, the yeas and nays were called with the following result :

The yeas were, Senators Ainsworth, Boardman, Burdick, Dysart, Foote, Gray, Gue, Hammer, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Redfield, Teter and Woolson—17.

The nays were, Senators Bowen, Dixon, Dungan, Esteb, Green, Hagans, Hesser, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Shaffer, Trumbull, Udell, Watson Williams and Woodward—22.

Absent but not excused, Senators Duncombe and Neal.

The Bill did not pass.

Received the following message from the House.

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

House File No. 280: A Bill for an Act regulating proceedings in actions on bonds or coupons issued by a county or city.

Substitute for House File No. 271: A Bill for an Act to prevent Counties containing less than five hundred inhabitants from disposing of their public lands, and limiting the amount to be expended for their public buildings.

I also return herewith Senate Files Nos. 77, 225, 224, 79, 162, 10 and 84, Substitutes for Senate Files Nos. 74 and 141; the same having passed the House without amendment.

CHA'S. ALRIDCH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House of Representatives has passed Senate File No. 132: A Bill for an Act to define further the duties of County Supervisors and their Clerks, with the following amendment :

SEC. 3. All bonds of County Officers, including Justices of the Peace, Constables and Township Clerks, shall be approved by the Board of Supervisors and filed in the office of the Clerk of said Board, except that of the Clerk of the Board of Supervisors, which shall be filed as now required by law; provided, however, that such power may be delegated in like manner and under like circumstances as specified in the first Section of this Act, in which the concurrence of the Senate is asked.

EDMUND JAEGER, Enrolling Clerk.

On the request of Mr. Dungan, Senator Brown was excused for the day.

House File No. 107: An Act to amend Section 317, Chapter 22 of the Revision of 1860, in relation to the Boards of Supervisors. Read a third time, and upon its passage the yeas and nays were as follows :

The yeas were, Senators Bowen, Dixon, Dungan, Green, Gue, Hagans, Hatch, Hesser, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McPherson, Redfield, Teter, Trumbull, Watson, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Boardman, Burdick, Dysart, Esteb, Foote, Gray, Hammer, Hastings, Holmes, Kent, Kern, McCrary of Van Buren, Pattison, Pollard, Potter, Shaffer, Udell and Williams—19.

The Bill was lost.

The House File of Bills were taken up.

House File No. 271 was read first and second time, and referred to Judiciary Committee.

House File No. 230 was read first and second time, and referred to Judiciary Committee.

House File No. 229 was read first and second time, being a Bill for an Act entitled an Act to regulate the taxation and collection of costs in certain cases.

On motion of Mr. Duncombe, the 11th Rule was suspended, the Bill was read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Watson, Williams, Woodward and Woolson—37.

The nays were, Senator Kern.

Bill passed and the title was agreed to.

House File No. 243 was read first and second time, and referred to Judiciary Committee.

House File No. 281: A Bill for an Act to legalize the acts of John H. Brown, a Notary Public, was read first and second time and on motion of Mr. Ainsworth the 11th Rule was suspended, the Bill was read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson and Woodward—34.

The nays were, Senators Kent, Kern, Williams and Woolson—4.

Bill passed and the title was agreed to.

House Substitute for Senate File No. 206 was read first and second time, being a Bill for an Act to amend Section 662 of the Revision of 1860.

Mr. McPherson moved that the Senate concur in the House

amendments, and upon this motion the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams and Woodward—38.

The nays were, Senators Dysart, Kern and Woolson—3.

The amendments were concurred in.

Mr. Boardman moved to amend Rule 22d so as to provide for only two sessions each day until otherwise ordered, commencing at 8 o'clock, A. M., and 2 o'clock, P. M., thereby dispensing with evening sessions.

A division of the question being called for, the vote was taken upon the first amendment, viz: To meet at 8 o'clock, A. M., instead of 9 o'clock, A. M.; and upon which motion, Mr. Woolson called the yeas and nays which were as follows :

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hastings, Hesser, Holmes, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Teter, Watson and Woolson—20.

The nays were, Senators Ainsworth, Burdick, Duncombe, Esteb, Gray, Green, Hagans, Hammer, Hatch, Jennings, Kent, Leake, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell and Woodward—20.

The amendment was lost.

Mr. McPherson, from Committee on Federal Relations, reported back communication from Governor, in relation to allotment commissions, and recommended that no appropriation be made.

Mr. Ainsworth moved to concur in recommendation of the Committee upon which motion Mr. Duncombe called for the yeas and nays which were as follows :

The yeas were, Senators Burdick, Duncombe, Dungan, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Jennings, Kent, Kern, Leake, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Teter, Trumbull, Udell and Woodward—26.

The nays were, Senators Ainsworth, Boardman, Bowen, Dixon, Dysart, Foote, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Watson and Woolson—14.

The amendment prevailed.

Mr. Shaffer submitted the following report :

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, have this day (March 20th) presented the following Bills to His Excellency, the Governor, for his approval :

House File No. 138: An Act making further appropriations for the completion of the Blind Asylum at Vinton.

House File No. 47: An Act in relation to County Seats.

House File No. 207: An Act defining the duties, etc., of Physician of Penitentiary.

Senate File No. 143: An Act regulating purchase of supplies for use of Charitable Institutions of this State.

Senate File No. 62: An Act amendatory to Prohibitory Liquor Law.

Senate File No. 130: An Act for full settlement between this State, and Brown and Allender.

Also, that they have examined the following, find them correctly enrolled, and present the same for your signature,

Senate File No. 129: An Act to legalize the acts of Edgington.

Senate File No. 168: An Act to legalize the laying out of Grove City.

Senate File No. 218: A Joint Resolution concerning Roman Catholic Clergyman for Iowa Regiments.

J. M. SHAFFER, Chairman Senate Com.

Also, from Special Committee on Medical College, the following report:

MR. PRESIDENT:—The Special Committee to whom was referred the memorial, praying for relief of the Medical Department of the Iowa University, beg leave to report the following Bill, with recommendation that it pass. We desire to present the following considerations that have influenced the Committee in drawing up this Bill, and recommending its passage:

FIRST—As an economical measure, the State in 1858 loaned to the Trustees, \$15,000 at 10 per cent. interest; this interest remains unpaid, and now amounts to \$6,000. The bill asks that the loan be canceled, and that an additional appropriation of \$13,500 be made, to remove all incumbrances from the property. All these sums taken together, counting the interest \$6,000, to \$34,500. For this sum, the Trustees of the Institution will deed to the State, the old and new College property; the first comprising ten lots, in the most beautiful part of the City of Keokuk on which are erected the buildings used prior to 1858 as a Medical College, and is the particular real estate which secures the \$15,000 loan, and was appraised in 1858, under oath, at \$31,500. In other times, that sum could have been realized in the sale of such property; but the City of Keokuk is no exception to the general depression in the price of real estate, that has prevailed since 1859. The new College Building was erected in 1858. It occupies a central position in the City, has its dispensary where the poor receive gratuitous advice and attention, its commodious lecture and dissecting rooms, museum, chemical laboratory, and in short, has all those appliances which fit it for purposes of medical instruction. The lot cost \$6,500, and the building, four stories high, with a front 90 feet, and depth of 65 feet, constructed of brick, cost \$21,000. Thus for \$34,500, principal and interest paid by the State, the Trustees will deed the State property valued at \$59,000, and only ask that they may

choose their own Professors, subject to the approval of the Trustees of the State University.

SECOND—Should such a settlement as is proposed by the Bill fail to be made, the new College must be sold, under decrees already rendered. In that case, the State would be compelled to fall back for its \$21,000, upon the old College property already described. It would be impossible, as is well known, to sell real estate for money at this time, and great loss to the State would follow the attempt to foreclose at this time. But upon this, the Institution, the only Medical College in the State, would be utterly broken up, if the liens against it were pushed to collection. Since the commencement of the rebellion, the buildings have been occupied as a Military Hospital, and since last May, has been full of our sick and wounded soldiers most of the time. For this reason principally, no Course of Lectures was held the past winter. The year previous the class numbered about 120, and the degree of Doctor was conferred upon 27 young men. The Institution in its management, is in advance of many of our older schools. The popular idea of free education is carried out; and while at the University of Pennsylvania, or other old Colleges, the fees for Professor's tickets amount to \$105, for each Course of Lectures, in this Institution, but \$15 are demanded. The question is just this: Can the State of Iowa, for the small additional sum of \$13,500, afford to lose all the benefits of such an Institution? Her Professors have exhibited a commendable liberality; let the Legislature do equally as well, for all the people of the State.

THIRD—The proceeds of the investments of a certain University Fund, amounting to \$12,000 annually, some of which, however, is not collected, are all applied to the parent Institution at Iowa City. If the Medical Department were removed to the latter named place, it would share in such fund of \$12,000, but for reasons sufficient to the Trustees of the University, and to all others, not necessary to be specified here, it was located at Keokuk. It hence occurs that this department strongly appeals to your Committee for aid.

FOURTH—Your Committee have no doubt that upon the return of times of prosperity, the lower floor of the building which was constructed with a reference to this object, will yield an income of \$4,000 or \$5,000 in the matter of rent, being occupied as business rooms. If this be true, it will give an annual income of interest amounting to over ten per cent. on the whole amount paid for such property; and in addition the State will have in possession a parcel of real estate in another portion of the city that will sell for \$25,000 or \$30,000 in prosperous times.

J. M. SHAFFER,
J. BOWEN,
N. UDELL,
G. W. TRUMBULL.

Bill read first and second time, and on motion referred to Judiciary Committee.

On motion of Mr. Redfield Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
FRIDAY, March 21, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Bird.

Journal of yesterday read and approved.

Message from the House :

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

House File No. 286 : A Bill for an Act fixing the times for the meetings of the Board of Education.

House File No. 195 : A Bill for an Act providing for a uniform standard of Weights and Measures, creating the office of State Superintendent of Weights and Measures, and providing the appointment of Sealers of Weights and Measures in the several Counties, Cities and incorporated towns of this State.

CHA'S. ALDRICH, Chief Clerk.

PETITION.

Mr. Gray presented a remonstrance from citizens of Allamakee County, against a division of said County. Referred to Special Committee, of which Mr. Gray is Chairman.

On request of Mr. Esteb, Mr. Trumbull was excused for the day.

REPORTS OF COMMITTEES.

By Mr. Woodward : The following report, which was adopted :

MR. PRESIDENT:—I am instructed by the Judiciary Committee to make the following report :

FIRST—They recommend the passage of a Bill to legalize the acts of John N. Miles ; being Senate File No. 222.

SECOND—In relation to House File No. 150 : A Bill for an Act in relation to the estates of decedents. They herewith present a substitute embracing the amendment they were instructed to incorporate, and recommend its passage.

THIRD—In reference to Senate File No. 223 : To amend Chapter

32, of the laws of the present Session, and to further provide for the collection of money due the State or the Counties. That they do not perceive that the Bill enacts any new law; that the Attorney General and the District Attorneys are now the law-officers of the public, to commence suits and also to carry them out to execution, which, as a writer says, is the end of the law. If it is necessary to enact the common law, the Bill should pass; otherwise, not.

Senate File No. 222 was read first and second time, and on motion of Mr Woodward the 11th rule was suspended, Bill read a third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hesser, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Shaffer, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—36.

The nays were, none.

The Bill passed and its title was agreed to.

House File No. 150 was reported back with a substitute, and the adoption of the Substitute recommended.

The Substitute was adopted, and on motion of Mr. Woodward the 11th rule was suspended, Bill read third time, and on its passage the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dysart, Esteb, Foote, Gray, Green, Hagans, Hatch, Hastings, Hesser, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Teter and Woodward—28.

The nays were, Senators Dungan, Gue, Leake, Neal, Potter, Udell, Williams and Woolson—8.

Bill passed and its title agreed to.

Substitute for Senate File No. 182, read first and second time, and ordered engrossed and read third time to-morrow.

Mr. Shaffer moved to reconsider the vote by which House File No. 150, an Act in relation to estates of decedents, &c., which motion prevailed.

Mr. Leake moved to reconsider the vote by which the Bill was ordered to a third reading. Carried.

On motion of Mr. Brown referred to a Special Committee of three, of which Committee Mr. Leake shall be Chairman.

Mr. Woodward, from Committee on Des Moines Lands, submitted the following report, which was read first and second time and referred to Committee on Rail Roads.

MR. PRESIDENT:—A majority of the Committee to whom were referred divers matters and petitions, in reference to the Des Moines Lands, instruct me to make the following further and special re-

port in relation to the Cedar Rapids and Missouri River Railway Company :

The case of this Company has several points so distinct and different from those of the other Companies that it could not be ultimately disposed of in the general report upon this subject. The statements and reasoning of that report apply in general to this Road as well as the others, but there are facts and circumstances in connection with this one which require to be separately brought to the attention of the Senate.

It will be borne in mind that the Lands and rights originally granted to the Iowa Central Air Line Railway Company, were resumed by the Act of March 17, 1860, and by the Act of the 26th of March of the same year, were conferred upon the Cedar Rapids and Missouri River Company.

It is important to remember that the original Act of Congress, in making the grant for the road on this route, defined the course in the following manner : "From Lyons City Northwesterly to a point of intersection with the main line of the Iowa Central Air Line Railroad, near Maquoketa ; thence on said main line, running as near as practicable to the forty-second parallel, across the State of Iowa to the Missouri River."

Your Committee does not perceive how either a Company or the State can dispense with this requirement of the Act of Congress and this part of the Road. Nor does the Act of this State undertake to do so. The first Section of the Act conferring the Lands and rights upon the Company, in the very substance granting them, recites this language of the Act of Congress, and then the second Section of that Act makes it an express condition that the Company shall build "forty miles of its road along the route aforesaid," and West from some point on the Cedar river, within one year from the 1st of December, 1860, that is, by the 1st of December, 1861, and on failure the State may resume those rights.

Now, what was the "route aforesaid?" It can be no other than that from Lyons Northwesterly to near the Maquoketa. Yet, though neither the Company nor the State can dispense with this route, and though the Act referred to has also required that part of the route to be built, and that by the 1st of December last, this Company has not begun to build it, nor does it manifest any design to do so.

Again, by Section six of the same Act of 26th March, 1860, it is further expressly provided that said Company shall build, before the 1st of January, 1861, a like Railway from Lyons City to Clinton City in Clinton County. Neither has this Road been built. The Committee, in their principal report, have alluded to the reasons assigned for this omission, and we would now further add, that we hold evidence fairly showing that the Company did not make application for leave to build said road in one of those towns until after the expiration of the time allowed for completing the same,

and we are assured, upon reliable evidence, that the same is true in regard to the other town.

Again, Section seven of the same Act provides for a Road from Marion to Cedar Rapids in Linn county. Neither of these short Roads has been built, nor is there any indication of an intention to construct them.

Further, Section nine provides that if said Company shall fail or refuse to accept the Grant upon the "conditions hereby imposed" (in the language of the Act) then the Census Board might otherwise dispose of the Grant. We infer, then, that if they did accept the Grant, they did so upon the conditions imposed by the Act, and what are these conditions but all these requirements of the Act?

Your Committee now further represent that the people upon the said route Northwesterly from Lyons, in Clinton, Jackson and Jones counties were those who originally raised the entire sum of money for obtaining the said Land Grant from Congress, and also for Surveying the route of the said Road and locating it. They were the originators and promoters of this interest, and they bore the expense. Again, the people of Clinton and Jackson counties invested their labor and their money, and mortgaged their property, in order to grade that route, and the same is now substantially graded, and with small expenditure will be prepared for the iron.

And further, the people of Jones county voted \$80,000 00 for building this road, and the proceeds of about \$50,000 00 have been expended in that county upon the same, so that it is nearly ready for the superstructure.

Your Committee would now represent that these people and these counties have not yielded up their desires, nor their claims arising from the expenditure of their labor and their money, and aside from our want of right and of power, it would be the height of injustice to deprive them of this Road for which they have striven so hard, and expended so much money, and which was originally accorded them by the Act of Congress.

The Committee is further compelled to call the attention of the Senate to the notorious fact that this Road is not built upon, nor near the line designated by the highest authority. For eighty miles the Chicago, Iowa and Nebraska Road ranges from three to fifteen miles from the route; and for the forty miles West of Cedar Rapids, the Road ranges to the distance of eleven miles from the Surveyed line, and sometimes even runs outside of the limit of the Land Grant, so that, for one hundred and twenty miles, the said Company is not, and cannot be, entitled to the Land subject to the Grant within their present extent, nor to those which, after further progress, might be certified back for the benefit of deficient Sections of the Road.

And your Committee have very recently learned, to their great surprise, that the Engineer of this Road, in his Certificate to the map of the same, states that the route of this road is not surveyed

further than seventy miles West from Cedar Rapids. This is a very important fact; for the Act of Congress requires a definite location of the Roads, in order to know what and where the Lands, granted to each, are. And the Act of this State accepting the Grant and conferring it upon the different Roads, in Section 6, enacts that the lines and routes of the several roads shall be definitely fixed and located on or before the 1st day of April, 1857, and that maps or plats showing such lines and routes, shall be filed in the office of the Governor and in that of the Secretary of State. Now the old Central Air Line Company did fix and locate its line and route, and it is in relation to that, and that only, that the Land Grant for this route became fixed and definite; and it cannot be changed and moved about. The Road that expects to obtain that Grant must adopt that line, or one varying but very little from it.

This Road, then, not having touched this line from the Mississippi to Marshall, a distance of one hundred and twenty miles, and not being yet surveyed beyond twenty or thirty miles from Marshall, its capacity to receive this Grant is out of the question.

Upon all these considerations, together with others suggested in our principal report, the Committee find no alternative, but are compelled to recommend that the rights and lands conferred upon the Cedar Rapids & Missouri River Company by the Act of March 26th, 1860, be resumed and taken into the control of the State of Iowa, in order that we may save and have the benefit of the Grant; and that it be conferred upon some Company which will observe and carry out the original intent of Congress and of our own act. And the Committee submit, herewith, a Bill for such resumption.

W. G. WOODWARD,	} Majority of the Committee.
GEO. W. McORARY,	
J. H. HATCH,	
W. S. DUNGAN.	

Senate File No. 231: A Bill to resume the lands and rights conferred upon the Cedar Rapids and Missouri River Rail Road Company, was read.

Mr. Brown, from Special Committee on Claims, reported Senate File No. 232: A Bill for an Act providing for the auditing and allowance of certain claims against the War and Defense Fund, being Substitute for several Bills. Read first and second time and on motion of Mr. Burdick was made the special order for Tuesday next at 2 o'clock, P. M.

Mr. Boardman, from Committee on Schools and Universities, submitted the following report:

The Committee on Schools and Universities, to whom was referred House File No. 61: A Bill for an Act for the relief of Amity College, beg leave to report back said Bill and recommend its passage:

In the opinion of your Committee it would be great injustice, as well as bad policy, to enforce payment upon the judgment referred

to in the Bill, for the reason that to do so, would, without doubt, destroy said institution. This, we think, would be using the school lands rather to the injury than benefit of educational purposes. It is evident that a school in that part of the State where Amity College is situated needs the fostering care and liberality of the State to sustain it, and the provisions of this Bill seem to be just and right.

Report back House File No. 61 and recommend its passage.

N. BOARDMAN, Chairman.

On motion of Mr. Esteb, it was made the special order for Tuesday next at 2 o'clock, P. M.

Mr. Hastings moved to reconsider the vote by which House File 116 was indefinitely postponed.

On this motion, Mr. Gue called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Jennings, Kern, Leake, McPherson, Neal, Pattison, Potter, Redfield, Woodward and Woolson—26.

The nays were, Senators Gray, Green, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Shaffer, Teter, Udell, Watson and Williams—12.

The motion to reconsider prevailed.

The Bill was referred to Committee on Printing.

Mr. Holmes offered the following resolution, which was adopted: *Resolved*, That the Secretary of the Senate be instructed to furnish to the Committee of Ways and Means, a complete list of the newspapers furnished to the members of the Senate.

Mr. Shaffer submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, find the same correct, and present them for your signature:

Senate File No. 108: An Act to encourage Hedging.

Senate File No. 225: An Act to legalize the acts of Wm. H. Manning.

Senate File No. 77: An Act for the removal of an escheat.

Senate File No. 79: An Act fixing fees of Sheriffs for taking convicts to the Penitentiary.

Senate File No. 211: An Act to prevent spreading of fires on prairies, etc.

Senate File No. 224: An Act to legalize Acts of G. C. Wright.

House File No. 246: An Act to authorize the Recorder of Ap-panoose County to re-index records of real estate, &c.

J. M. SHAFFER, Ch'n. Sen. Com.

Mr. Dysart moved to reconsider the vote by which House File No. 107, was rejected; which motion prevailed.

On motion of Mr. Teter, the Secretary of the Senate was directed to procure Bill for the House.

Received the following message from the House:

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

House File No. 242: A Bill for an Act defining the manner in which the boundaries of Counties may be changed in certain cases, and providing for the disposition of existing liabilities.

I also herewith return Senate File No. 242, the same having passed the House with an amendment, in which the concurrence of the Senate is asked. In Section 1, Line 6, "twenty-five" is stricken out, and "ten" inserted.

Senate File No. 176: A Bill for an Act relating to draining, has passed the House without amendment, and is herewith returned.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I herewith return Senate File No. 226: A Bill for an Act to authorize the Governor to procure passes over Rail Roads and Steamboat routes, for sick and wounded soldiers as may need the same in returning home from the army; the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Brown, House File No. 242: A Bill in relation to County boundaries, was taken up and read a first and second time and referred to Committee on Township and County Organization.

House File No. 286: A Bill for an Act fixing the time for the meetings of the Board of Education.

Mr. Holmes moved to indefinitely postpone. Lost.

On motion of Mr. Holmes, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagens, Hastings, Hesser, Holmes, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Teter, Udell and Woodward—30.

The nays were, Senators Brown, Hatch, Kent, Redfield, Shaffer and Woolson—6.

Absent and not voting, Senators Burdick, Duncombe, English, Hammer, Hurley, Watson and Williams.

Bill passed and its title agreed to.

House File No. 195: A Bill for an Act in relation to a uniform standard of Weights and Measures. Read a first and second time, and Mr. Hatch moved to refer to Committee on Commerce. Lost.

Mr. Redfield moved to amend by inserting, after the word "State," in first line of Section 13, the words, "who shall give a

bond in the penal sum of \$5,000, for the faithful discharge of his duties." Amendment adopted.

Mr. Dixon moved to refer to a Special Committee. Lost.

On motion of Mr. Gray, the Bill was referred to Committee on Commerce.

On motion of Mr. Brown, House File No. 68 was taken up.

Mr. Brown offered the following amendment, which was adopted, to be known as Section 6:

"Nothing in this Act shall have the effect to discharge any lands or town lots or improvements lying and being within the limits of any addition so vacated, from any corporate tax legally levied upon the same before such vacation, but such addition and the property therein shall remain liable for such corporate taxes the same as if no vacation had taken place; and provided further, that nothing herein contained shall be held to impair the liability of such addition or subdivision from its proportion of any existing debts, which may have been incurred by such Village or Town."

Mr. Brown moved to suspend the 11th rule and put the Bill upon its third reading.

Mr. Hagans moved to amend the Bill by adding, after the word "successor," in Section 2, the words "or executors under order of the proper Probate Court;" which was adopted.

The rule was then suspended and the Bill read a third time, and upon the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Holmes, Hurley, Jennings, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Teter and Woolson—23.

The nays were, Senators Ainsworth, Dixon, Esteb, Green, Hammer, Hastings, Hesser, Kern, Neal, Pollard, Potter, Udell and Williams—13.

Absent and not excused, Senators Duncombe, English, Kent, Lewis, Shaffer, Watson and Woodward.

The Bill passed and its title was agreed to.

On motion of Mr. Potter, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Brown presented a remonstrance from the Attorneys of Blackhawk County, against said County being attached to the 11th Judicial District. Referred to Judiciary Committee.

Mr. Udell, by leave, introduced Senate File No. 232: A Bill for an Act for extending the time for claimants to prove up and pur-

chase certain Saline Lands. The Bill was read a first and second time, and on motion of Mr. Udell the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, Foote, Gray, Green, Hesser, Holmes, Jennings, Kent, Kern, Leake, Lewis, McPherson, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—28.

The nays were, none.

Not excused, Senators Angle, Burdick, English, Esteb, Gue, Hagans, Hammer, Hatch, Hastings, McCrary of Lee, McCrary of Van Buren, Neal, Pattison and Potter.

Bill passed and title agreed to.

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

House File No. 74: A Bill for an Act to amend Chapter 46 of the Revision of 1860, fixing the compensation of Township Clerks.

Also, House File No. 288: Substitute for House Files Nos. 55 and 131: A Bill for an Act in relation to fences.

CHA'S. ALDRICH, Chief Clerk.

Mr. Foote from Committee on Commerce reported back House File No. 195: A Bill in relation to uniform weights and measures, and recommended its passage.

On motion the 11th rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Jennings, Kent, Kern, Leake, Lewis, McPherson, Pollard, Redfield, Shaffer, Udell, Watson, Williams, Woodward and Woolson—31.

The nays were, none.

Absent but not excused, Senators Angle, Brown, English, Esteb, Hammer, Hurley, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Potter and Teter.

Bill passed and title agreed to.

Mr. Angle from Committee on Credentials reported the credentials of Mr. Howard, and recommended that he be admitted to a seat.

On motion of Mr. Ainsworth the recommendation of the Committee was concurred in.

Mr. Howard thereupon came forward and took the oath.

Mr. Bowen from Committee on Claims submitted the following report:

The Committee on claims, to whom was referred the claim of Gustavus Heinrichs for translating the Governor's Inaugural Mes-

sage, have directed me to report the following resolution and to ask its adoption :

Resolved, That the Committee on Ways and Means be directed to include in the General Appropriation Bill, an appropriation of \$20 in favor of Gustavus Heinrichs of Scott County, for translating the Governor's Inaugural Message into the Danish language.

Resolution adopted.

Mr. Bowen also submitted a report in relation to the claim of A. R. Parker, as follows :

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of A. R. Parker of Washington City, report : That the claim is for services rendered in making out plats and maps on the application of James Thorington of Davenport, and amounts to \$650 00. James Thorington was appointed an Agent of the State by the Governor, to visit Washington and procure the adjustment, between the State of Iowa and the United States, of the Swamp Land claim on the part of the State, as provided for under the Act of the Legislature of 1858. This Act gave no authority to Mr. Thorington to procure such plats and maps, and your Committee are informed by the Register of the State Land Office that such plats and maps were not necessary to procure said adjustment ; and further, that the said Thorington made no return of said plats and maps to the Register of the State Land Office. Your Committee are further informed that Mr. Thorington obtained these plats and maps for his own private use, and the claimant should therefore apply to Mr. Thorington for his pay, and not to the State. Your Committee therefore report against the claim of said Parker.

J. BOWEN, Chairman.

Also, a report in relation to the claim of J. B. Lodge, which was adopted :

MR. PRESIDENT:—The Committee on Claims, to whom was referred the claim of John B. Lodge of the City of Keokuk, report : That the claim of said Lodge amounts to \$72 80, for twenty-six days' services, traveling expenses and stationery, by the employment of the Board of Trustees of the Insane Hospital, "to survey and plan the improvement of the grounds of the Hospital." This claim, like many others that have come before the Committee, is founded on services rendered without the authority of law. If officers of the State will employ individuals to perform labor without any authority of law, they should be held responsible to such individuals. If the acts of officers of the State are sanctioned by the allowance of such claims, at one time, it would be a precedent for the allowance of future claims of like character. If such officers can bind the State for \$100 they may bind the State for \$100,000. Your Committee understand that there was no appropriation for the payment of this labor, nor was there any author-

ity for said Trustees to have this labor performed. Your Committee therefore report against the allowance of said claim.

J. BOWEN,
N. UDELL,
GEO. F. GREEN.

On motion of Mr. Leake, House File No. 107: An Act to amend Section 317, Chapter 22, of the Revision of 1860, in relation to the Boards of Supervisors. The Bill being on its third reading, the question was, "Shall the Bill pass?" and the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Howard, Jennings, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Williams and Woodward—31.

The nays were, Senators Duncombe and Holmes—2.

Absent but not excused, Senators Angle, Brown, English, Hammer, Hurley, McCrary of Van Buren, Neal, Pattison, Potter and Woolson.

The Bill passed and its title was agreed to.

Mr. Teter from Committee on Charitable Institutions submitted the following report:

MR. PRESIDENT:—Your Committee on Charitable Institutions have had under consideration the Memorial of Rev. Thos. E. Corkhill, John H. Power, G. B. Jocelyn, H. W. Thomas and E. H. Waring, agents of the Iowa Conference in relation to the creation of a State Reform School, for Juvenile offenders, to report it back to the Senate and instructed me to say that the object to be attained is of a commendable character, but in view of the present condition of our State finances think it impracticable at present to take any action.

TETER.

Mr. Dungan moved to lay report on the table. Lost.

On motion of Mr. Redfield, report was adopted.

Mr. Burdick offered the following resolution which was adopted:

Resolved, That the Committee on Ways and Means be instructed to incorporate in the appropriation Bill, now in their hands, the mileage of Hon. G. W. Howard, the Senator from Chickasaw County.

BURDICK, of Winneshiek.

Mr. Shaffer from Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The joint Committee of Enrolled Bills of the General Assembly, have this day, March 21st, presented the following to His Excellency the Governor, for his approval:

Senate File No. 129: An Act to legalize acts of Edgington.

Senate File No. 168: An Act to legalize the laying out of Grove City.

Senate File No. 218: Joint Resolution concerning a Roman Catholic clergyman for Iowa Regiments.

Senate File No. 108: An Act to encourage hedging.

Senate File No. 225: An Act to legalize the acts of Wm. H. Manning.

Senate File No. 77: An Act for the removal of an escheat.

Senate File No. 79: An Act fixing fees of Sheriff for taking convicts to Penitentiary.

Senate File No. 211: An Act to prevent spreading of fires on prairies.

Senate File No. 224: An Act to legalize acts of G. C. Wright.

House File No. 246: An Act to authorize Recorder of Appanoose County to re-index records, &c.

J. M. SHAFFER, Chairman Sen. Com.

On motion of Mr. Boardman Senate File No. 3 was taken up: A Bill for an Act for the better protection of the School Fund. And on motion of Mr. Holmes, was made special order for Monday afternoon.

Mr. Watson moved to take up Senate File No. 44. Lost.

Mr. Holmes moved to take up substitute for Senate File No. 72: A Bill in relation to Deaf, Dumb and Blind, which motion prevailed.

Question being upon the adoption of substitute,

Mr. Bowen moved to strike out "700," and insert "800," and upon this motion he called the yeas and nays with the following result:

The yeas were, Senators Bowen, Burdick, Dixon, McCrary of Lee, McPherson, Shaffer, Teter and Woodward—8.

The nays were, Senators Ainsworth, Angle, Boardman, Brown, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagan, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Udell, Watson, Williams and Woolson—35.

Absent but not excused, Senators English, Smith and Trumbull. The motion was lost.

Mr. Udell offered the following amendments:

FIRST—"And the County or Counties from which such pupils come."

SECOND—"And the Auditor shall charge up to each County from which pupils are sent, to either of said Institutions, a pro rata amount sufficient to entirely cover all expenses of the pupil or pupils from said Counties respectively, which amount the County Treasurers shall pay into the State Treasury, taking a receipt therefor," upon which amendment the yeas and nays were called with the following result:

The yeas were Senators Ainsworth, Angle, Duncombe, Dungan, Esteb, Hammer, Holmes, Pollard and Udell—9.

The nays were, Senators Bowen, Brown, Burdick, Dixon, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Teter, Watson, Williams, Woodward and Woolson—32.

The amendments were lost.

Mr. Holmes offered the following amendment to Section 5 :

Add after the word "pupils," "for the time such pupils are actually under instruction in such Institution. Adopted.

On motion of Mr. Woolson, Section 6 was amended by inserting "and the length of time each pupil is in attendance."

Mr. Neal offered the following, as Section 7 of the Bill, which was adopted :

Sec. 7. That in no case shall the rent of the buildings used by the Institutions of the Blind and the Deaf and Dumb, exceed the cost of three hundred dollars per year, to the State.

Mr. Neal offered the following amendment to Section 2: Provided said salary shall only be paid for the time such persons shall be actually employed. Lost.

On motion of Mr. Jennings Substitute was adopted.

On motion of Mr. Jennings 11th rule was suspended, Bill read third time, and on its passage the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Howard, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—40.

The nays were, none.

The Bill passed and its title was agreed to.

Mr. Shaffer, from Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Joint Committee on Enrolled Bills have examined the following, find the same correct, and present them for your signature, viz :

House File No. 249: An Act relative to the Public Square in Indianapolis, Iowa.

House File No. 233: An Act further defining the duties of Register of State Land Office.

House File No. 229: An Act regulating taxation and collection of costs, &c.

House File No. 248: An Act to legalize acts of E. A. Alexander.

House File No. 281: An Act to legalize acts of John H. Brown.

House File No. 206: An Act to amend Section 662 of the Revision.

House File No. 183: An Act in relation to Plank Roads.

Senate File No. 141: An Act to authorize the Governor to settle excess of over 500,000 acres of land.

J. M. SHAFFER, Ch'n Sen. Com.

On motion, Senate File No. 166 was taken up, being a Bill for an Act to provide for the taking up of estray animals.

Mr. Ainsworth moved that the Senate now adjourn. Lost.

On motion of Mr. Dungan, the Bill was considered by Sections.

Mr. Udell moved to insert in Section 4 the words "or any two of them attending," which motion prevailed.

Mr. Foote moved to strike out last clause of Section 5, which motion was lost.

Mr. Foote moved to strike out "15" and insert "10" in the first line of Section 6. Carried.

Mr. Redfield moved to insert after "same" in the third line of Section 6 "to the public printer hereafter provided for," and strike out of last line of Section the words "the public printer hereafter provided for," and insert, in lieu thereof, the words "by such printer." Amendment adopted.

Mr. Kent offered the following amendment to Section 7: Add to the Section, "In making the contract, the Secretary shall select an agricultural paper, published at the Capitol, if there be one.

Adopted.

Mr. Foote moved to strike out of Section 8 the word "two" and insert "each."

Adopted.

Mr. Woolson moved to strike out all after the word "then" in the third line of Section 9.

Pending which motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, March 22, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Bird.

Journal of yesterday read and approved.

Received the following message from the House:

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

House File No. 216: A Bill for an Act regulating stay of execution.

I herewith return Substitute for Senate File No. 101: A Bill for

an Act to prevent fraud in Warehousemen and others, the same having passed the House without amendment.

I am also directed to inform your Honorable Body that the House has passed the following Bill :

House File No. 229 : A Bill for an Act to amend Chapter Forty-Five of the Revision of 1860, being an Act in relation to Revenue, in which the concurrence of the Senate is asked. .

CHA'S. ALDRICH, Chief Clerk.

Chair announced as Committee on the petition from Alamakee County, Senators Gray, Burdick and Howard.

And on Substitute for House File No. 150, in relation to estates of decedents, Senators Leake, Neal and Foote.

Mr. Ainsworth moved that Mr. Howard be added to Committee on Congressional Districts and to the Judiciary Committee.

Mr. Pollard introduced Senate File 234: A Bill to exempt from sale on execution swine and neat cattle under certain age. Read first and second time and referred to the Committee on Ways and Means.

Mr. Leake introduced Senate File 235: A Bill for an Act to repeal Section 2871 of the Revision of 1860 and enact a Substitute therefor, and to repeal any law requiring Notice Books to be kept. Read first and second time, and on motion the 11th Rule was suspended, the Bill read third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Trumbull, Watson, Woodward and Woolson—31.

The nays were, Senators Ainsworth, Burdick, Duncombe, Esteb, Hesser, Potter, Udell and Williams—8.

The Bill passed and its title was agreed to.

Mr. Redfield introduced Senate File No. 233: A Bill for an Act to repeal Chapter 24 of the Acts of the Eighth General Assembly. Read a first and second time and referred to a Special Committee consisting of Messrs. Duncombe and Potter.

Mr. Holmes, from Committee on Ways and Means, reported back House File No. 265, with amendments, and recommend the passage of the Bill as amended. The amendments of the Committee were adopted.

And, on motion of Mr. Holmes, the 11th Rule was suspended, the Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter,

Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—41.

The nays were, none.

The Bill passed and its title was agreed to.

Mr. McCrary of Van Buren, from Special Committee, submitted the following report:

The Special Committee to whom was referred House File No. 133: A Bill for an Act for the registry of Dogs, and defining the duties of Trustees of Townships in certain cases, have had the same under consideration and have instructed me to report the same back to the Senate, and recommend its passage.

McCRARY of Van Buren, Chairman.

Bill was read by title and Mr. Brown moved to go into Committee of the Whole for its consideration. Lost.

Mr. Lewis moved to strike out "\$1.00" and insert "\$0.75," and strike out "\$3.00" and insert "\$1.00." Lost.

Mr. Dixon moved to table. Lost.

Mr. Hastings moved to strike out all animals but sheep in section 9. Lost.

Mr. Gue moved to strike out the words "over three months of age."

Mr. Redfield offered the following as a Substitute for section 11 of the Bill:

SEC. 8. All funds received for the registry of dogs, except so much as is allowed as fees thereby, are set apart in the several townships of the State for the payment of damages sustained by the owners of any sheep maimed or killed by dogs in their respective Townships. And any person having sheep maimed or killed by dogs, may present his claim within ten days thereafter, together with an affidavit properly sworn to, stating the facts and circumstances of the case and the amount of damage sustained, to the Township Trustees, who upon being satisfied of the correctness of said claim, shall order the Clerk to credit said person with one-half the amount of said claim, and at the expiration of each current year it shall be the duty of the Clerk to pay over to the persons so credited, the full amount of their credit, provided there is sufficient amount of funds in his hands accruing under the provisions of this Act.

SEC. 9. If the funds set apart for this purpose are not sufficient to pay the whole amount of such credits, the Township Clerk shall divide said fund, *pro rata*, among the persons credited, in full discharge of damages thus sustained, and any surplus that may arise under the provisions of this Act, shall be school funds and distributed to the schools in said township annually.

Upon which the yeas and nays were called, which were as follows:

The yeas were, Senators Boardman, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hesser, Holmes, Jennings, Kent, Kern, Leake,

Lewis, Pattison, Redfield, Teter, Udell, Watson, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Esteb, Green, Hastings, Howard, Hurley, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Trumbull and Williams—21.

Absent and not voting, Senators Brown, English, Gray and Hatch.

Amendment adopted.

Mr. Woolson moved to amend section 12 so as to read "shall be prosecuted for." Adopted.

Mr. Woolson moved to strike out the words "of the townships" in section 13. Motion prevailed.

Mr. Dixon moved to refer to Committee on Agriculture with instructions. Lost.

Mr. Kent offered the following as an additional section :

Sec. 10. In every case where sheep are maimed or killed by dogs, the owner of such sheep may recover against the owner or keeper of such dog or dogs, the full amount of such damage, and upon the recovery of such damage he shall not be entitled to draw any portion from the township fund.

Adopted.

On motion of Mr. Redfield, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dysart, Foote, Gray, Green, Gue, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull, Watson, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Dixon, Duncombe, Dungan, Esteb, Hagens, Hammer, Hatch, Hastings, Potter, Udell and Williams—12.

The Bill passed and its title was agreed to.

Mr. Shaffer, from Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, March 21st, 1862, presented the following to his Excellency the Governor, for his approval :

House File No. 249 : An Act relative to the Public Square of Indianapolis, Iowa.

House File No. 233 : An Act further defining the duties of Register of State Land Office.

House File No. 229 : An Act regulating taxation and collection of costs, &c.

House File No. 248 : An Act to legalize the acts of E. A. Alexander.

House File No. 281: An Act to legalize the acts of John H. Brown.

House File No. 206: An Act to amend Section 662, of Revision.

House File No. 183: An Act in relation to Plank Roads.

Senate File No. 141: An Act to authorize the Governor to settle excess of over 500,000 acres of land grants, &c.

J. M. SHAFFER.

On motion of Mr. Redfield, the Bill in relation to the purchase of the Capitol Building was taken from the table and made the special order for next Wednesday.

On motion of Mr. Woodward, the Secretary was directed to request the House to return Senate File No. 222.

Mr. McPherson, from Special Committee, reported back Bill for an Act defining further duties for the Recorder of Deeds, and providing for his compensation, with amendments which were adopted.

Mr. Leake offered a substitute for Section 5, which was adopted, and the Bill ordered to be engrossed and read a third time to-morrow.

Received the following message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bills:

Substitute for House File No. 53: A Bill for an Act to amend Chapter 986, of the Revision of 1860, in relation to Swamp Lands.

I also return Substitute for Senate File No. 150: A Bill for an Act to change the names of Townships, Towns and Villages; which has passed the House with the following amendments: Before "Town," wherever it occurs in said Bill, insert "Townships," and add the following new Section:

"SEC. 3. All Acts and parts of Acts inconsistent with this Act are hereby repealed."

And also, have amended the title as follows: Before "Towns" insert "Townships." In all of which the concurrence of the Senate is asked.

I also herewith return Senate File No. 232, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. McCrary of Lee, moved that the several Bills on the subject of Rail Roads, be made the special order for Thursday next, unless sooner taken up; which motion prevailed.

Mr. Woolson moved to take up Senate File No. 90: A Bill for making appropriations for the Hospital for the Insane, and that it be made the special order for Monday next. Which motion prevailed.

On motion of Mr. Redfield, the general file of House Bills was taken up:

Substitute for House File No. 53, was taken up, read a first and second time: A Bill for an Act to amend Section 986, of the Revision of 1860, in relation to Swamp Lands.

Mr. Woolson moved to strike out "or for making Rail Roads through Counties." Which motion was lost.

On motion of Mr. Duncombe, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Gray, Green, Hagans, Hammer, Hatch, Hesser, Howard, Jennings, Kern, McCrary of Lee, McPherson, Neal, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson, Williams and Woodward—30.

The nays were, Senators Foote, Gue, Hastings, Holmes, Hurley, Kent, Leske, Lewis, McCrary of Van Buren, Pattison and Woolson—11.

Absent and not excused, Senators Bowen, Burdick, English, Smith and Teter.

Bill passed and its title agreed to.

On motion of Mr. Holmes the House Bills on the table were taken up.

Substitute for House File No. 29 and Senate File No. 74, was read first and second time, and referred to Committee on Township and County Organization.

House File No. 216 was read first and second time, and referred to Judiciary Committee.

House File No. 227 was read first and second time, and referred to Committee on Ways and means.

House File No. 259 was read first and second time, and referred to Committee on Agriculture.

House File No. 260 was read first and second time, and made special order for Monday next.

House File No. 74, was read first and second time, and referred to Committee on County and Township Organization.

Substitute for Senate File No. 73 was read a first and second time, and referred to Committee on Elections.

On motion, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, March, 24, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Bird.

On motion of Mr. Jennings the reading of the Journal was dispensed with.

Mr. Redfield introduced Senate File No. 236: An Act to prevent the unlawful sale or incumbering of certain Railroad Lands. Read first and second time.

Mr. Woolson moved to refer to the Committee on Public Lands.

Mr. Pattison moved to amend by referring to Committee on Railroads. Lost.

The Bill was then referred to the Committee on Public Lands.

W. Woodward submitted the following report:

MR. PRESIDENT:—The Judiciary Committee have instructed me to report:

FIRST—The substitute for House File No. 101: To restrict and define the jurisdiction of the City Court of Dubuque and recommend its passage.

SECOND—A Bill for an Act to amend the Code of Civil Practice and recommend its passage.

THIRD—A Bill to amend Section 2858 of the Code of Civil Practice, which they report without recommendation.

W. G. WOODWARD, Chairman Com.

The Substitute for House File No. 101 was read first and second time and adopted.

On motion of Mr. Jennings the 11th rule was suspended, Bill read a third time, and on the question, Shall the bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Gray, Hugins, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—33.

The nays were, none.

Absent and not excused, Senators Ainsworth, Angle, Boardman, Brown, Foote, Green, Leake, Neal and Trumbull.

Bill passed and its 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 Bill in which the concurrence of the Senate is asked:

Substitute for House File No. 264: A Bill for an Act providing for a settlement with the sureties of J. D. Eads, late Superintendent of Public Instruction.

CHA'S. ALDRICH, Chief Clerk.

Mr. Holmes asked that Mr. Gue be excused, which was done.

Mr. Dysart asked that Mr. Kern be excused, which was done.

Senate File No. 237: An Act to amend the Code of Civil Practice read first and second time and ordered to be read a third time to-morrow.

Senate File No. 238: An Act to amend Section 2858 of the Code

of Civil Practice was read first and second time and ordered to be read a third time to-morrow.

Mr. Teter from the Committee on Charitable Institutions, reported against the claim of Lowrie and Miller, and recommended that the petitioners have leave to withdraw their claim. Report adopted.

Mr. Dysart reported back House File No. 242: An Act defining the manner in which the Boundaries of Counties may be changed in certain cases, and providing for the disposition of existing liabilities, and recommended its passage.

Mr. Udell moved to strike out Sections 9 and 10. Lost.

Mr. Udell moved to strike out the last Section. Carried.

The President announced that the hour for special order had arrived.

On motion of Mr. Udell the special order being House File No. 155: An Act providing for the Taxation of Salaries and Incomes was taken up.

Mr. Pollard moved to amend so the Tax shall not apply to principals of Benevolent Institutions.

Mr. McCrary of Lee moved to indefinitely postpone.

Mr. Redfield moved to lay on the table. Lost.

On the question of indefinite postponement, Mr. Holmes called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, Esteb, Hammer, Hesser, Hurley, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Pollard; Trumbull, Udell, Williams and Woolson—17.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, English, Foote, Gray, Green, Hagans, Hatch, Hastings, Holmes, Howard, Jennings, Kent, Lewis, McPherson, Pattison, Redfield, Watson and Woodward—23.

Absent but not excused, Senators Kern, Potter, Shaffer, Smith and Teter.

Motion to postpone lost.

Received the following message from the House:

MR. PRESIDENT:—I herewith return Senate File No. 127: A Bill for an Act to amend the Acts to protect Game; the same having passed the House with the following amendment in which the concurrence of the Senate is asked. Add to Section 2 the following: Any prairie hen or chicken between the 1st day of February and the 1st day of August in each and every year.

I am also directed to inform your Honorable body that the House has passed the Senate's substitute for House File No. 101: A Bill for an Act to restrict and define the powers and duties of the City Court of the City of Dubuque in this State.

I am also directed to inform the Senate that the House has passed the following Bill: House File No. 299: A Bill for an Act to pro-

vide for the Publication and Distribution of the Adjutant General's Report, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

Mr. Woolson moved to go into Committee of the Whole. Lost.

The question being upon Mr. Pollard's amendment, it was not adopted.

Mr. Neal offered a substitute for House Bill.

Mr. Jennings moved to strike out all after the enacting clause and on this he called the yeas and nays which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Hagans, Hammer, Hatch, Holmes, Howard, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hesser, Neal, Pollard and Williams—10.

Absent and not excused, Senators Hastings, Kern, Lewis, Potter, Smith and Teter.

The motion prevailed.

Mr. Boardman moved to amend by striking out "5" and inserting "3." Lost.

Mr. Dungan moved to substitute Senate File No. 99, for House Bill.

Mr. Udell moved to strike out of Senate File that part relating to District Attorneys. Lost.

Mr. Neal offered an amendment to Substitute, as Section 5, and on this he called for the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dysart, English, Esteb, Green, Hammer, Holmes, Lewis, Neal, Pattison, Pollard, Potter, Udell, Watson, Williams and Woodward—21.

The nays were, Senators Brown, Burdick, Dungan, Foote, Gray, Hagans, Hatch, Howard, Jennings, Kent, Leake, McCrary of Van Buren, McPherson, Redfield, Shaffer, Teter, Trumbull and Woolson—18.

Absent and not voting, Senators Gue, Hastings, Hesser, Hurley, Kern, McCrary of Lee, and Smith.

The amendment was adopted.

Mr. Neal moved to insert "Secretary of Agricultural College and Farm, \$800." Adopted.

Mr. Neal moved to add, "and the Warden of the Penitentiary, \$800." Lost.

Mr. Neal moved to strike out the words, "and the fees allowed by law." Motion prevailed.

Question being upon the adoption of the substitute for House Bill, the yeas and nays were called, and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dungan, English, Esteb, Foote, Gray, Green, Hammer,

Hastings, Hesser, Holmes, Howard, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Potter, Udell, Williams and Woolson—24.

The nays were, Senators Angle, Brown, Dixon, Dysart, Hagans, Hatch, Howard, Hurley, Jennings, Kent, Leake, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Watson and Woodward—19.

Absent and not excused, Senators Gue, Kern and Smith.

The Substitute was adopted.

Mr. Jennings moved to adjourn. Lost.

Question being upon the engrossment of the Bill, Mr. Jennings called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hammer, Hastings, Hesser, Holmes, Hurley, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Potter, Teter, Udell, Williams and Woolson—28.

The nays were, Senators Angle, Brown, Hagans, Hatch, Jennings, Kent, Lewis, McPherson, Pattison, Redfield, Shaffer, Trumbull, Watson and Woodward—14.

Absent and not excused, Senators Gue, Kent and Smith.

The Bill was ordered engrossed and read a third time to-morrow.

Received a communication from the Governor in relation to extraordinary expenditures.

On motion of Mr. Duncombe, laid on the table to print.

Mr. Woolson entered upon the Journal the following protest:

The undersigned, Senators, respectfully present our dissent from the proceedings of the Senate, on the 19th day of March, 1862, in ordering to a third reading and the previous question, House File No. 212, entitled, "A Bill for an Act repealing a part of Section 1583, Chapter 64, of the Revision of 1860;" and desire that it, with our reasons which follow, be entered on the Journal:

FIRST—The provisions of the Bill were such, that, unamended, it would, when passed, prevent the lawful manufacture of cider from apples, wine from currants, berries or grapes, for any purposes; it would exclude the manufacture of the pure juice of the grape for either medicinal or sacramental purposes; and by ordering it to a third reading, all amendments were prevented. Thus, those anxious to correct the evil complained of, were prevented from correcting it, unless another wrong was committed in doing so.

SECOND—The Bill, if passed, would render criminal the act of brewing ale or beer. It is well known that, under the provisions of the present law permitting it, large sums have been invested in this State in brewing. This Bill, if passed, would subject to ruinous sacrifices those persons thus in good faith investing their money, without giving them any opportunity to prepare for a change in their business; and the order to a third reading rendered it impos-

sible to amend so as to protect those persons in their rights derived under existing laws.

THIRD—We believe the measure was, if not conceived, at least urged, with a purpose of paving the way for a repeal of the prohibitory law and the enactment of a license law; and that its passage in the shape placed by the order to the third reading, would have tended to that end, and that on the part of some of its supporters it was so advocated and managed for that purpose; and that it was managed on the part of some of its contrivers for the further purpose of compelling the friends of the prohibitory law either to commit a wrong in voting for the Bill, or to place themselves in seeming opposition to their principles by voting against it.

FOURTH—That when the order to a third reading was carried, a vote for the prohibition of beer was thereby rendered impossible without including the prohibition of the manufacture of cider from apples, or wine from grapes grown in this State, even pure wine for either medicinal or sacramental purposes; nor could a vote be given for the prohibition of beer, without bad faith towards those who have invested money under sanction of law, in breweries, vineyards, orchards, &c., as no provision was made for the protection of such interests.

FIFTH—That by such previous question all debate was cut off, and the undersigned were thereby wholly prevented from giving to the Senate their reasons for voting against the Bill, or from suggesting any desired amendments therein.

SIXTH—The Bill upon which, under the operation of the order to a third reading and the previous question, we were compelled to vote, subjected the farmer who should manufacture cider from apples or wine from grapes or other fruits grown upon his farm, to the same punishment visited upon the distiller of whisky or the keeper of the lowest and most pernicious drinking house, and would have rendered the law against liquor-selling odious and nugatory in most portions of the State.

T. W. WOOLSON,
G. W. McCRARY,
A. F. BROWN,
J. M. SHAFFER.

Mr. Watson offered a protest against entering the protest of Mr. Woolson on the Journal.

Mr. McPherson raised the point of order that a protest against a protest could not be admitted. Point of order sustained.

On motion of Mr. Udell, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Shaffer submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following Bills, corrected errors therein, and present the same for your signature :

House File No. 286: An Act fixing time of meetings of the Board of Education.

House File No. 265: An Act making appropriations for mileage, &c.

House File No. 195: An Act relating to weights and measures.

House File No. 107: An Act to extend the number of days of meetings of Boards of Supervisors.

House File No. 68: An Act providing for vacation of town plats.

Senate File No. 101: An Act to prevent fraud in warehousemen and others.

Senate File No. 153: An Act relating to organization of Townships.

Senate File No. 226: An Act to authorize the Governor to procure Rail Road passes for sick and wounded soldiers.

Senate File No. 162: An Act in relation to County Court Records.

Senate File No. 170: An Act relating to draining.

Senate File No. 232: An Act extending time for claimants to prove up and purchase certain saline lands.

J. M. SHAFFER, Ch'n. Sen. Com.

The President announced that the hour for special order had arrived.

On motion of Mr. Woolson the special order—Senate File No. 3: An Act for the better protection of the School Fund, was taken up.

Mr. Udell moved to strike out of Section 11 all after the word "thereafter." Lost.

Mr. Trumbull moved to insert in ninth line of Section 12 after the word "sold" the words "and one-fourth the principal." Lost.

Mr. Jennings moved to strike out the word "amend" in tenth line of Section 12, and insert after "per cent" the words "payable annually." Carried.

Mr. Woolson moved to insert in ninth line of Section 12 after the word "interest" the words "and costs." Carried.

Mr. Woolson offered the following as Section 14 :

Lapse of time in no case shall bar any action brought or to be brought, or any contract for any part of the School Fund, nor shall such lapse of time prevent the introduction of evidence in any such action, any provision of Chapter 16 of the Revision of 1860 to the contrary notwithstanding. Adopted.

On motion of Mr. Burdick, the usual publication clause was added to the Bill.

Mr. Woolson offered the following as Section 15:

SEC. 15. It shall be the duty of the several County Treasurers of the State to pay over to the State Treasurer all the permanent School Fund now in their possession, or that may hereafter come into their possession, in the manner provided by section 799 of the Revision of 1860.

SEC. 16. It shall be the duty of the State Treasurer to receive all the permanent School Fund now in possession of the County Treasurers of the State, or may hereafter come into their possession; and the State shall use the same as ordinary revenue, and pay ten per cent. interest thereon.

On this amendment Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Bowen, Dixon, Hatch, Hastings, Howard, Kern, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Trumbull, Watson, Woodward and Woolson—16.

The nays were, Senators Ainsworth, Boardman, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hagans, Hammer, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Van Buren, Neal, Pollard, Potter, Teter, Udell and Williams—25.

Absent and not excused, Senators Brown, Gue, Jennings, Leake and Smith.

The amendment was lost.

Mr. Holmes offered the following as section 15, which was adopted:

"In all cases where the Clerk of the Board of Supervisors is required to take mortgages on real estate as security for money loaned, and upon the return of the appraisers thereof, it shall be the duty of the said Clerk to examine the assessment of said land for the year previous, and should the said appraisal be higher than said assessment, it shall be the duty of said Clerk to take the security upon one half of the assessed valuation thereof."

Mr. Woolson offered the following as section 16:

"None of the provisions of Chapter 132 of the Laws of the Eighth General Assembly relating to the appraisement of property sold on Execution, shall apply to sales of property on execution issued on any judgment founded on debts due the School Fund." Lost.

Mr. Hagans moved to amend section 3 by inserting after the word "thereon" in second line, "whether the same may be rendered into a judgment or not." Adopted.

Mr. Hagans moved to strike out of section 1 all after the word "Fund" in third line, and on this he called the yeas and nays, as follows:

The yeas were, Senators Dixon, Duncombe, Dungan, English,

Esteb, Gray, Green, Hagans, Hesser, Jennings, Kent, Kern, Pattison, Pollard, Potter, Redfield, Udell and Woodward—18.

The nays were, Senators Boardman, Bowen, Burdick, Dysart, Foote, Hammer, Hatch, Hastings, Holmes, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Shaffer, Teter, Trumbull, Watson, Williams and Woolson—22.

Absent and not excused, Senators Ainsworth, Angle, Brown, Gue, Neal and Smith.

The motion was lost.

Mr. Jennings moved to amend Section 1st by inserting in 7th line after "all," the words "losses upon," and adding at the end of the section the words "upon insufficient or imperfect security, and all losses by the defalcation of officers having charge of such Fund, provided, that any county may discharge itself from such liability in any case, by showing that the alleged loss was not incurred by reason of any default of her officers, or by taking insufficient or imperfect security."

Amendment adopted.

Mr. Redfield offered the following as section 16 of the Bill :

"The Board of Supervisors of each County having in its possession more of the permanent School Fund than its proper share, except such as arises from the 16th section, may order the Treasurers of their respective Counties to pay over to the State Treasurer such excess as may be collected, and the Auditor of State shall apportion such Fund to the several Counties in this State, so that each County shall have its proper proportion of said Fund." Lost.

Mr. Jennings moved that the Senate adjourn. Lost.

The question being on the Substitute, it was adopted.

The Bill was then ordered to be engrossed and read third time to-morrow.

The following messages were received from the House :

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

House File No. 291 : A Bill for an Act making appropriations for the payment of State and Judicial officers, interest on State Bonds and Loans, and for other purposes.

I am also directed to inform your Honorable body that the House has passed the following Bill : House File No. 305 : A Joint Resolution of approval of the Administration of President Abraham Lincoln, in which the concurrence of the Senate is asked.

I am also directed to inform your Honorable Body that the House has refused to concur in the Senate's amendments to House File No. 133 : A Bill for an Act for the Registry of Dogs and defining the duties of Township officers in certain cases.

I am also directed to inform your Honorable Body that the House has passed the following Bill : Substitute for House File No. 125 :

A Bill for an Act to exempt property of Iowa Volunteers in the Military Service of the United State from Levy or Sale, in which the concurrence of the Senate is asked.

I also return herewith Senate File No. 235: A Bill for an Act to repeal Section 2871 of the Revision of 1860, and enact a substitute therefor and to repeal any law requiring Notice Books; the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Jennings the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, March 25, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Bird.

The Journal of yesterday read and approved.

Mr. Watson moved to expunge from the Journal the protest of Senator Woolson and others. Lost.

On motion of Mr. Shaffer, the Substitute for Senate File No. 150: An Act to change the names of townships, towns and villages, was taken up, and on motion of Mr. Woolson the amendments of the House were concurred in, the yeas and nays being taken were as follows:

The yeas were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, none.

Absent but not excused, Senators Ainsworth, Angle, Boardman, Burdick, English, Foote, Leake, McPherson, Smith and Trumbull.

Mr. Kent, from Committee on Engrossed Bills, submitted the following report:

Your Committee on Engrossed Bills, respectfully report that Senate Files Nos. 17 and 223 are correctly engrossed.

KENT, Chairman.

On motion of Mr. McCrary of Lee, the Substitute for House File No. 264: A Bill for an Act providing for the settlement with the sureties of James D. Eads, late Superintendent of Public Instruction, was read first and second time.

Mr. McCrary of Lee, moved to suspend the 11th Rule and put the Bill upon its third reading.

Mr. Ainsworth moved to refer to the Committee on Schools and Universities, and on this motion he called the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Hammer, Hastings, Hesser, Kern, Pattison, Potter and Trumbull—15.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—30.

Absent but not excused, Senator Smith.

The motion to refer was lost.

Mr. Duncombe moved to refer to the Judiciary Committee. Lost.

The 11th Rule was then suspended and the Bill was read a third time.

Mr. Udell moved to reconsider the vote by which the 11th Rule was suspended. Lost.

And upon the passage of the Bill, the yeas and nays were as follows :

The yeas were, Senators Boardman, Dixon, Dungan, Dysart, Foote, Hagans, Hatch, Hesser, Holmes, Howard, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—23.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Jennings, Kent, Kern, Lewis, Pattison, Potter, Trumbull and Williams—20.

Absent but not excused, Senators Bowen, Hurley and Smith.

Mr. Brown moved to reconsider the vote by which the Bill was lost.

Mr. Esteb moved to lay the motion on the table, and on this motion Mr. Ainsworth called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Angle, Burdick, Duncombe, English, Esteb, Gray, Gue, Hammer, Hastings, Jennings, Kent, Kern, Pattison, Potter and Trumbull—16.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Green, Hagans, Hatch, Hesser, Holmes, Howard, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—27.

The motion to lay on the table was lost.

The question now being upon the motion to reconsider, Mr. Ainsworth called the yeas and nays which were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Green, Hagans, Hatch, Hesser, Holmes,

Howard, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Angle, Burdick, Duncombe, English, Esteb, Gray, Gue, Hammer, Hastings, Jennings, Kent, Kern, Pattison, Potter and Trumbull—16.

The vote was reconsidered.

The Bill now being on its passage, Mr. Leake asked to be excused from voting; objection being made, a vote was taken and the Senate refused to excuse him.

And upon the passage of the Bill, the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Hatch, Hesser, Holmes, Howard, Hurley, McCrary of Van Buren, McPherson, Pollard, Redfield, Shaffer, Udell, Watson, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, Neal, Pattison, Potter, Teter, Trumbull and Williams—24.

Mr. Watson moved to suspend the 5th rule and allow Mr. Hagan to vote. Lost.

The President announced special order for this hour.

On motion of Mr. Woodward the special order—substitute for Senate File No. 117: An Act to provide for the auditing and allowance of certain claims against the War and Defense Fund—was taken up.

Mr. Brown offered the following amendment, which was adopted:

Add to Section 5, *Provided further*, That said Board of Commissioners shall audit and allow only such claims as have originally accrued in favor of a citizen or citizens of this State.

Mr. Brown offered the following as Section 6, of the Bill, which was adopted: That nothing herein contained shall be construed to authorize the auditing or allowance of any claim in any manner connected with, or for what is known as the Lancer Regiment.

Mr. Dixon offered the following amendment: "Nothing in this act, or in Chapter 10 of the acts of the Extra Session of the Eighth General Assembly, shall be so construed as to authorize said Auditing Board to audit or allow the claims of any town, city, county or other corporation." Lost.

Mr. Jennings moved to adjourn. Lost.

Mr. Dixon offered the following amendment, which was adopted:

SEC. 7. Nothing in this Act shall be construed to authorize the said Commissioners to audit and allow the claims of any town, city, county or other corporation, but such claims if presented may be reported by said Board to the next General Assembly, with the evidence for and against such claim.

Mr. Boardman moved to strike out of fifth Sub-division of Sec-

tion 1, the word "clothing," and on this he called the yeas and nays with the following result :

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Gray, Green, Gue, Hastings, Holmes, Potter, Watson and Williams—16.

The nays were, Senators Angle, Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hammer, Hatch, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell, Woodward and Woolson—27.

Absent but not excused, Senator Smith.

The amendment was lost.

Mr. Boardman offered an amendment to Section 3. Pending which amendment, on motion of Mr. Udell, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The President announced that there was a Special Order for this hour. The Special Order was postponed for the purpose of disposing of the business before the Senate on adjournment, being the following amendment to Section 3, of the Bill proposed by Mr. Boardman: "Except in cases of subsistence which may have been furnished by cities, towns or counties, which may be allowed if furnished under the expectation of being paid for the same, if said Commissioners shall find that the same will be allowed the State by the General Government," which amendment was not adopted.

Mr. Angle moved to insert before the word "authority," the words "or supposing they had," and on this he called the yeas and nays with the following result :

The yeas were, Senators Ainsworth, Angle, Burdick, Duncombe, Dysart, Gray, Green, Hastings, Hesser, Kern, Potter and Woodward—12.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, English, Esteb, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woolson—31.

Absent but not excused, Senator Hammer.

The Question now being on the adoption of the Substitute of the Committee, Mr. Hagans called the yeas and nays with the following result :

The yeas were, Senators Bowen, Brown, Dixon, Dungan, Esteb,

Foote, Hagans, Hatch, Hesser, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Teter, Udell, Watson, and Woolson—22.

The nays were, Senators Ainsworth, Angle, Boardman, Burdick, Duncombe, Dysart, English, Gray, Green, Gue, Hammer, Hastings, Holmes, Jennings, Kent, Kern, Neal, Pollard, Potter, Shaffer, Trumbull, Williams and Woodward—23.

Absent but not excused, Senator Smith.

The Substitute was not adopted.

The question now being on the Substitute offered by Mr. Holmes, Mr. Woolson offered the following amendment: At the end of the eighth line of section 3, insert "including the claims of persons residents of this State who served under Col. Moore, in North-East Missouri, in suppressing rebellion and repelling invasion; *Provided*, such persons have not been otherwise paid for such services. Upon this question the yeas and nays were called, which were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull, Williams, Woodward and Woolson—33.

The yeas were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Green, Neal, Potter, Udell and Watson—9.

Absent and not excused, Senators Brown, Hagans and Smith.

The amendment was adopted.

The question now being on the Substitute offered by Mr. Holmes, Mr. Woolson called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Burdick, Duncombe, English, Gray, Green, Gue, Hammer, Hastings, Holmes, Kern, Neal, Pollard, Potter, Trumbull and Williams—17.

The nays were, Senators Angle, Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hatch, Hesser, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Watson, Woodward and Woolson—25.

Absent but not excused, Senators Smith, Teter and Udell.

The Substitute of Mr. Holmes was not adopted.

On motion of Mr. Woolson the 11th rule was suspended, Bill read a third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Hagans, Hatch, Hesser, Hurley, Howard, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Boardman, Burdick, Dun-

combe, English, Gray, Green, Gue, Hammer, Hastings, Holmes, Jennings, Kern, Neal, Potter, Trumbull and Williams—17.

Absent but not excused, Senator Smith.

Before the announcement of the vote, Mr. Neal raised the point that the Bill being for an appropriation, required a two-thirds vote.

The Chair, (Senator McPherson,) decided the point not well taken, and from this decision Mr. Ainsworth appealed and called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Brown, Dungan, Dysart, Foote, Hagans, Hatch, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Udell, Watson, Woodward and Woolson—21.

The nays were, Senators Ainsworth, Boardman, Bardick, Dixon, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Jennings, Neal, Pollard, Potter, Teter, Trumbull and Williams—20.

Absent but not excused, Senators Brown, Hesser, Kern, and Smith.

Mr. Udell moved that Mr. Esteb be excused from voting. Lost.

The decision of the Chair being sustained the Bill was declared passed and the title agreed to.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable body that the House has passed the following Bills:

House File No. 307: A Bill for an Act to organize Fire Companies in the Village of Waterloo, Black Hawk county, Iowa, and to regulate the same.

Substitute for House File No. 120: A Bill for an Act to allow organized Counties to fund their outstanding Warrants.

House File No. 300: A Bill for an Act to amend Chapter 16 of the Revision of 1860, relating to Notaries Public.

House File No. 312: A bill for an Act to divide the State into Congressional Districts.

House File No. 293: A Bill for an Act to provide for recording the Swamp Land Selections in the State Land Office.

I am also directed to inform the Senate that the House has passed a Substitute for Senate File No. 55: A Bill for an Act to authorize the Governor to appoint one additional Assistant Surgeon for each Regiment of Iowa Volunteers, and employ Nurses for the same, and providing for their compensation.

CHAS. ALDRICH, Chief Clerk.

Mr. Redfield submitted the following report:

The Committee on Public Lands to whom was referred the "Bill for an Act to prevent the unlawful sale or incumbrance of certain Railroad lands," report that they have considered the same, and unanimously concur in the recommendation that it pass. It is important to confine the several Railroad Companies to the manifest intention of Congress in passing the law of May 15, 1856,

granting lands to this State for the benefit of such Railroad Companies. It appears that some of these Companies have already attempted to sell, and incumber lands on the lines of their roads, situated outside of the twenty mile of the completed parts of their several roads. If this practice is allowed, it will not only open the opportunity to commit frauds and impositions on innocent parties, but will throw confusion and clouds upon titles which will operate as an injury to the State, and have the tendency to impede the progress of such roads. It would manifestly be unjust to the people of the interior and Western portions of the State, to allow or to appear to tolerate the use of lands situated in the Missouri valley, to build a road in the Des Moines or Mississippi valley. It certainly can not be doubted that when Congress reserved alternate Sections at double their minimum price along the line of these roads, it intended that the completion of these roads should be a positive condition to their having any claims whatever to the lands donated to the State under said grant; and hence the provision of said Act, that only Sections of twenty miles each shall be sold as the Companies severally should build twenty continuous miles of their roads.

The Committee think this Bill meets the case, and express the hope that it may pass.

JAMES REDFIELD.
T. W. WOOLSON.
M. V. BURDICK,
J. E. NEAL.

Mr. Redfield moved to make the Bill a special order for to-morrow at 10 o'clock, A. M.

Mr. Duncombe moved to refer to the Committee on Rail Roads, and on this question he called the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Dixon, Duncombe, Dysart, English, Esteb, Gray, Hagans, Harmer, Hastings, Howard, Jennings, Kent, Kern, McPherson, Pattison, Pollard, Potter, Trumbull and Williams--22.

The nays were, Senators Boardman, Burdick, Dungan, Foote, Green, Gue, Hatch, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson--21.

The motion prevailed.

Mr. Redfield moved that the Committee on Railroads be instructed to report on the Bill by Thursday morning, and on this question he called the yeas and nays which were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dungan, Foote, Gray, Green, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Teter, Udell, Watson, Woodward and Woolson--22.

The nays were, Senators Ainsworth, Angle, Dixon, Duncombe,

Dysart, English, Esteb, Hagans, Hammer, Howard, Jennings, Kent, Kern, McPherson, Neal, Pattison, Potter, Trumbull and Williams
—20.

The motion prevailed.

We, the undersigned, Senators, respectfully protest against the action of the Senate, on Tuesday, the 25th day of March, 1862, by refusing to expunge a part of the Journal, and we give the following as our reasons:

FIRST—Because, by the record, a misstatement is made with reference to the action of the Senate, March 19th, on a Bill to amend Section 1583, Chapter 64, of the Revision of 1860, and thereby a wrong is committed on the public.

SECOND—Because a wrong is committed on the undersigned Senators:

FIRST—It is stated that the previous question was moved and thereby certain Senators were prevented from offering amendments to said Bill, and also prevented from stating their objections, when the truth is, the Bill was read a first and second time, a motion was made to refer, which motion was lost, and yet the Bill was open to amendments but none were offered: then the motion was made to suspend the eleventh rule and put the Bill upon a third reading, which carried, and upon the question, "Shall the Bill pass?" it was debated extensively pro and con, and then the previous question was moved and carried; moved by an enemy of the Bill, and voted for by some of those who afterward protested against the action. We say that the enemies of the measure had a majority to make any amendments; if they desired, they had a majority to prevent the suspension of the eleventh rule. They had the majority to prevent the previous question; but failing to do either, and assisting to carry all the motions, they have committed a wrong by misstatements of facts.

SECOND—It is there stated that by the previous question they were prevented from voting for the suppression of lager beer, without voting also for the suppression of wine made from grapes and cider made from apples raised in this State, when the facts show they did not propose to change, alter or amend in any way. The undersigned would have consented to such amendments if they had been offered. This statement commits a wrong on the undersigned Senators, who were in favor of the Bill.

THIRD—The Record states that the Bill (or measure) if not conceived, was carried forward and supported for the purpose of paving the way for the repeal of the Prohibitory Law and the passage of a license law; but the facts are, the Bill was introduced in the House by one strongly in favor of a prohibitory law, and supported by the undersigned, a part of whom have spoken and voted uniformly in this and the Eighth General Assembly, against a license law, and that, too, when a majority of the Senate voted for a license law. So we regard the record of that misstatement as an

injury to the undersigned. And again, the opponents of the Bill did argue that the beverages of lager beer and wine and cider were good reformers, and we were denounced as narrow-minded bigots because we favored a prohibitory law. These facts show that that portion of the record was unjust and should have been expunged.

FOURTH—Again, the Journal says that some of the Senators were prevented by the previous question from voting for the prohibition of beer, without prohibiting wine and cider; but they did not propose any change, and when the previous question was called, the Bill was already past the time and place for amendments, and their statement was not the facts in the case; and thus, by a misstatement, showed an indignity to the Senate and should have been expunged.

FIFTH—The record states that by the previous question all debate was cut off, and those opposed to the Bill were prevented from giving their reasons for voting against the Bill. But the facts are that much debate was had and much time occupied in discussion of the measure before the previous question was called. This statement of the record being not true, should have been expunged.

As consistent temperance men, we, the undersigned, were willing to prohibit wine and cider so we might get rid of the low grogshops, and beer saloons which are demoralizing our State, ruinous to health and destructive of home, happiness and life.

Believing that we shall be indorsed by our constituents, and meet the co-operation of all philanthropists, we humbly protest against the action of the Senate for refusing to expunge these misstatements from the record.

J. J. WATSON,
W. B. LEWIS,
D. C. HASTINGS,
I. P. TETER,
J. M. KENT.

On motion of Mr. Udell, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, March 26, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Bird.

Journal of yesterday read and approved.

The following message was received from the House:

Mr. PRESIDENT :—I am directed to inform your Honorable Body

that the House has passed the following Bills, in which the concurrence of the Senate is asked :

House File No. 305 : A Joint Resolution in relation to the claim of John Johns, Jr.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Gray House File No. 133 : An Act providing for the Registry of Dogs, &c., was taken up.

Mr. Gray moved that the Senate recede from its amendments, on which motion Mr. Gue called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Burdick, Dungan, Foote, Gray, Green, Hammer, Hatch, Hastings, Hesser, Howard, Hurley, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Shaffer, Smith, Teter, Trumbull, Williams and Woolson—24.

The nays were, Senators Boardman, Brown, Dixon, Duncombe, Dysart, English, Esteb, Gue, Hagans, Holmes, Jennings, Kent, Kern, Lewis, Pattison, Pollard, Potter, Redfield, Udell, Watson and Woodward—21.

Absent but not excused, Senator Bowen.

On motion of Mr. Redfield, House Files were taken up.

House File No. 120 : Read first and second time and referred to the Committee on Township and County Organization.

Mr. Shaffer from the Committee on Enrolled Bills submitted the following Report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, find the same correct, and present them for your signature :

House File No. 101 : An Act to restrict, &c., powers of City Court of Dubuque.

House File No. 53 : An Act to amend Section 983 of Revision.

Senate File No. 150 : An Act to change names of Townships, Towns, &c.

J. M. SHAFFER, Chairman Sen. Com.

The Substitute for House File No. 125 : Read first and second time and referred to the Military Committee

House File No. 291, was read first and second time and referred to the Committee on Ways and Means.

House File No. 293, was read first and second time and referred to the Committee on Public Lands.

House File No. 299, read first and second time and referred to the Committee on Printing.

House File No. 300, read first and second time and referred to the Committee on Elections.

House File No. 300, a Joint Resolution of approval of the acts of Abraham Lincoln ; read first and second time.

Mr. Leake moved to suspend the 11th Rule and put the Bill on its third reading.

Mr. Duncombe offered the following Substitute :

Resolved, by the General Assembly of the State of Iowa, That while we condemn the Sectional principles upon which Abraham Lincoln was elected President of the United States, we tender him our cordial support in every Constitutional effort to sustain the honor of the nation at home and abroad, and we will support him in putting down the Southern Rebellion, and in standing by the old Monroe doctrine, against the weakest nation on the face of the Earth, and with far greater severity and determination against the impudent and villanious interference of England, France and Spain in the affairs of our nearest neighbor, while civil war ties our hands, and distracts our unhappy country.

Resolved, That we express our unqualified opinion, that the President is now exerting his honest efforts, in putting down both Secession in the South and in the North—the one by arms, and the other by strong personal and public opposition, and is now planning Secessionism in the South and Abolitionism in the North upon the same platform, where they justly belong, and in every honest effort in that direction we pledge our unqualified support.

Resolved, That we will sustain the President in sinking "party in patriotism" in the dismissal from office of rotten and corrupt demagogues, and in the appointment of sound National men, like Mr. Stanton, and in all other acts which may be necessary for the sustaining of the Constitution and the Government.

Resolved, That the Secretary of State be directed to forward a copy of the foregoing Resolutions to the President of the United States and to each of our Senators and Representatives in Congress.

Mr. Redfield moved the previous question which was seconded, and on the question: Shall the main question be now put? Mr. Duncombe called the yeas and nays which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Holmes, Hurley, Howard, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Gray, Green, Hammer, Hesser, Jennings, Kern, Neal, Pollard, Potter, Trumbull, Udell and Williams—17.

The main question was ordered to be put.

The question now being on the adoption of the Substitute offered by Mr. Duncombe, Mr. Ainsworth called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Jennings, Kern, Neal, Pollard, Potter, Trumbull and Williams—14.

The nays were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings,

Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—30.

Absent but not excused, Senators Angle and Hesser.

The substitute was not adopted.

During the call of the roll, Mr. Udell rose to explain his vote, and objection being made the Chair decided the Senator out of order, and from this decision Mr. Udell appealed and the decision of the Chair was sustained.

The question now being on the suspension of the 11th rule, Mr. Duncombe called for the yeas and nays with the following result :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—31.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Jennings, Neal, Pollard, Potter, Trumbull, Udell and Williams—14.

Absent but not excused, Senator Hesser.

The 11th rule was suspended.

The question now being on the passage of the Bill the yeas and nays were called with the following result :

The yeas were, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—33.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Green, Hammer, Jennings, Neal, Pollard, Potter, Trumbull and Williams—12.

The resolution was passed and its title agreed to.

House File No. 307: A Bill for an Act to organize Fire Companies in the Village of Waterloo, Black Hawk County, Iowa, and regulating the same, was read first and second time, and on motion of Mr. Brown the 11th rule was suspended, Bill read third time and upon its passage the vote was as follows :

The yeas were, Senators Angle, Bowen, Brown, Duncombe, Dungan, Dysart, Foote, Greer, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Boardman, Dixon, English, Esteb, Neal, Pollard and Williams—9.

Absent but not excused, Senators Burdick, Gray and Hammer.

The Bill was passed and its title agreed to.

House File No. 312, read first and second time and referred Committee on Congressional Districts.

Mr. Jennings moved to reconsider the vote by which the Substitute for House File No. 264: An Act providing for the settlement with the securities of James D. Eads, late Superintendent of Public Instruction, was lost, and on this motion he submitted the question that the motion was not in order. The Chair decided that it is not in order to move a second time, that the Senate do reconsider the vote on the question, "Shall the Bill pass?" no alteration or amendment having been made since its first re-consideration.

On motion of Mr. Bowen the concurrent resolution in relation to adjournment of the General Assembly was taken up.

Mr. McPherson moved to amend by striking out "1st," and insert "8th of April."

Mr. Esteb moved to amend the amendment by inserting "2d," instead of "8th." Lost.

Upon Mr. McPherson's amendment he called the yeas and nays with the following result:

The yeas were, Senators Brown, Burdick, Dixon, Duncombe, Dungan, Foote, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Dysart, English, Esteb, Gray, Green, Gue, Hammer, Holmes, Hurley, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Teter, Watson and Williams—20.

The amendment was adopted.

The resolution as amended was then adopted.

Mr. Ainsworth moved to take up the special order. Lost.

On motion of Mr. McPherson the resolution in relation to the claim of Stout and Munger, was taken up.

On motion of Mr. Neal, the resolution was amended by inserting the names of H. B. Ely, E. L. Bennett and ——— Judkins, and the resolution as amended was adopted.

Mr. Holmes introduced Senate File No. 239: An Act fixing the salary of the Adjutant General of the State of Iowa. Bill read first and second time, and on motion of Mr. Holmes the 11th rule was suspended, Bill read third time, and on its passage the vote was as follows:

The yeas were, Senators Ainsworth, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—41.

The nays were, Senators Angle, Bowen and Udell.

Absent but not excused, Senator Boardman.

The Bill was passed and the title agreed to.

Received the following message from the House:

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

House File No. 314: A Joint Resolution relating to the appointment of Trustees for the Hospital for the Insane.

I also herewith return Senate File No. 118: A Joint Resolution in relation to the claim of John Mowby; the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Woolson offered the following resolution:

Resolved, That the Senate hereby establishes the following rules, to be added to the standing rules of this Body:

A reconsideration of any vote on the final passage of a Bill may be taken, notwithstanding there has been a reconsideration of a similar vote on the same subject previously; provided, every reconsideration must be moved as soon as the next day after the vote to be reconsidered is taken. But no more than the second vote shall be so reconsidered.

No debate shall be in order after a Bill has been read a third time.

Mr. Gue moved to lay on the table; on which Mr. Woolson called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Burdick, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Howard, Jennings, Kent, Lewis, Pattison, Potter, Trumbull and Watson—19.

The nays were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Hagans, Hesser, Hurley, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Williams, Woodward and Woolson—24.

Not excused, Senators Boardman, Hatch and Leake.

The motion was lost.

Mr. Pollard called for a division of the question, which was done, and on the first division, to-wit: A reconsideration of any vote on the final passage of a Bill may be taken, notwithstanding there has been a reconsideration of a similar vote on the same subject previously: provided, every reconsideration must be moved as soon as the next day after the vote to be reconsidered is taken. But no more than the second vote shall be so reconsidered.

On this Mr. Burdick called for the yeas and nays, which were as follows:

The yeas were, Senators Bowen, Brown, Dixon, Duncombe, Dungan, Foote, Hagans, Hesser, Howard, Hurley, Kern, McCrary

of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Redfield, Shaffer, Smith, Udell, Williams and Woolson—21.

The nays were, Senators Ainsworth, Angle, Burdick, Dysart, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Howard, Jennings, Kent, Lewis, Pattison, Potter, Teter, Trumbull, Watson and Woodward—22.

Absent and not excused, Senators Boardman, Hatch and Leake. The resolution was lost.

Mr. Angle moved to amend Rule 22 by adding: "and shall be decided without debate."

On motion of Mr. Burdick, the whole subject was laid on the table.

Mr. Bowen offered the following amendment to the rule:

"If a member is out of the Hall when a question is put, he will be excused from voting if he desire it. If he does not wish to be excused and desires to vote, he shall be entitled to vote."

On motion of Mr. Kent, the Resolution was laid on the table.

Mr. Watson offered the following resolution:

Resolved, That from and after this day, (March 26th) no member of the Senate shall be allowed to occupy more than ten minutes in discussing any question before the Senate.

Mr. Teter moved to strike out "ten" and insert "five."

Mr. Angle moved to amend by adding: "unless by consent of two-thirds of the members present."

Mr. Udell moved to lay the whole subject on the table; on which Mr. Teter called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Brown, Burdick, Duncombe, English, Esteb, Gray, Green, Hagans, Hammer, Hatch, Hastings, Hesser, Howard, Jennings, Kent, Kern, Leake, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell and Woodward—29.

The nays were, Senators Angle, Bowen, Dungan, Dysart, Foote, Gue, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Teter, Watson and Williams—14.

The motion prevailed.

Mr. Redfield moved that the Senate adjourn. Lost.

Mr. Kent submitted the following report:

The Committee on Engrossed Bills would respectfully report that they have examined Senate File No. 99, and find it correctly engrossed.

J. M. KENT.

Mr. Neal offered the following Resolution:

Resolved, That the Governor of this State be requested to report to this House the names of all persons to whom he has issued Commissions in the Military service, and to designate the offices to which they have been respectively commissioned.

Lost.

Mr. Shaffer submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the

General Assembly, have this day, March 26th, 1862, presented the following to his Excellency the Governor, for his approval, viz :

House File No. 286 : An Act fixing times for meetings of Board of Education.

House File no 265 : An Act making appropriations for mileage.

House File No. 195 : An Act relating to weights and measures.

House File No. 107 : An Act to amend Section 317, Chapter 22 of the Revision.

House File No. 68 : An Act providing for vacation of town plats.

Senate File no. 101 : An Act to prevent fraud in warehousemen and others.

Senate File No. 153 : An Act relating to organization of townships, &c.

Senate File No. 226 : An Act to authorize the Governor to procure railroad passes for sick and wounded soldiers.

Senate File No. 162 : An Act in relation to County Court Records.

Senate File No. 176 : An Act relating to Draining.

Senate File No. 232 : An Act extending time of claimants to prove up and purchase certain Saline Lands.

Senate File No. 150 : An Act to change names of townships, towns, &c.

House File No. 53 : An Act to amend Section 986 of Revision.

House File No. 101 : An Act to restrict, &c., powers and duties of City Court of Dubuque.

J. M. SHAFFER, Chairman Sen. Com.

Mr. Woodward submitted the following report :

MR. PRESIDENT :—The Judiciary Committee direct me to make the following report :

FIRST—In favor of Senate File No. 174 : A Bill to legalize certain judgments in the Fifth and Eleventh Judicial Districts.

SECOND—House File No. 157 : To amend Sections 4779 and 4780 of the Revision, respecting peremptory challenges in criminal cases. Report the same back with recommendation.

THIRD—On House File No. 248 : An Act to repeal Chapter 68 of the Seventh General Assembly, relating to keeping up a levee on Muscatine Island. They recommend its passage.

FOURTH—On Substitute for House File No. 271 : An Act to prevent counties of less than five hundred inhabitants from disposing of their public lands, &c. The Committee recommend its indefinite postponement.

FIFTH—On Senate File No. 148 : An Act to legalize certain conveyances of Seth Anderson, a County Judge, that the Committee differ in their views, and submit the Bill to the consideration of the Senate.

W. G. WOODWARD, Chairman.

On motion of Mr. Kent, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
THURSDAY, March 27, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Eaton.

On motion of Mr. Udell, the reading of the Journal was dispensed with.

On motion of Mr. Woodward, Senate File No. 222 was amended by correcting an error in the name of James N. Miles, a Notary Public.

On motion of Mr. Duncombe, House File No. 242 was referred to Committee on County Boundaries.

The following message was received from the House:

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

House File No. 321: A Bill for an Act to confer additional powers on the Warden of the Penitentiary.

CHA'S. ALDRICH, Chief Clerk.

PETITIONS, &C.

By Mr. McCrary of Lee: A petition of J. C. Walker & Brother of Lee County. Referred to Committee on Claims.

By Mr. Trumbull: A remonstrance of citizens of Jones County against any change of the name of their County. Referred to Committee on County and Township Organization.

Mr. Watson reported back a remonstrance on the same subject, which was then referred to the same Committee.

On motion of Mr. Udell, the House Substitute for Senate File No. 55 was taken up, and the question being on the concurrence of the Senate in the House amendment, and on this motion the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Howard, Hurley, Kern, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woodward—30.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green and Hammer—7.

Absent and not voting, Senators Burdick, Hatch, Jennings, McPherson, Neal, Teter, and Woolson.

The amendment was concurred in.

Upon the request of Mr. Gray, Mr. Burdick was excused.

A communication from the Governor was announced.

Mr. Pollard introduced Senate File No. 240, which was read first and second time and referred to Committee on Printing.

Also, Senate File No. 241, which was read first and second time and referred to Committee on Ways and Means.

Mr. Hurley introduced Senate File No. 242: A Bill for an Act to amend Section 1874 of the Revision of 1860, which was read first and second time; and on motion of Mr. Udell, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams, Woodward and Woolson—39.

The nays were, Senator English—1.

The Bill was passed and the title agreed to.

By Mr. Hurley: Senate File No. 243: An Act for the relief of Jacob Minturn. Read first and second time; and on motion, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were called and were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—40.

The nays were, Senator Ainsworth—1.

The Bill passed and its title was agreed to.

Mr. Hammer offered the following resolution:

Resolved, That Secession, as claimed by some of the Southern States, now in arms against our Federal Government, is a denial of the fundamental principles of all democratic republics, and while this war continues it is our duty as loyal citizens to render to the Government our undivided support, to stand by it in the enforcement of all constitutional measures tending to the suppression of armed rebellion; that to bring to a final conclusion and secure a union of hearts as well as a union of hands, it is absolutely necessary to reassure the misguided people of the South that we mean no warfare upon their rights, and are actuated by no spirit of revenge.

Resolved, That the effort now being made to divert this war from its original purpose is wrong, and to turn the war into a war for the emancipation of slaves, and the subjugation of the Southern States, or then return to a territorial condition is an effort against the Union, against the Constitution, against Justice, and against hu-

manity, and should be promptly frowned upon by all friends of democratic institutions; it is unworthy of loyal citizens and can only find support with sectional fanatics who have no love for the Union, or desire for its restoration, and whose highest patriotism is an unnatural and unrighteous hatred of the citizens of sister States, and,

WHEREAS, We perceive gratifying indications that President Lincoln is resisting and will continue to resist this treasonable effort, it is further

Resolved, That in such patriotic resistance he is entitled to, and does, and shall continue to receive our cordial sympathy and unfaltering support.

D. HAMMER.

Mr. Watson moved to refer to committee on Federal Relations.

Mr. Leake moved to lay the resolution on the table, on which motion Mr. Neal called for the yeas and nays, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Dungan, Foote, Gue, Hagans, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—25.

The nays were, Senators Ainsworth, Brown, Duncombe, Dysart, English, Esteb, Gray, Green, Hammer, Hastings, Hesser, Kern, Neal, Pollard, Potter, Trumbull, Udell and Williams—18.

Absent and not excused, Senators Burdick, Hatch and Jennings.

The resolution was laid on the table.

Mr. Woolson offered the following resolution :

Resolved, That resolutions shall be in order only on Monday mornings, except when reported by a Committee.

Mr. Ainsworth moved to lay the resolution on the table, and called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Boardman, Brown, Duncombe, Dungan, English, Gray, Green, Hagans, Hammer, Hastings, Holmes, Howard, Hurley, Kern, Leake, Neal, Pattison, Pollard, Potter, Shaffer, Trumbull, Udell, Watson, Williams and Woodward—26.

The nays were, Senators Angle, Bowen, Dixon, Dysart, Esteb, Foote, Gue, Hesser, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Smith, Teter and Woolson—16.

Absent and not excused, Senators Burdick, Hatch and Jennings.

The motion prevailed.

The Chair announced that the hour for the consideration of the Rail Road Bills had arrived.

Mr. Dysart moved to take up the special order. Motion prevailed.

Mr. Angle, from Committee on Rail Roads, on leave, submitted the following Majority Reports :

The Committee on Rail Roads, to whom was referred Senate File No. 209, have instructed me to report it back with a recommendation that it be indefinitely postponed.

Said Committee also had under consideration at the same time, as instructed by the Senate, Senate File No. 164, and have instructed me to report it back with sundry amendments thereto, and recommend their adoption and the passage of the Bill.

The Rail Road Committee, to whom was referred Senate File No. 236: An Act to prevent the unlawful sale or incumbering of certain Rail Road lands, have considered the same with as much care as the limited time would allow, and have proposed sundry amendments thereto, the adoption of which, they recommend to the Senate, and the passage of the Bill.

H. G. ANGLE, Chairman.

FIRST—Strike out all of the preamble and the word “therefore” in the enacting clause.

SECOND—After the word “roads” in twelfth line of Section 1, insert the following, “until the same shall have been approved by the proper department at Washington, and set apart to such Rail Road Company.”

Mr. Foote submitted the following Minority Reports:

The undersigned, a minority of the Committee on Rail Roads, to whom was referred Senate File No. 209, entitled “An Act to resume the rights and lands conferred upon the Dubuque and Pacific Rail Road Company, &c., beg leave to dissent from the recommendation of the majority, to the indefinite postponement of said Bill.

“The Dubuque and Pacific Rail Road Company has been dissolved, and has ceased to exist as a body corporate.”

It is therefore incumbent on the part of this General Assembly, to examine into the affairs of said Rail Road, and ascertain how many miles of said Rail Road have been built by said Company, and how much of the land granted for such purpose has been properly and legally accredited to said Company; and further to provide for the proper application of the residue of the lands granted to said Dubuque and Pacific Rail Road Company.

For the purposes above specified, it is recommended that the Bill be laid upon the table for future action. All of which is respectfully submitted.

JOHN. G. FOOTE,
N. BOARDMAN.

The undersigned, a minority of the Committee on Railroads, to whom was referred Senate File No. 164, entitled “An Act to require the Land Grant Railroad Companies to release certain Swamp and School Lands &c.,” beg leave to present their views, dissenting from the conclusions of the majority of said Committee.

The undersigned do not concur in the conclusions of the majority, that any of such Railroad Companies have any right or claim

to any of the lands embraced in any section lying more than 20 miles west of the present several termini of such roads.

The Act of Congress approved May 15, 1856, making the Grant of land to the State, provides substantially that the State shall not dispose of any of the lands except in the construction of the portion of the Roads lying adjacent thereto, or within 20 miles thereof. That is, Congress declared in effect, that where there was a dense population along any part of the line (knowing that where there was a dense population there would be no unappropriated lands,) such population should be the reliance of the Company for building that part of the road; that where there were unappropriated lands (knowing the population there would be sparse,) such Company should have what lands of the odd Sections as were unappropriated, to make up for the lack of such population, but should only have them as fast as the road was built, or at most what lay within 20 miles of the finished part of such road; reserving all the lands which lay beyond 20 miles for securing the completion of the road, through those lands; evidently intending that the building of the road through any Section would so enhance the value of the even Sections, as to compensate for the donation of the odd Sections to the Railroad Company. If we are correct in this view of the intention of Congress, then the claim of the Companies to any of the lands beyond the 20 miles west of the completed terminus of the several roads, can not be sustained; because if they can claim such lands, they can dispose of the same, and if they dispose of them, then neither Congress nor the people have any security for the application of the proceeds thereof to the building of such roads, but the Corporations may otherwise dispose thereof, even to the dividing of the money among themselves, and leave both the Government and the people without remedy. That such would be the result is proved by the fact that one of such roads has already mortgaged the lands embraced in the odd Sections, situated some two hundred miles from its most western terminus, and received therefrom a large amount of money, which it reports as having been expended on the eastern part of its road, where there are no unappropriated lands, but a dense population. This course can but inflict great injustice on the people along that portion of the line where the lands are situated; because when the road shall be approaching the vicinity of those lands (if it ever does so approach them,) the Company having used all their means in constructing the first part of the road, will find itself unable to proceed, and the State will then find it has not only been defrauded out of its lands, but that it has been deprived of its means of enabling some other Company to build the road, and the inhabitants in such vicinity will find all prospects of the completion of any Railroad indefinitely postponed.

The precise terms of the law making the Grant, the reasons above set forth, the construction given to the law by the Department, all combine to satisfy us that the Companies have no shadow

of claim to any of the lands beyond 20 miles of the Western end of the completed track.

By the same Act of Congress, making the Grants of Land, an exception was made of all "lands reserved by Congress or other competent authority for aiding in any object of Internal Improvement, or for any purpose whatever."

Under the above, the exception claimed by the State, and recognized by the several Railroad Companies, were the School and University Lands, Saline Lands, the Five Hundred Thousand Acre Grant, the Swamp Lands, and the Des Moines River Lands.

The State has disposed of the above-mentioned excepted grants, under the title thus obtained from the General Government. Now one or more of these "Land Grant Railroads" are, very unjustly, claiming title and offering for sale some portions of the excepted lands that lie within the line of their Grant, and beyond 20 miles West of the completed track of said roads.

We therefore dissent from the majority report because the Bill asking the said Railroad Companies to release certain lands, tacitly recognises their right to the lands for which releases are demanded. Now, the only rights these Companies have arise under the aforesaid act of Congress, and the Act of the Legislature in pursuance thereof, and the taking of such releases as the Bill provides for, would admit the right of such Companies to the full extent claimed by them, extending completely across the State, although they may never build another foot of their road.

We would however recommend that the several Railroad Companies aforesaid be required to release their claim to certain lands, and for that purpose we herewith report a Substitute for the Bill reported by the majority of the Committee. All of which is respectfully submitted.

JOHN G. FOOTE,
N. BOARDMAN.

Mr. Duncombe moved that the Senate concur in the first Section of the majority report of the Railroad Committee, to indefinitely postpone Senate File No. 209: An Act to resume the Rights and Lands conferred upon the Dubuque and Pacific Railroad Company, by an Act approved July 14th, 1856, and to repeal certain laws in relation thereto.

On motion of Mr. Dixon the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The consideration of the question pending at adjournment, was resumed.

Received the following messages from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bills:

House File No. 311: A Bill for an Act repealing certain Acts of the Board of Education, passed at its December Session, 1861.

House File No. 269: A Bill for an Act to amend Section 4515, of the Revision of 1860, relating to the time of commencing criminal actions in certain cases. In which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

I am also directed to inform your Honorable Body that the House has passed the following resolution:

Resolved by the House of Representatives, the Senate concurring, that the General Assembly will adjourn *sine die* on the 3d day of April, at 10 o'clock, A. M. In which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bills:

House File No. 287: A Bill for an Act to authorize the Principal of the Institution for the Education of the Blind, to remove said Institution to the building erected for that purpose at Vinton, in Benton County, Iowa.

Substitute for House File No. 304: A Joint Resolution of thanks to officers and men engaged in the battle of Pea Ridge, Arkansas. In which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

The further consideration of the Bill being adjourned until tomorrow morning—

Mr. McPherson, by leave, introduced Senate File No. 244: A Bill for an Act legalizing certain contracts made by the Emigrant Company with certain counties. The Bill was read first and second time and referred to Judiciary Committee.

Mr. Holmes offered the following resolution:

WHEREAS, The Post Master, elected by the General Assembly at the commencement of this session, has failed to perform the duties of that office, having absented himself repeatedly from the office and otherwise failed to properly perform the duties of his office; therefore,

Resolved, That the Sergeant-at-Arms of the Senate be instructed to take possession of that office, and attend to the duties thereof, until the adjournment of the General Assembly.

On motion of Jennings, the resolution was laid on the table.

On motion of Mr. Pollard, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 FRIDAY, March 28, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Eaton.

On motion of Mr. Ainsworth the reading of the Journal was dispensed with.

The following message was received from the House:

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

House File No. 85: A Bill for an Act prescribing the duties of Township Trustees and Road Supervisors, in certain cases.

House File No. 89: A Bill for an Act to repeal Chapter 7 of the Laws of the State of Iowa, passed at the extra Session of the Eighth General Assembly, an Act entitled an Act for the relief of the Volunteer Soldiers of this State.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I herewith return Senate File No. 214: A Bill for an Act to quiet title to certain purchases of land in Webster County, the same having passed the House with the following amendment, in which the concurrence of the Senate is asked. Add to Section 1, the following:

And provided further that all costs shall be paid by the said defendants in proportion to the amounts of their several interests, to be apportioned by the Clerk of the District Court of said County of Webster.

CHA'S. ALDRICH, Chief Clerk.

Mr. Shaffer from Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have examined the following, corrected errors therein, and present the same for your signature, viz:

Senate File No. 118: A Joint Resolution in relation to claim of John Hornby.

Senate File No. 235: An Act to repeal Section 2871 of Revision of 1860, &c.

House File No. 305: A Joint Resolution concerning approval, &c., of Abraham Lincoln.

House File No. 133: An Act providing for the registry of dogs, &c. Also, the Joint Committee ask the unanimous consent of the General Assembly to insert the word "Act" in line 2, section 4, of

House File No. 307: An Act to organize Fire Companies in Waterloo, &c. Also, to substitute the word "Act" for "Bill" in last line of section 2, and sixth line of section 6, of Senate File, No.

55: An Act to provide for appointment, &c., of additional surgeons and nurses for Iowa Regiments.

J. M. SHAFFER, Chairman Sen. Com.

The following message was received from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following Bills:

House File No. 220: A Bill for an Act to regulate the carrying of freight and passengers over connecting Railroads.

House File No. 268: A Bill for an Act to repeal a part of section 261 of the Revision of 1860, relating to the sessions of the County Court.

House File No. 295: A Bill for an Act to protect the owners of Treasurers' Certificates of purchase of real estate at tax sales. In all of which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the Resolution fixing the 8th day of April as the time when the General Assembly will adjourn *sine die*, as amended by the Senate.

I am also directed to ask that the House Resolution of yesterday relating to the same subject be returned to the House.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Jennings the Senate adjourned.

AFTERNOON SESSION.

Senate convened at two o'clock.

Mr. Holmes moved to lay the whole subject under consideration on the table.

Mr. Duncombe called the yeas and nays.

The yeas were, Senators Dungan, Foote, Green, Gue, Hesser, Holmes, Hurley, Lewis, McCrary of Lee, Pollard, Redfield, Shaffer, Smith, Williams, Woodward and Woolson—16.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Hagans, Hammer, Hastings, Howard, Jennings, Kent, Kern, Leake, McCrary of Van Buren, McPherson, Pattison, Potter, Teter and Trumbull—25.

Absent and not excused, Senators Udell and Watson.

The motion was lost.

The question now being on the indefinite postponement of the Bill, Mr. Duncombe called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen,

Brown, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Howard, Jennings, Kent, Kern, Leake, Lewis, McPherson, Pattison, Potter, Smith, Teter and Trumbull—30.

The nays were, Senators Dungan, Foote, Holmes, Hurley, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Williams, Woodward and Woolson—12.

Absent but not excused, Senator Udell.

The motion to indefinitely postpone prevailed.

On request, Senators Hatch, Neal and Watson were excused.

Mr. Burdick moved to refer the subject back to the Committee, with instructions to report a separate Bill for each Land Grant Road. Carried.

The second report of the Committee was read, when Mr. Redfield moved that the report be adopted.

Mr. Duncombe moved to refer the subject back to the Committee, with such instructions as on the other report, and on this he called the yeas and nays, which were as follows :

The yeas were, Senators Angle, Brown, Dixon, Duncombe, Dysart, English, Esteb, Gray, Green, Hammer, Howard, Jennings, Kent, Kern, Pattison, Potter, Shaffer and Trumbull—18.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Dungan, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Redfield, Smith, Teter, Udell, Williams, Woodward and Woolson—25.

Motion to refer, lost.

The question being upon adoption of amendments of Committee Mr. Redfield called the yeas and nays ; pending which, on motion of Mr. Woodward, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 SATURDAY, March, 29, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Eaton.

Journal of yesterday read and approved.

Mr. Woolson, upon leave, withdrew the claim of John Tyner and others.

Mr. McCrary, of Van Buren, presented claim of George W. Garnes. Referred to Committee on Military Affairs.

Upon motion of Mr. Holmes, Senate File No. 99: A Bill for an

Act in relation to salaries of State Officers, was taken up, read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hammer, Hastings, Hesser, Howard, Holmes, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Smith, Teter, Udell, Williams and Woolson—32.

The nays were, Senators Bowen, Hagans, Leake, McPherson, Shaffer, Trumbull and Woodward—8.

Absent or not voting, Senators Duncombe, Hatch and Watson.

Bill passed and the title was agreed to.

By request of Mr. Green, Senator Watson was excused on account of illness.

Mr. Kent, from Committee on Engrossed Bills, submitted the following report:

The Committee on Engrossed Bills would respectfully report, that they have examined Senate File No. 3, and find it correctly engrossed.

J. M. KENT.

Mr. English, from Special Committee, reported back Substitute for House File No. 64: A Bill for an Act authorizing the county of Mills to cancel their indebtedness to the Swamp Land Fund, and recommended its passage.

On motion of Mr. English, the Bill was read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woodward—39.

The nays were, none.

Absent or not voting, Senators Duncombe, Hatch, Smith, Watson and Woolson.

Bill passed and title agreed to.

Mr. Shaffer, from Special Committee, submitted the following report:

MR. PRESIDENT:—The Special Committee to whom was referred the Bill fixing times of holding Courts in the Sixth Judicial District, have had the same under consideration, and now report a Substitute, with a recommendation that it pass.

J. M. SHAFFER, Ch'm.

J. E. NEAL,

I. P. TETER,

J. J. WATSON,

S. G. SMITH,

WM. B. LEWIS.

Bill was read, and on motion of Mr. Shaffer, the 11th Rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Williams, Woodward and Woolson—42.

The nays were, none.

Absent or not voting, Senators Hatch, Redfield and Watson.

Bill passed and the title was agreed to.

Upon motion of Mr. Boardman, the Bill in relation to the consolidation of the Acts of the Board of Education was taken up, and made the special order for Tuesday, April 1st, at 10 A. M.

Mr. Udell introduced Senate File No. 245: A Bill for an Act to empower the County Board of Supervisors to dispose of the Swamp Lands, and apply the proceeds of the same. Read first and second time, and referred to Committee on Public Lands.

On motion of Mr. Woolson, Senate File No. 90: An Act making a further appropriation for the Hospital for the Insane, was made the special order for Monday next, at 10 A. M.

PETITIONS, &C.

By Mr. Foote, Memorial for the relief of Ketterer, accompanied by Bill—Senate File No. 246: A Bill for an Act for the relief of the widow and children of Joseph Ketterer, deceased.

On motion of Mr. Leake, the 11th Rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Williams and Woodward—35.

The nays were, Senators Ainsworth and English—2.

Absent or not voting, Senators Brown, Hesser, Teter, Udell and Woolson.

Bill passed and title agreed to.

On motion of Mr. Duncombe, Senate File No. 214 was taken up, and on the question of concurring in the amendments of the House, the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Howard, Hurley, Jennings, Kent,

Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Williams, Woodward and Woolson—34.

The nays were, Senator Dungan—1.

Absent or not voting, Senators Brown, Foote, Hesser, Holmes, Teter and Udell.

Bill passed and title agreed to.

INTRODUCTION OF BILLS.

By Mr. McCrary, of Lee: Senate File No. 247: A Bill for an Act providing for the appointment of Commissioners to settle with the sureties of James D. Eads. Read first and second time, and referred to Committee on Schools and Universities.

By Mr. Redfield: Senate File No. 248: A Bill for an Act to amend Section 313 of the Revision of 1860. Read first and second time, and referred to Committee on Town and Co. Organization.

By Mr. McCrary, of Lee: Senate File No. 249: Joint Resolution in relation to the Des Moines River Grant. Read first and second time, and referred to Committee on Public Lands.

By Mr. McCrary of Lee: Senate File No. 250: A Bill for an Act to legalize the acts of E. R. Hart, a Notary Public in and for Lee county. Read first and second time, the 11th Rule suspended, Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Woodward and Woolson—34.

The nays were, Senators English and Williams—2.

Absent or not voting, Senators Boardman, Duncombe, Leake, McPherson and Teter.

Bill passed and title agreed to.

By Mr. McCrary of Lee: Senate File No. 251: A Bill for an Act to legalize the acts of Wm. L. Wood, a Notary Public in and for Lee County. Read a first and second time, and on motion, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Dungan, Dysart, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Woodward and Woolson—34.

The nays were, Senators English and Williams—2.

Absent and not excused, Senators Boardman, Brown, Duncombe, McPherson and Teter.

The Bill passed and title agreed to.

Received the following message from the House.

MR. PRESIDENT:—I am directed to inform your Honorable Body that Senate File No. 96, has been mislaid or lost, and cannot be found.

CHA'S. ALDRICH, Chief Clerk.

REPORTS OF COMMITTEES.

From Special Committee, the following Majority Report:

A majority of the Special Committee, to whom was referred House File No. 202, and Substitute for the same, being Senate File No. 177, beg leave to report the same back without recommendation.

EDWIN B. POTEER,
JOHN F. DUNCOMBE.

Minority Report:

The undersigned, one of the Committee, dissents, and would recommend the passage of House File No. 202.

A. M. PATTISON.

Substitute for House File No. 202, was read and rejected.

House File No. 202 was then read, being a Bill for an Act entitled an Act to legalize the election and official acts of D. D. Chase of Hamilton County, State of Iowa; and on motion of Mr. Brown, the 11th rule was suspended, the Bill read a third time, and upon the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Gne, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Trumbull and Udell—28.

The nays were, Senators Ainsworth, Bowen, Burdick, English, Esteb, Kern, Potter and Williams—8.

Absent and not excused, Senators Foote, Gray, Green, Jennings, Teter and Woodward.

The Bill passed and title agreed to.

Mr. Dysart, from Committee on County and Township Organization, submitted the following report:

The Committee on Township and County Organization, have directed me to report back House File No. 74: A Bill for an Act to amend Chapter 46, of the Revision of 1860, and recommend its passage.

Senate File No. 165: A Bill for an Act in relation to the terms of Sheriffs and County Treasurers. They recommend it to be indefinitely postponed.

Substitute for House File No. 29, and Senate File No. 74, with an amendment they recommend, be passed.

House File No. 242: A Bill for an Act defining the manner in which the boundaries of Counties may be changed, with an amendment, they recommend, be passed.

J. DYSART, Chairman.

House File No. 74: A Bill for an Act to amend Chapter 46, of the Revision of 1860. Read, and on motion of Mr. Brown, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gue, Hammer, Hastings, Hesser, Howard, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Polard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Williams, Woodward and Woolson—36.

The nays were, Senators Burdick, English, Gray, Green, Hagans—5.

The Bill passed and title agreed to.

Senate File No. 165, was read and the recommendation of Committee concurred in, being the indefinite postponement of the Bill.

Substitute for House File No. 29, and Senate File No. 74: A Bill for an Act to amend Section 548, of the Revision of 1860, defining the duties of Township Clerks in certain cases, was reported back with amendments. Amendments adopted.

Mr. Dysart moved to strike out the 2d Section.

Mr. Udell moved to amend by striking out "10 cents" and insert "50 cents" for all the notices. Lost.

Question being upon the motion of Mr. Dysart, which motion prevailed, on motion of Mr. Dysart, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Green, Gue, Hagans, Hammer, Hastings, Hesser, Howard, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Woodward and Woolson—33.

The nays were, Senators Ainsworth, Brown, Esteb, Gray, Polard, Potter and Udell—7.

The Bill passed and title agreed to.

Substitute for House File No. 242, reported back with amendments. Amendments adopted, and on motion of Mr. Dysart, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dysart, Gray, Gue, Hagans, Hammer, Hatch

Hastings, Hesser, Howard, Jennings, Kern, McCrary of Van Buren, McPherson, Pattison, Redfield and Trumbull—22.

The nays were, Senators Brown, Burdick, Dungan, English, Esteb, Foote, Green, Holmes, Hurley, Kent, Lewis, McCrary of Lee, Pollard, Potter, Shaffer, Smith, Teter, Udell, Williams and Woolson—20.

The Bill not having received a constitutional majority, was lost.

Mr. Holmes from Committee on Ways and Means reported back Senate File No. 234: A Bill for an Act to exempt from sale on execution swine and neat cattle under a certain age, and recommend its indefinite postponement. Recommendation of Committee concurred in.

Mr. Shaffer from Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, March 29th, 1862, presented the following to His Excellency the Governor, for his approval:

Senate File No. 118: Joint Resolution in relation to John Hornby's claim.

Senate File No. 55: An Act to authorize appointment of additional Surgeons and Nurses for Iowa regiments.

Senate File No. 235: An Act to repeal Section 2871 of the Revision of 1860, &c.

House File No. 307: An Act to organize Fire Companies in the village of Waterloo, Blackhawk County, Iowa.

House File No. 133: An Act providing for the registry of dogs, &c.

House File No. 305: Joint Resolution concerning approval of Abraham Lincoln, &c.

Mr. Brown from Committee on Claims reported back sundry papers in relation to claims and recommend that they be referred to Judiciary Committee. So referred.

Mr. Leake from Committee on Elections reported back Substitute for Senate File No. 73: An Act defining the manner of canvassing votes cast at special elections, and recommend its passage.

Question being upon concurring in amendments of the House, the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Harmer, Hatch, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—38.

The nays were, Senators English, Howard, and Potter—3.

Absent but not excused, Senators Boardman, Hastings, Hesser, Holmes and Neal.

The Bill passed and its title was agreed to.

Mr. Woodward from Judiciary Committee submitted the following report:

MR. PRESIDENT :—The Judiciary Committee instruct me to make the following report:

FIRST—On House File No. 217: A Bill to regulate the bringing of suits against Counties. They report the same back and recommend its passage.

SECOND—On House File No. 200: A Bill for the relief of persons divorced. They report the same back and recommend its passage.

THIRD—In relation to Senate File No. 227: A Bill to legalize the Official Acts of Joseph G. Tanner, a Justice of the Peace in Story County. They recommend one amendment, that the word, "lawful," in third line of 1st Section, be struck out, and the word, "official," be substituted, and then, that the Bill pass.

FOURTH—Upon House File No. 278: A Bill legalizing certain acts of R. B. Griffin and Z. D. Scobey, as treasurers of Delaware County. They recommend its passage.

FIFTH—Upon House File No. 230: A Bill to regulate proceedings on bonds and coupons issued by a County or City. That the Bill can not be passed without being extended to other subjects of a like nature, and then it would be expunging one of the salutary rules of law. They, therefore, recommend its indefinite postponement.

SIXTH—Upon House File No. 216: A Bill regulating the stay of execution. They recommend the following amendment: To the 4th Sub-division, add the words "and retained after demand."

SEVENTH—Upon Senate File No. 230: A Bill relating to taking the College at Keokuk. The Committee consider a further loan as free from constitutional objection, and report a substitute therefor.

W. G. WOODWARD, Chairman Com.

Report back House File No. 217: A Bill for an Act relating to the bringing of suits against Counties, and recommend its passage.

On motion of Mr. Esteb 11th rule was suspended, Bill read third time, and on its passage the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dungan, Dysart, Gne, Hagans, Hammer, Hesser, Howard, Kent, Leake, Lewis, McCrary of Lea, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Williams Woodward and Woolson—25.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, English, Esteb, Gray, Green, Holmes, Hurley, Jennings, Kern, McPherson, Pollard, Potter, Smith and Trumbull—17.

Absent but not excused, Senators Foote, McCrary of Van Buren, and Neal.

The Bill passed and its title was agreed to.

House File No. 200: An Act for the relief of all persons heretofore divorced, to whom the disability to marry again has been

attached, either by law under which the divorce was had or by decree of the court granting the same, was read and on motion of Mr. McPherson the 11th rule was suspended, Bill read third time, and on the question: Shall the Bill pass? the yeas and nays was called and the vote was as follows:

The yeas were, Senators, Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Hagans, Hammer, Hatch, Hastings, Hesser, Howard, Hurley, Kent, Leake, McCrary of Lee, McPherson, Pollard, Shaffer, Smith, Williams, Woodward and Woolson—28.

The nays were, Senators English, Esteb, Green, Gue, Jennings, Kern, Pattison, Potter, Redfield, Trumbull and Udell—11.

Absent or not voting, Senators Holmes, Lewis, McCrary of Van Buren, Neal and Teter.

The Bill passed and its title agreed to.

Senate File No. 227: An Act to legalize the official acts of Joseph G. Tanner, a Justice of the Peace of Nevada township, in and for the county of Story, Iowa, was read and the amendment of the Committee adopted, and on motion of Mr. Esteb the 11th Rule was suspended, the Bill read third time, and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Woodward and Woolson—40.

The nays were, Senators Burdick, English and Williams—8.

The Bill passed and title agreed to.

House File No. 273: An Act legalizing certain Acts of Ray B. Griffin and Z. B. Scobey as Treasurers and Recorders of Delaware county, Iowa, was read and on motion of Mr. Esteb was indefinitely postponed.

House File No. 230: An Act regulating proceedings on Bonds and Coupons issued by a County or City, was read and on motion of Mr. McCrary of Lee, was referred to a Special Committee consisting of Senators Woolson, Leake and Bowen.

House File No. 216: A Bill for an Act regulating Stay of Execution was read and the amendments of the Committee adopted.

Mr. Angle moved to lay on the table. Lost.

On motion the 11th Rule was suspended, Bill read third time and on the question, Shall the Bill pass? the yeas and nays were called and were as follows:

The yeas were, Senators Boardman, Dixon, Foote, Hatch, Holmes, Howard, Hurley, Leake, McCrary of Lee, McPherson, Pattison, Redfield, Smith, Williams, Woodward and Woolson—16.

The nays were, Senators Ainsworth, Bowen, Brown, Burdick,

Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Jennings, Kern, Lewis, McCrary of Van Buren, Pollard, Potter, Shaffer, Teter, Trumbull and Udell—25.

The Bill did not pass.

Mr. Brown moved to reconsider the vote by which House File No. 242 was lost, which was done; and on the question, Shall the Bill pass? the yeas and nays was called, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Gray, Gue, Hammer, Hatch, Hastings, Hesser, Jennings, Leake, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter and Trumbull—24.

The nays were, Senators Burdick, Esteb, Green, Holmes, Kent, Kern, Lewis, Pollard, Potter, Shaffer, Udell, Watson, Williams and Woodward—14.

The Bill passed and its title agreed to.

Mr. Woodward moved to lay that portion of the Report in relation to Senate File No. 230 on the table and make it the Special Order for Monday at 10 o'clock. Carried.

Mr. Boardman moved to adjourn and on this Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Duncombe, English, Esteb, Gray, Green, Hammer, Hastings, Jennings and Pollard—12.

The nays were, Senators Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—32.

The motion to make the Report a Special Order then prevailed.

The following message was received from the House:

MR. PRESIDENT:—I am instructed to inform your Honorable Body that the House has passed House File No. 123: A Bill for an Act entitled an Act to protect young men's rights, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

Mr. Woodward moved to take up the Substitute for Senate File No. 3: A Bill for an Act for the better protection of the School Fund. Carried.

Mr. Ainsworth moved to adjourn. Lost.

The Bill was read three times and upon the question, Shall the the Bill pass? the yeas and nays were called and were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van

Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—36.

The nays were, Senators Duncombe, English, Esteb, Gray, Green, Pollard, Potter and Williams—8.

The Bill passed and its title agreed to.

Mr. Shaffer, from Joint Committee on Enrolled Bills, made the following report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills have examined the following Bill, find the same correct and present it for your signature:

Senate File No. 214: An Act relating to an escheat in Webster County.

J. M. SHAFFER.

Mr. Teter moved to take up message from House, and refer to a Special Committee on Prohibitory Law. Carried.

The following communication and accompanying documents from the Governor were read and ordered printed:

EXECUTIVE OFFICE, IOWA, }
March 26, 1862. }

Gentlemen of the Senate:

In answer to your resolution requesting me to inform you—

FIRST—What amount of lumber was purchased at Iowa City for the accommodation of the Volunteers quartered there, and what amount was paid, or contracted to be paid for the same;

SECOND—Whether said lumber has been sold, and if so, to whom and for what amount;

THIRD—What notice was given that said lumber would be sold, and on what day and what time in the day the lumber was sold;

I have the honor to reply, that I have not any personal knowledge of any of the facts involved in your inquiry except that some lumber had been bought for the purpose indicated. In order to procure full information, I addressed to Thomas W. Banbury, of Iowa City, who acted on behalf of the State as Quartermaster for the troops quartered there, the following letters to the first of which I did not receive any reply. His answer to the second letter gives all the information on the subjects, covered by your resolution, that is in my possession.

SAMUEL J. KIRKWOOD.

—
DES MOINES, IOWA, Feb. 14, 1862.

MR. THOMAS M. BANBURY, *Iowa City, Iowa:*

SIR:—I enclose copy of resolution, this day received from the Senate.

The business concerning which information is sought, was transacted wholly by you and I have not any personal knowledge in regard to it.

Please send me, at your earliest convenience, full information in regard to the matter in order that I may transmit it to the Senate.

Very respectfully,

SAMUEL J. KIRKWOOD.

DES MOINES, IOWA, March 19, 1862.

FRIEND BANBURY:

I wrote you on the 14th of February, enclosing you a copy of Senate resolution asking certain information and have not yet received a reply.

I again enclose copy of resolution with request that you will send answer at your earliest convenience.

Please answer fully so as to give a full and fair understanding of the whole matter, and as soon as possible so that I may lay your answer before the Senate.

Very truly,

SAMUEL J. KIRKWOOD.

THOMAS M. BANBURY, Iowa City, Iowa.

IOWA CITY, IOWA, March 23, 1862.

His Excellency, SAMUEL J. KIRKWOOD:

SIR:—Your letter, of the 19th, has just come to hand, with Senate resolutions. I received yours, of the 14th of February, on the same subject and sent you the answer through the Post Office on the 17th of February, and I was surprised to find by yours of the 19th that you had not received it.

I will again give you the substance of the answers to the Resolution:

FIRST—What amount of lumber was purchased at Iowa City, &c., and what amount was paid or contracted to be paid for the same?

I have not the means at hand to state the exact amount in feet, or what was paid for it; as the bills were handed to the Auditing Committee, and I did not see them afterwards. The price of the lumber, I think, was from \$14 to \$17 per thousand, the most of it \$14; and the bills rendered to the Committee were from R. Musser & Co., \$341.54 and from C. C. Washburn \$216.86, in all \$558.40.

The second and third query will come under one head—or, of what became of the lumber?

In answer to that, I will say that full half (and that the best of it)

of the lumber was left on the Fair Grounds to repair and put the grounds in as good condition as we found them, and Quartermaster Trusdale reported to me that he had sold some of the lumber to obtain money to pay freight on pork from Muscatine, which he could not get without the money. The number of feet I do not know, but he told me that he had sold enough to obtain ten dollars.

The balance of the lumber was hauled to the new Camp and was used by the soldiers for flooring their tents, making tables, bunks, benches, boxes, &c. All of the lumber hauled to the new Camp was so used, except what I used to build a Commissary House sixteen feet square.

The lumber was not advertised for sale, for the reason that I did not think it would pay the expense of collecting it together (short split, broken and muddy, as it was) and guarding it, and so I sold it, as I would had it been my own, the first opportunity for what it would bring and as I then thought, and think still, all it was worth to Dr. Bowen for \$15. The lumber was sold the morning the new Camp broke up; Dr. Bowen, J. B. Edmunds and others, being present.

The lumber about the Commissary House was sold to the following persons for work done at the Camp, the bills having been exhibited to the Auditing Committee: To E. Harrison, \$4 25 for hauling; J. B. Matthews, \$15 62; William Patton, \$5 00; J. D. Patton, \$3 12 for carpenter work.

I should have said that Dr. Bowen did not pay me for the lumber he bought, nor did I get a cent from any one.

The substance of the above could have been obtained from the Auditing Committee's books under my oath.

Hoping that the above contains the information sought for,

I am, Sir, truly yours,

THOMAS M. BANBURY.

In Senate, March 29th, the foregoing communication from the Governor having been read, Mr. Bowen of Johnson, submitted the following letter in reply to charges against him, and in connection with the above named lumber sold, and obtained leave to have the same printed with the foregoing papers:

IOWA CITY, IOWA, March 12, 1862.

HON. JESSE BOWEN:

Dear Sir:—In answer to your inquiry, I would say that I do remember the circumstances connected with the sale of lumber to you by Mr. Banbury. The lumber had been used by the 10th Regiment for the purpose of floors to the tents, tables, benches, &c. &c., so that the lumber was badly cut and split into small pieces. The Regiment had been ordered away suddenly and in great haste

in the night time, and Mr. Banbury expressed himself as fearful that the lumber would be stolen if permitted to remain on the camp ground, and he judged it not worth the while to carry the lumber to town to sell, after being so cut up and used. He therefore offered the lumber which was strewn over the ground for sale, and asked you what you would give? You replied that you did not know what it was worth, and asked him what he would take? To which he answered that he would sell the lumber for \$16, and you replied that you would give it, and take the lumber.

Other persons were present, Mr. E. Shepard, merchant at Iowa City, among the number. The articles of subsistence, pork, &c., Mr. Banbury said were still in good condition, and that he could get the usual market prices therefor, and I suppose he took it to town for sale.

The foregoing are the facts concerning the "lumber sale," so far as I know and recollect them, and I very cheerfully make the statement.

Respectfully yours,

JAMES B. EDMONDS.

On motion of Mr. Holmes, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, March 31, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Kimmons.

The Journal of yesterday read, amended and approved.

The following message from the House was received:

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

House File No. 267: A Bill for an Act to repeal Section 2498 of the Revision of 1860, relating to the Estates of Decedents.

House File No. 266: A Bill for an Act to amend an Act entitled an Act to require County Judges to give Bond.

House File No. 332: A Bill for an Act providing for the Selection of Seats in the Hall of Representatives by members of the General Assembly.

House File No. 316: A Bill for an Act to repeal Section 281 of the Revision of 1860, relating to vacancies in the Office of County Judge.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Esteb the vote by which House File No. 273 was indefinitely postponed, was reconsidered, and the Secretary directed to request the return of the Bill from the House.

Mr. Teter from the Special Committee on Prohibitory Liquor Law, introduced a Bill for an Act to amend the Law in reference to the Sale of Intoxicating Liquors, in lieu of Senate File No. 96, which was lost by the House. The Bill was read the first and second time and on motion of Mr. Dungan the 11th Rule was suspended, Bill read a third time and upon the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Boardman, Bowen, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Brown, Burdick, Dixon, Duncombe, English, Gray, Green, Hammer, Hesser, Jennings, Leake, McPherson, Pollard, Potter, Trumbull, Udell and Williams—17.

Absent but not excused, Senators Angle, Esteb, Kern and Neal. The Bill passed and its title agreed to.

Mr. Teter moved that the Secretary be instructed to send the Bill to the House immediately, upon which Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Hammer, Jennings, McPherson, Pollard, Potter, Trumbull, Udell and Williams—14.

Absent and not excused, Senators Angle, Brown, Kern and Neal.

The motion prevailed.

The President announced that the hour for the special order had arrived.

On motion of Mr. Woolson, the special order being Senate File No. 90: An Act making further appropriation for the Hospital for the Insane, was taken up.

Mr. Woolson offered a substitute for the Bill, which was adopted, when Mr. Woolson moved to fill the blank in the amount of the appropriation with \$20,000.

Mr. Lewis moved to fill the blank with \$10,000.

Mr. Bowen moved to fill with \$15,000.

The question being on filling the blank with \$20,000, the yeas and nays were called, and were as follows:

The yeas were, Senators Bowen, Dixon, Dysart, Foote, Hagans,

Hatch, Hastings, Hesser, Hurley, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Trumbull, Udell, Woodward and Woolson—19.

The nays were, Senators Ainsworth, Boardman, Brown, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Hammer, Holmes, Howard, Jennings, Kent, Kern, Lewis, Pollard, Potter, Redfield, Smith, Teter, Watson and Williams—24.

The Senate refused to fill the blank with \$20,000.

The question now being on filling the blank with \$15,000, Mr. Holmes called the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Brown, Dixon, Dysart, Foote, Hagans, Hastings, Hesser, Hurley, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Teter, Udell, Woodward and Woolson—18.

The nays were, Senators, Ainsworth, Angle, Boardman, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hammer, Hatch, Holmes, Howard, Jennings, Kent, Kern, Leake, Lewis, Pollard, Potter, Redfield, Smith, Trumbull, Watson and Williams—27.

The Senate refused to fill the blank with \$15,000.

Mr. Redfield moved to fill the blank with \$13,000, and on this the yeas and nays were called, and were as follows :

The yeas were, Senators Bowen, Brown, Dixon, Dysart, Foote, Hagans, Hastings, Hesser, Hurley, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Woodward and Woolson—21.

The nays were, Senators Ainsworth, Angle, Boardman, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hammer, Hatch, Holmes, Howard, Jennings, Kent, Kern, Lewis, Pollard, Potter, Watson and Williams—23.

The Senate refused to fill the blank, with \$13,000.

The question now being on filling the blank with \$10,000, Mr. Holmes called the yeas and nays, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hammer, Holmes, Jennings, Kent, Kern, Pollard, Potter, Watson and Williams—18.

The blank was filled with \$10,000.

On motion of Mr. Woolson, the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson,

son, Pattison, Redfield, Shaffer, Smith, Trumbull, Udell, Woodward and Woolson—25.

The nays were, Senators Ainsworth, Brown, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hammer, Holmes, Jennings, Kent, Kern, Pollard, Potter, Teter, Watson and Williams—20.

The Bill was passed and its title agreed to.

The following message was received from the House:

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

House File No. 328: A Bill for an Act to amend section 1842 of the Revision of 1860, relating to removal and appointment of Assignees.

House File No. 330: A Bill for an Act to repeal section 1814 of the Revision of 1860, and to enact in lieu thereof a Substitute relating to proceedings to be observed in the acceptance and payment of bills and notes.

I am also directed to inform the Senate that the House has passed a Substitute for Senate Substitute for Senate File No. 1: A Bill for an Act to alter the boundaries of the 3d and 5th Judicial Districts of Iowa, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

I am also directed to inform the Senate that the House has passed the following Bill, in which the concurrence of the Senate is asked:

House File No. 326: A Joint Resolution, asking additional mail facilities.

CHA'S. ALDRICH, Chief Clerk.

I am also directed to inform the Senate that the House has passed the following Bill, in which the concurrence of the Senate is asked:

House File No. 340: A Joint Resolution in relation to the Swamp and Overflowed Lands.

CHA'S. ALDRICH, Chief Clerk.

I am also directed to Inform the Senate that the House has passed the following Bill, in which the concurrence of the Senate is asked:

House File No. 346: A Bill for an Act to apportion the State into Representative Districts.

CHA'S. ALDRICH, Chief Clerk.

I also herewith return Senate File No. 96: A Bill for an Act to amend the law in reference to the sale of Intoxicating Liquors, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. McCrary of Lee, the Special Order, being Substitute for Senate File No. 230: An Act to authorize a loan of a portion of the Permanent School Fund to the Medical Department of the University of the State of Iowa, was taken up.

Mr. Burdick offered the following amendment, to be known as section 7, which was adopted:

“That the mortgage shall be so drawn and conditioned that on a failure of the Trustees to pay the interest, or any part thereof, as the same becomes due, the said mortgage shall become due and shall be foreclosed for the whole amount.”

Mr. McCrary of Lee offered the following amendment:

“The annual interest upon the amount hereby allowed to be loaned, shall be secured, in addition to the mortgage to be given, by personal security, with at least three sureties, to be approved by the Attorney General.”

Pending which amendment, on motion of Mr. Dixon, the Senate adjourned.

AFTERNOON SESSION.

Senate called to order at 2 o'clock.

The question before the Senate being the amendment offered by Mr. McCrary of Lee, Mr. McCrary withdrew his amendment, and Mr. Redfield offered the following:

The annual interest upon the amount hereby allowed to be loaned, and an amount sufficient to pay for policies of Insurance to the amount of Thirteen Thousand Dollars on said College building for each year, shall be secured in addition to the mortgage to be given by personal security with at least three sureties, to be approved by the Attorney General; and the said Attorney General shall effect such insurance in the name of the State, in a solvent Insurance Company or Companies.

Mr. Holmes moved to indefinitely postpone the whole subject; and on this he called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Holmes, Kent, Kern, Leake, Lewis, Pattison, Smith, Teter, Watson and Williams—17.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Jennings, McCrary of Lee, McCrary of Van Buren, and McPherson—20.

The motion to postpone was lost.

Mr. Redfield's amendment was then adopted.

The Substitute was then adopted.

On Motion of Mr. Redfield, the 11th rule was suspended, the Bill read a third time, and on the question, “Shall the Bill pass?” the vote was as follows:

The yeas were, Senators Angle, Bowen, Brown, Dixon, Hagans

Hatch, Hesser, McCrary of Lee, McPherson, Pollard, Redfield, Shaffer and Trumbull—13.

The nays were, Senators Ainsworth, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hammer, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, Pattison, Potter, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—30.

Absent and not voting, Senator Boardman.

The Bill not having received a constitutional majority, was lost.

The following message was received from the House :

Mr. Leake introduced Senate File No. 252: An Act to change the time of holding Courts in the Seventh Judicial District. Read a first and second time, and on motion of Mr. Leake, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—43.

The nays were, none.

Absent and not voting, Senators Boardman and Brown.

The Bill passed and the title agreed to.

On motion of Mr. Dixon, House File No. 6: An Act authorizing cities, towns and villages to regulate and license the sale of property by auctioneers, was taken up.

Mr. Dixon moved to amend by inserting after "auctioneers" the words "and transient merchants." Adopted.

On motion of Mr. Ainsworth, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—41.

The nays were, none.

Absent and not voting, Senators Angle, Brown and Gue.

The Bill passed, and title amended by adding, "and transient merchants," and agreed to as amended.

On motion of Mr. Dixon, House File No. 103: A Bill for an Act to amend Chapter 42, of the Revision of 1860, relating to vacancies and special elections.

On motion of Mr. Dixon, the word "Monday" was inserted after "first" in Section 2.

On motion of Mr. Duncombe, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Udell, Woodward and Woolson—40.

The nays were, none.

Absent and not voting, Senators Leake, Pollard, Trumbull, Watson and Williams.

The Bill passed and title agreed to.

On motion of Mr. Redfield, the Bill in relation to the purchase of the Capitol building was made the special order for to-morrow at 2 o'clock.

Mr. Dysart moved to take up House Files. Lost.

On motion of Mr. Bowen, House File No. 18: An Act to amend an Act entitled an Act providing for auditing all accounts and disbursements arising under the call for Volunteers from Iowa, and also for all men organized as the State Militia of Iowa, was taken up, and on motion of Mr. Duncombe, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—40.

The nays were, Senators English, Esteb, Gray—3.

Absent and not excused, Senators Leake, Neal and Williams.

The Bill passed and its title was agreed to.

On motion of Mr. McCrary, Senate File No. 258: An Act to provide for the taking up of estray animals was taken up.

Mr. Woolson moved to strike out the last sentence of Section 9. Lost.

On motion of Mr. Kent, the blank in Section 18 was filled with "30."

Mr. Redfield moved to strike out of Section 11 the words "and terminate." Carried.

On motion of Mr. Dysart, the word "public," in Section 11, was stricken out and "such" inserted.

On motion of Mr. Foote, the word "fifteen" was stricken out of Section 12 and "ten" inserted.

On motion of Mr. Udell, the words "of the same species," was stricken out of Section 15.

On motion of Mr. Udell, the last sentence of Section 21 was stricken out.

Mr. Foote moved to strike out of Section 6 the words "within ten days" and insert "immediately." Lost.

On motion of Mr. Smith, the word "thereafter" was stricken out of Section 11.

On motion of Mr. Dungan, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gray, Green, Gue, Hagens, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams and Woodward—37.

The nays were, Senators Duncombe, English, Esteb, Udell and Woolson—5.

Absent or not voting, Senators Dixon, McPherson, Neal and Potter.

The Bill passed and the title was agreed to.

Mr. Dungan introduced Senate File No. 253: An Act to revive that part of Article 1, Chapter 57 of the Revision of 1860, relating to the care of the insane. Read first and second time and referred to Judiciary Committee.

Mr. Woodward submitted the following report:

MR. PRESIDENT:—The Judiciary Committee have instructed me to make a report upon the following Bills:

FIRST—Upon Senate File No. 244: A Bill legalizing certain contracts made by the Emigrant Company with certain Counties, that it does not appear what contracts, nor what Counties, are referred to, and they cannot recommend the passage of a Bill so general in its terms. They therefore recommend its indefinite postponement.

SECOND—Upon the report of the Auditor, relating to the expenses of the Supreme Court, the Committee recommend no change of the law, at present, in relation to the Court.

THIRD—In regard to House File No. 197: "A Bill to punish persons receiving property of persons in arms against the Government with intent to prevent its confiscation," that the Bill requires so much change, in order to meet the views of the Committee, that they are induced to present a Substitute and they submit the same to the consideration of the Senate.

W. G. WOODWARD, Chairman Com.

The recommendation of the Committee in relation to Senate File No. 244 was concurred in.

The Substitute for House File No. 197 was read and adopted, and on motion of Mr. English it was laid on the table.

Mr. Redfield, from Committee on Schools and Universities, reported back Senate File No. 247: A Bill for an Act providing for the appointment of Commissioners to settle with the sureties of Jas. D. Eads, late Superintendent of Public Instruction.

On motion of Mr. Redfield, the Bill was read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Foote, Hagans, Hatch, Hesser, Hurley, Jennings, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, English, Esteb, Gray, Green, Gue, Hammer, Hastings, Holmes, Howard, Kent, Leake, Pattison, Potter and Williams—18.

Absent or not voting, Senator Neal.

The Bill passed and its title agreed to.

Mr. Hagans, from Committee on Roads, submitted the following report:

MR. PRESIDENT:—Your Committee on Roads, to whom was referred House File No. 79, have had the same under consideration and have instructed me to report the same back to the Senate with an amendment to Section 5 as follows: Add to the end of said Section the following words, "Provided the amounts levied together with the Road Tax, shall not in any one year exceed the sum of three mills on the dollar of taxable property; and with said amendment, recommend the passage of the Bill, and also strike out the last Section.

All of which is respectfully submitted.

J. C. HAGANS, Chairman.

The amendment of the Committee was adopted, the 11th Rule suspended, and the Bill being an Act amendatory to an Act entitled an Act to provide for making and repairing of Public Highways and prescribing the further duties of Township officers in certain cases, read a third time and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Bowen, Brown, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Potter, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—33.

The nays were, Senators Ainsworth, Angle, Burdick, Duncombe, Esteb, Kent, Kern, McCrary of Van Buren, Pollard, Redfield and Udell—11.

The Bill passed and title agreed to.

Message from the House:

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has concurred in the Senate's amendments to House File No. 242 and Substitute for House File No. 29, and Senate File No. 79, and passed the same as so amended.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed House File No. 309: A Bill for an Act to amend sub-division No. 6, of Section 711, of the Revision of 1860, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I herewith return Senate file No. 227: An Act to legalize the official acts of Joseph E. Tanner as a Justice of the Peace of Nevada township in Story county, Iowa.

Senate File No. 242: A Bill for an Act for the relief of Jacob Minturn.

Senate File No. 250: A Bill for an Act to legalize the acts of E. K. Hart a Notary Public in and for Lee county.

House File No. 251: A Bill for an Act to legalize the acts of William D. Wood a Notary Public in and for Lee county.

All of which have passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I herewith return Substitute for Senate File No. 72: A Bill for an Act to provide for the support of the Deaf and Dumb and Blind Asylums. The same having passed the House with the following amendments in which the concurrence of the Senate is asked:

Strike out all of Sec. 2 after the word "each" in the eighth line and insert the following: And any male Teacher or Teachers that may be employed by the Officers of the Board, in either of such Institutions, shall receive not to exceed three hundred and fifty dollars per annum, and any female Teacher or Teachers that may be so employed, shall receive not to exceed two hundred dollars per annum. And in Section 5, strike out the words "for the time such pupils are actually under instruction in such Institution."

CHA'S. ALDRICH, Chief Clerk.

MR. PRESIDENT:—I am directed to inform your Honorable Body that House has passed the following: House File No. 347: A Joint Resolution in relation to the 17th Regiment of Iowa Volunteers, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

Mr. McCrary of Lee, from the Committee on Judiciary made the following Report:

The Committee on the Judiciary to whom was referred the claim of J. C. Walker & Bro., against the State would Report as follows:

Said claim consists of a Judgment rendered November 7th, 1857, against E. Manning, Commissioner of the Des Moines River Improvement, for Five Hundred Dollars damage and about Four Hundred Dollars costs.

From an examination of the Record in the case, we find that said claimants had a contract with the officers of this State, while the State was carrying on the River Improvement in 1851, for building a dam and lock at Belfast; and the judgment is for damages suffered by claimants on account of the breach of said contract on the part of the State whose officers ordered the work discontinued.

The suit was brought and prosecuted by claimants under the provisions of the Act approved February 5th, 1851, which authorized claims against the Improvement to be prosecuted by suit.

In the contract between the State and the Des Moines Navigation and Railroad Company, June 9th, 1854, said Company agreed to pay the liabilities against the State to the amount of Sixty Thousand Dollars, and we are informed that the Company did pay claims to the amount named and more, but did not pay this claim, as it was litigated some three years and judgment finally rendered as aforesaid.

In the settlement between the State and the Company in 1858, the State assumed certain liabilities on account of the improvement at Bentonsport, Croton, Keosauqua and Plymouth, but did not assume the payment of this particular claim. The State did however require the Company to pay to the Commissioner \$20,000, with which to "liquidate existing liabilities against the Des Moines River Improvement," but the Commissioner refused to pay this claim out of that Fund, on the ground that the Company should pay it. Both the Commissioner and the Company have refused to pay this judgment, each claiming that the other was alone liable therefor. What was done by the Commissioner, with the Twenty Thousand Dollars received by him for the purpose of paying the liabilities of the Improvement, your Committee are not advised, but we are clearly of the opinion, that this judgment should have been paid out of it. We suppose it was expended in the payment of other claims. If so, the claimants are liable to be defrauded unless protected by the State, for the State has sold all its interest in the Des Moines River Lands, (out of the proceeds of which this claim was originally to have been paid,) and has by her Commissioner otherwise appropriated the \$20,000, which was reserved by the State, at the time the Lands were conveyed, for the purpose of paying these liabilities.

We are of the opinion that when the State accepted the \$20,000 from the Company, for the purpose of paying these claims and made a full settlement with the Company, the State became responsible for this claim, or rather became bound to pay it out of the \$20,000 set apart as aforesaid, and failing to do that, she ought in some other way to provide for the payment of the claim. This claim was originally payable out of the proceeds of the Des Moines River Lands. The State sold and conveyed those Lands, reserving out of the proceeds of the sale, only \$20,000 to pay such claims as

would have come out of the proceeds of the Lands. If the State has not reserved a sum sufficient to pay the just claims against the improvement, it is not the fault of the claimants. The State has disposed of all the means out of which the claimants were to have been paid. We cannot therefore avoid the conclusion that the State is bound to make good these claims. It may be well to mention that this claim is not of that class, which were assumed by the State and required to be paid by the Keokuk, Fort Des Moines and Minnesota Railroad Company. The claims thus disposed of were only those at Keosauqua, Bentonsport, Plymouth and Croton, and the claim now before us originated at Belfast, and was clearly one intended to be covered by and paid out of the \$20,000 aforesaid.

Your Committee recommend the passage of the Joint Resolution herewith submitted by which said claim is referred for examination, and report to the Board of Commissioners heretofore appointed to audit claims against the Des Moines River Improvement.

G. W. McCrARY, of said Committee.

Resolution read first and second time and on motion of Mr. McCrary, 11th rule was suspended, Bill read third time and on the question: Shall the Bill pass? the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Bowen, Dixon, Duncombe, Dysart, Foote, Green, Hatch, Hesser, Howard, Hurley, Jennings, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Williams, Woodward and Woolson—26.

The nays were, Senators Brown, Burdick, Dungan, English, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Kent, Lewis, Pattison, Pollard, Udell and Watson—17.

Absent or not voting, Senators Angle and Boardman.

Resolution adopted.

Mr. Redfield moved that Messages from the House be taken up.
Lost.

Mr. McCrary, of Lee, moved to take up Joint Resolution (House File No. 347) in relation to Seventeenth Regiment; which motion prevailed. Resolution was read first and second time,

Mr. Leake moved to strike out the words, "and anxious to maintain." Amendment adopted.

Mr. Leake moved to suspend the 11th Rule and put the Resolution upon its passage; upon which motion Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Udell, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Boardman, Duncombe,

English, Esteb, Green, Hatch Hesser, Jennings, Kern, Potter, Teter, Trumbull, Watson and Williams—15.

Resolution was adopted.

On motion of Mr. Potter, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, April 1st, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Kimmons.

On motion of Mr. Jennings, the reading of the Journal was dispensed with.

PETITIONS.

By Mr. Jennings: A petition of 180 citizens of Dubuque Co., for the repeal of the Supervisor Law. Laid on the table.

By Mr. Woodward: A petition of Attorneys of Muscatine Co., for repeal of the law in relation to Appearance Dockets. Referred to Judiciary Committee.

By Mr. Bowen: A petition of Attorneys of Iowa City on same subject. Referred to Judiciary Committee.

Mr. Gue, from Committee on Printing, introduced Senate File No. 255: A Bill for an Act to provide for the publication, distribution and transcribing the Journals of the 9th General Assembly. Bill read first and second time, and on motion of Mr. Ainsworth, Sec. 2 was amended by adding the words "and upon a failure to deliver within the time above prescribed, they shall be entitled to receive one-half of the compensation herein provided."

On motion of Mr. Esteb, Sec. 3 was amended by inserting after the word "printed," the following: "which shall be done within six weeks after delivery of such copies, and upon failure so to do, the printer shall receive only one-half of his usual compensation."

On motion of Mr. Gue, the 11th Rule was suspended, bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Williams and Woodward—36.

The nays were, Senators Duncombe, Kern, Neal, Woolson—4. Absent or not voting, Senators Burdick, Dixon, Hastings and Watson.

The Bill passed and the title was agreed to.

Mr. Gue, from Committee on Senatorial and Representative Districts, reported Senate File No. 256: An Act to apportion the State into Senatorial Districts. Read first and second time, when Mr. Esteb moved to refer the Bill back to the Committee with instructions to so apportion the State as to reduce the number of Senatorial Districts to thirty, and called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Kern, Neal, Pollard, Potter, Watson, Williams and Woolson—13.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Udell and Woodward—31.

The motion was lost.

On motion of Mr. Watson, the place for canvassing the votes of the 26th District was changed from Powesheik to Iowa county.

On motion of Mr. Howard, the counties of Winnebago, Hancock and Wright were changed from the 42nd to the 43rd District.

Mr. Potter moved to strike off of the 34th District the county of Hamilton, and attach it to the 43d District. Lost.

The 11th Rule was suspended, Bill read third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Jennings, Kern, Neal, Pattison, Pollard, Potter and Trumbull—14.

The Bill passed and the title was agreed to.

Mr. Duncombe introduced Senate File No. 257: A Bill for an Act fixing the time of holding Courts in Pocahontas county. Bill read first and second time, and on motion of Mr. Duncombe, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter,

Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—41.

The nays were, none.

The Bill passed and title agreed to.

Mr. Jennings offered the following resolution:

Resolved, That the per diem allowance of the officers of the Senate during the present Session, be as follows:

Secretary, Six Dollars; *provided* he shall employ such additional assistance for the remainder of the Session, as he may require, at his own expense.

Assistant Secretary,	Five Dollars.
Engrossing Clerk,	Four Dollars.
Enrolling Clerk,	Four Dollars.
Sergant at Arms,	} Three Dollars each.
Door Keeper and Fireman,	
Fireman of Committee Rooms,	Three Dollars
Messengers and Paper Folders,	Two and $\frac{1}{2}$ "
Assistant P. M. and Mail Carrier	Three Dollars.

On motion of Mr. Teter the resolution was referred to Committee on Ways and Means.

On motion the special Order was taken up, being Senate File No. 166: An Act to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled an Act to amend an Act entitled an Act to provide a system of Common Schools, and the amendments thereto.

On motion of Mr. Duncombe the Senate went into Committee of the Whole for the consideration of the Bill. Senator Watson in the Chair.

Committee rose at 15 minutes past 11 o'clock, and the Chairman reported back the Bill with amendments and recommended its passage.

Mr. Duncombe moved that the Senate concur in the amendments of the Committee.

Mr. Boardman moved a call of the Senate which was seconded and the roll being called, the following was the result:

The following Senators were absent, Senators Brown, Holmes and Jennings.

Received the following message from the House:

MR. PRESIDENT:—I herewith return substitute for Senate File No. 68: A Bill for an Act fixing the time of holding Courts in the Sixth Judicial District. The same having passed the House without amendment.

Also that the House has passed the following Bill in which the concurrence of the Senate is asked: House File No. 136: A Bill for an Act to authorize the Governor and Board of County Supervisors to appoint agents in regard to Swamp Lands belonging to the State of Iowa, and defining their duties.

Also that the House has passed the following Bill in which the

concurrence of the Senate is asked: House File No. 84: A Bill for an Act to punish Garnishees for disposing of property in certain cases.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Boardman further proceedings under the call were dispensed with.

The first amendment of the Committee was then adopted.

Mr. Boardman moved to amend second amendment by adding "without the concurrence of two thirds of the voters present."

On motion of Mr. Udell the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Chair announced special order for this hour which by general consent was postponed to resume the consideration of School Bill.

The Question being upon the amendment of Mr. Boardman to amendment of Committee, Mr. Woolson called the yeas and nays with the following result:

The yeas were, Angle, Boardman, Burdick, Duncombe, Dungan, Esteb, Foote, Gray, Gue, Hatch, Hesser, Holmes, Neal, Pollard, Potter, Redfield, Smith, Teter, Trumbull Woodward and Woolson—21.

The nays were, Senators Ainsworth, Bowen, Dysart, English, Hagans, Hammer, Hastings, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, and Udell—16.

The amendment prevailed.

Mr. Woolson moved to amend by inserting after "levied," "by such meeting." Lost.

Mr. Woolson moved to amend by adding to amendment "except for independent school organized under articles 4 and 5 of chapter 88 of Revision of 1860," and called the yeas and nays with the following result:

The yeas were, Senators Boardman, Dixon, Dysart, Foote, Hesser, Holmes, Hurley, Kent, Kern, McCrary of Lee, McCrary of Van Buren, Redfield, Smith, Teter, Udell, Woodward and Woolson—17.

The nays were, Senators Ainsworth, Angle, Bowen, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Howard, Jennings, Leake, Lewis, Neal, Pattison, Pollard, Potter, Trumbull and Williams—24.

The amendment was lost.

Mr. Kent moved to indefinitely postpone, upon which motion Mr. Holmes called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Kent, Lewis, McCrary of Lee, Teter, Udell and Woolson—8.

The nays were, Senators Ainsworth, Angle, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kern, Leake, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Watson, Williams and Woodward—34.

The motion to postpone was lost.

Mr. Lewis moved to lay the whole subject on the table, upon which motion Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Foote, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woolson—20.

The nays were, Senators Ainsworth, Angle, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Jennings, Kern, Neal, Pattison, Pollard, Potter, Trumbull, Williams and Woodward—23.

The motion did not prevail.

The question being upon the adoption of Mr. Woolson's amendment, as follows : "The above limitation shall not apply to Independent School Districts organized under Articles 4 and 5 of Chapter 88 of the Revision of 1860, when such Districts have a population exceeding 1,500 inhabitants, the yeas and nays were called, and were as follows :

The yeas were, Senators Boardman, Dungan, Dysart, Foote, Hastings, Hesser, Holmes, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Smith, Teter, Udell, Watson, Woodward and Woolson—19.

The nays were, Senators Ainsworth, Angle, Bowen, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hagans, Howard, Jennings, Kern, Leake, McPherson, Neal, Pattison, Pollard, Potter, Trumbull and Williams—22.

The amendment was lost.

Mr. Teter moved to recommit to Committee on Schools and Universities, and called the yeas and nays which were as follows :

The yeas were, Senators Boardman, Bowen, Dixon, Foote, Howard, Hurley, Lewis, McCrary of Lee, McPherson, Shaffer, Smith, Teter, Watson and Woolson—15.

The nays were, Senators Ainsworth, Angle, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Jennings, Kern, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Trumbull, Udell, Williams and Woodward—27.

The motion was lost.

Mr. McCrary of Van Buren offered an amendment, as follows :

Provided, that in townships having a population of less than — hundred inhabitants, according to the then last State or National census, not exceeding five mills on the dollar of valuation, shall be levied by the District meeting and Board of Directors in any one year.

Mr. Angle moved the previous question, which was seconded. The question now being, "Shall the main question be now put?" it was decided in the negative.

The question now being upon the adoption of the amendment offered by Mr. McCrary of Van Buren, Mr. Lewis called the yeas and nays, which were as follows :

The yeas were, Senators Foote, Hesser, Kern, Lewis, McCrary of Van Buren, McPherson, Redfield, Smith, Teter, Udell, Watson, Woodward and Woolson—13.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Jennings, Kent, Leake, Pattison, Potter, Shaffer, Trumbull and Williams—25.

The amendment was not adopted.

Mr. Watson moved to refer to Special Committee. Lost.

Mr. Shaffer, from Joint Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, March 31st, presented Senate File No. 214: An Act relating to an escheat in Webster County, to his Excellency, the Governor, for his approval.

Also, that they have examined the following, find the same correctly enrolled, and present them for your signature :

Senate File No. 73: An Act defining the manner of canvassing votes at special elections.

Senate File No. 96: An Act to amend the Prohibitory Liquor Law.

Senate File No. 250: An Act to legalize the Acts of E. K. Hart, Notary Public.

Senate File No. 251: An Act to legalize the acts of Wm. L. Wood, Notary Public.

House File No. 18: An Act to amend Act for auditing claims against the War and Defense Fund.

House File No. 29: An Act to amend Section 548, of Revision.

House File No. 74: An Act to amend Chapter 46, of Revision.

House File No. 200: An Act for the relief of persons heretofore divorced, &c.

House File No. 202: An act to legalize the election, &c., of D. D. Chase.

House File No. 217: An Act relating to bringing suits against Counties.

House File No. 242: An Act to change County Boundaries, &c.

House File No. 64: An Act authorizing the people of Mills

County to cancel the indebtedness of said County to Swamp Land Fund.

Mr. Woolson offered the following amendment to amendment of Committee: "Provided the above limitation shall not include the tax for School purposes levied by the County Board of Supervisors." Amendment adopted.

Question now being upon the adoption of the amendment of Committee as amended, Mr. Redfield called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Duncombe, Dungan, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Jennings, Kern, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Trumbull and Williams—20.

The nays were, Senators Boardman, Bowen, Dixon, Dysart, Foote, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McPherson, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—23.

The amendment to amendment was lost.

Amendment of Committee to Section 12, was then adopted.

Mr. Duncombe offered a substitute for the Bill, and upon the adoption of which he called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Duncombe, Esteb, Green, Hammer, Neal, Pollard, Potter, Trumbull and Williams—11.

The nays were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Woodward and Woolson—30.

The Substitute was not adopted.

Mr. Trumbull offered the following amendment to Section 31: "but no tax shall be levied except when ordered by a majority of all the electors present." On which amendment Mr. Duncombe called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Green, Gue, Hagans, Hammer, Hatch, Howard, Jennings, Neal, Pattison, Pollard, Potter, Trumbull and Williams—19.

The nays were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Hastings, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—25.

So the amendment was not adopted.

On motion of Mr. Brown, the 11th rule was suspended, the Bill read a third time, and on the question, Shall the Bill pass? the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dysart, Foote, Gue, Hatch, Hastings, Holmes Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—25.

The nays were, Senators Ainsworth, Burdick, Duncombe, Dungan, English, Esteb, Gray, Green, Hagans, Harmer, Jennings, Neal, Pattison, Pollard, Potter, Trumbull, Udell, and Williams—19.

The Bill passed and the title was agreed to.

Mr. Udell moved to reconsider the vote by which Senate File No. 230: A Bill in relation to the Medical College, was lost, upon which motion Mr. Esteb called the yeas and nays with the following result:

The yeas were, Senators Angle, Bowen, Dixon, Dungan, Dysart, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Jennings, Leake, Lewis, McCrary of Lee, Pollard, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woodward—24.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Foote, Gray, Green, Hammer, Hastings, Kent, Kern, McCrary of Van Buren, Neal, Pattison, Smith, and Williams—17.

The motion prevailed.

Mr. Udell moved to reconsider vote by which the 11th rule was suspended and Bill passed to its third reading. Which motion prevailed.

Mr. Redfield moved to proceed with special order, being Senate File No. 175: A Bill in relation to the purchase of the Capitol Building, which motion prevailed.

Received the following message from the House:

MR. PRESIDENT:—I herewith return substitute for Senate File No. 10: A Bill for an Act to confer Civil and Criminal Jurisdiction on County Courts. The same having been rejected by the House.

Also House File No. 343: A Bill for an Act supplementary to an Act for the Incorporation of Cities and Towns, Chapter 51 of the Revision of 1860.

I also return herewith, Senate File No. 257: A Bill for an Act fixing the time of holding Courts in Pocahontas County, the same having passed the House without amendment.

Also that the House refuses to concur in the amendment of the Senate to House File No. 103, striking out the last Section, and that the same is herewith returned.

CHA'S. ALDRICH, Chief Clerk.

Mr. Ainsworth moved to lay on the table. Carried.

Mr. McCrary from Committee on Military Affairs, reported back substitute for House File No. 125, and recommended its passage.

Mr. McPherson presented the following protest:

The undersigned members of the Senate, of the State of Iowa, dissenting from the views of a majority of this body in relation to their vote on Senate File No. 99, entitled: A Bill for an Act in re-

lation to the salaries of the Supreme Judges of the State of Iowa, and other State officers, beg leave to present this, our protest against the action of the Senate in passing said Bill; and assign the following as some of the reasons for thus protesting, and ask that the same may be placed in the Journal:

FIRST—We believe the present salary of the Supreme Judges of this State is not more than a reasonable compensation for the services rendered by this branch of our State government. The Judges are constantly engaged in the laborious and responsible duties of their office. There is no branch of the State government in which the people are so deeply interested in keeping pure, as the Judiciary. If the other branches of the government err, either ignorantly or willfully, the people can more readily correct the error than if it occurred in the Judicial department. The Judges of the Supreme Court are elected for a longer period of time than any other State officers. A decision rendered by the Supreme Court establishing a principle of law, can not be altered except by the same court overruling the former decision. This rarely occurs. A principle established by the decision of the Supreme Court is much more permanent than an ordinary statute which a succeeding legislature may amend or repeal; hence the importance, the *great* importance of placing on the bench men of the greatest legal ability, the highest order of intellect and the finest moral character. We can not shut our eyes to the fact that a salary has something to do in commanding talent in any position. It is so in relation to the office of Supreme Judge. We do not believe the salary proposed in the Bill above referred to will command the talent and legal ability which should distinguish the Supreme Court of our State.

SECOND—The present political disturbances which afflict our land and nation, ought not, in our opinion, to form the rule of action for us in determining the amount which our Supreme Judges are to receive for their salaries, especially as we believe and hope that these disturbances are now rapidly disappearing, and that peace and prosperity will soon be established in our nation. The compensation to be fixed by this General Assembly, must remain unaltered during the term for which the Judges are now elected. One of these Judges holds for two years, one for four years and one for six years, from the first Monday of January, A. D. 1862. We believe, before the expiration of two years, the causes which now seem to demand a reduction in the salary of our State Officers, will have disappeared; and then in all other cases, except those holding offices in the Judiciary Department, the Legislature can determine the compensation to be received. Once fixed, the Constitution prohibits the alteration of the salary of the Judicial officers during the term for which they were elected. In view of this constitutional inhibition, we should be careful not to inflict a blow the consequences of which we cannot for so long a period of time correct.

THIRD—The most important reason for thus protesting against

the action of the Senate in the passage of said Bill, is, that we believe the Bill is in violation of the Constitution of the State of Iowa.

Section 9, of Article 5, of the Constitution of the State of Iowa, reads as follows:

"The salary of each Judge of the Supreme Court shall be two thousand dollars per annum; and that of each District Judge, one thousand six hundred dollars per annum, until the year eighteen hundred and sixty; after which time they shall severally receive such compensation as the General Assembly may, by law, prescribe; which compensation shall not be increased or diminished during the term for which they shall have been elected."

The salary of the Supreme Judges is now two thousand dollars per annum, and was at the time of the election. The Constitution is imperative, and says that the compensation of the Judges of the Supreme and District Courts of this State "shall not be increased or diminished during the term for which they shall have been elected." As before stated, the unexpired term of one of these Judges is nearly six years; the unexpired term of one other is nearly four years; and the unexpired term of the other is nearly two years. When elected, the salary was two thousand dollars per annum; and the Constitution which we all have sworn to support, tells us that we cannot alter these salaries so as to affect those who were elected while the laws of the State permitted and authorized the payment of these salaries.

The above are some of the reasons why we opposed the passage of the Bill above referred to, and now protest against the action of the Senate in passing the same.

M. L. McPHERSON,
J. M. SHAFFER.

On motion of Mr. Dixon, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
WEDNESDAY, April 2, 1862. }

Senate convened at the usual hour.

Prayer by Senator Teter.

Journal of yesterday read and approved.

Mr. Kent offered the following resolution, which was adopted.

Resolved, That the Secretary of the Senate be required to furnish each member of the Senate a bound copy of the Reports and doc-

uments ordered printed at this Session, if they can be produced before the end of the Session.

Mr. Jennings presented the following Concurrent Resolution :
WHEREAS, A large number of valuable works in the State Library are suffering damage by reason of their being in pamphlet form; and whereas, it is the duty of the General Assembly to look to the preservation of said Library; therefore, be it

Resolved by the Senate, the House of Representatives concurring,
 That the Secretary of State be, and is hereby authorized and directed, to have said works neatly bound into proper separate volumes in half binding with leather tips.

On motion of Mr. Dungan, the Resolution was referred to the Committee on Library.

Mr. Teter moved to suspend the rule and take up the Joint Resolution in relation to the 17th Regiment; on which Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Bowen, Dixon, Dungan, Dysart, Gue, Hagans, Hastings, Hesser, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Teter, Udell and Woolson—22.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Foote, Gray, Green, Hammer, Hatch, Holmes, Jennings, Kern, Neal, Potter, Smith, Trumbull, Watson, Williams and Woodward—21.

Absent and not excused, Senators Boardman, and McPherson.

So the motion to suspend the rule was lost.

On request of Mr. Potter, Mr. Pollard was excused.

Mr. Angle, from Committee on Rail Roads, submitted the following report :

The Committee on Rail Roads, to whom was referred House File No. 209 : A Bill for an Act in relation to the duties and liabilities of Rail Road Companies, have had the same under consideration, and a majority of said Committee have instructed me to report it back to the Senate with certain proposed amendments and recommend their adoption and the passage of the Bill.

H. G. ANGLE, Chairman.

FIRST—Strike out all of Sections 1, 2, 3, and 4, except the enacting clause, and in the first line of the 5th Section all preceding the word "each."

SECOND—In 6th Section, tenth line, strike out "and" at the commencement of the line, and between "third grades" same line insert the words "and fourth." Also, in 16th line of Section 6, after the word "for" insert "wilfully;" also in 22d line, same Section, after the word "person" insert the words "injured thereby and."

THIRD—In line 2d, Section 9, strike out the word "personally."

FOURTH—In Section 10, 6th line after the word "large" insert "at all points where said Roads have the right to fence;" also, in

22d line of the same Section, strike out the words "fail or;" also in 25th line after the word "given" insert "accompanied by an affidavit of the injury or destruction of said property;" also in same Section in the 26th line after the word "any" insert "Station."

FIFTH—In 12th Section, 2d line, after the word "any" insert the word "Station."

SIXTH—Strike out of Section 13, all after the word "Company" in the 3d line.

The amendments recommended by the Committee with the exception of the 6th were adopted.

Mr. Woolson moved to amend Section 10, by inserting in line 24, before "refuse" the words "neglect or," which was adopted.

Mr. Woolson moved to amend same Section by inserting after "Station" the words "or ticket." Adopted.

Mr. Dungan moved to strike out the words "lien for Taxes." Lost.

On motion of Mr. Foote the 11th Rule was suspended, Bill read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Angle, Brown, Burdick, Duncombe, Esteb, Jennings, McPherson, Pollard, Potter and Trumbull—10.

The Bill passed and title agreed to.

Mr. Angle submitted the following Report, which on motion of Mr. Burdick was laid on the table, together with the Bill reported back:

The undersigned a majority of the Committee upon Railroads, would respectfully report that they have had under consideration Senate File No. 231: A Bill for an Act to resume the lands and rights conferred upon the Cedar Rapids and Missouri River Railroad Company, and report the same back with a recommendation that it be indefinitely postponed, for the following reasons, to-wit:

FIRST—We believe that the Grant to said Company when accepted by it, was a contract, the obligations of which we cannot impair or declare forfeited, except by a proceeding in Court, in which such Company shall have been fully heard upon the law and the testimony.

No more dangerous principle can be imagined than that which would sanction and warrant one party to a contract in declaring that contract forfeited, without allowing the other party a hearing, (and we believe that even if we had a Constitutional right to take such action, which we deny,) such a course would be manifestly unjust and impolitic.

It may be said that that Company is the child of resumption. If that be true, that is no reason that a child should be destroyed by the parent that brought it into being, unless we are satisfied that it has forfeited all right to an existence.

It might be said with equal force that this Government was founded by revolution and should therefore be destroyed by revolution.

SECOND—Can we find any other Company who will take the land and build the Road? Your Committee is informed of none. If not, the effect of Resumption will be to cause the same to revert to the United States, whereby the State would lose all benefits of the Grant.

THIRD—The friends of Resumption when they speak candidly, only claim that they want to use the “bug-bear” of Resumption to force them to surrender some of the rights they have acquired under the Grant. Such a course we consider dishonest and dishonorable. It is the course of the Robber who by force and putting in fear, takes that which he is not entitled to. If we can honorably make an arrangement with that Company, so as to protect the State and honest settlers, we shall be satisfied with it. If not, then we are willing to leave to the Courts all matters between the Company, the State, and individuals. We therefore recommend the indefinite postponement of the Bill.

Should not this be done, then we recommend that the preamble be stricken out, for the reason that we are willing to pass such acts as we deem for the good of the State and leave them to stand before the people upon their own intrinsic merits, without sending out with them an apology for their passage under the name of a preamble.

(Signed,)

H. G. ANGLE,
L. L. AINSWORTH,
G. W. TRUMBULL,
H. W. ENGLISH,
M. L. McPHERSON.

Mr. Shaffer submitted the following Report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, April 2d, 1862, presented the following to his Excellency, the Governor, for his approval, viz:

Senate File No. 73: An Act defining the manner of canvassing votes at Special Elections.

Senate File No. 96: An Act to amend Prohibitory Liquor Law.

Senate File No. 250: An Act to legalize the acts of E. K. Hart, Notary Public.

Senate File No. 251: An Act to legalize the acts of William L. Wood, Notary Public.

House File No. 18: An Act to amend an Act for Auditing Claims against the War and Defense Fund.

House File No. 29: An Act to amend Section 548 of the Revision.

House File No. 74: An Act to amend Chapter 46 of the Revision.

House File No. 200: An Act for the relief of persons heretofore divorced, &c.

House File No. 202: An Act to legalize the election, &c., of D. D. Chase.

House File No 217: An Act relative to bringing suits against Counties.

House File No. 242: An Act to change County Boundaries, &c.

House File No. 64: An Act to authorize the people of Mills County to cancel the indebtedness of said County to the Swamp Land Fund.

Also, that they have examined the following, corrected errors therein, and present the same for your signature, viz :

Senate File No. 242: An Act for the relief of Jacob Minturn.

Senate File No. 227: An Act to legalize the acts of Joseph G. Tanner.

Senate File No. 257: An Act fixing the time of holding Court in Pocahontas County.

Senate File No. 68: An Act fixing the time of holding Courts in the Sixth Judicial District.

Senate File No. 90: An Act making further appropriations for Insane Hospital.

House File No. 6: An Act relating to Sales by Auctioneers and Transient Merchants.

House File No. 79: An Act relating to repairing Public Highways, &c.

Mr. Angle from the Railroad Committee, reported back Substitute for Senate File No. 32: An Act to require officers of Railroad Companies to reside within the State of Iowa, and defining their duties, with an amendment and without recommendation. The amendments were adopted.

Mr. Duncombe moved to amend by inserting after the word "Companies" the words "and all other Corporations organized for pecuniary benefit."

Mr. Udell moved to lay the Bill on the table. Lost.

On motion of Mr. Angle the Senate took a recess until two o'clock P. M.

AFTERNOON SESSION.

Senate called to order at two o'clock.

Mr. Duncombe withdrew his amendment to the Bill, and moved to take up the Bill by sections, which was done. Mr. Duncombe

moved to strike out the word "Treasurer" in section 1, and called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hamner, Hastings, Hesser, Holmes, Howard, Jennings, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Trumbull and Williams—23.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Hagans, Hatch, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Smith, Udell, Watson, Woodward and Woolson—19.

Absent and not voting, Senators Brown, Green, Leake and Teter. The amendment was adopted.

On motion of Mr. Esteb, the words "and Treasurer" were stricken out of section 2.

Mr. Duncombe moved to strike out section 3, and called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray, Hammer, Hatch, Hesser, Holmes, Howard, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Trumbull, Williams and Woodward—33.

The nays were, Senators Dixon, Hagans, Hurley, Lewis, Shaffer, Udell, Watson and Woolson—8.

Absent and not voting, Senators Foote, Green, Gue, Hastings and Teter.

The amendment was adopted.

Mr. Bowen moved to insert in first and second lines of section 1, after the word "Secretary" the words "and Treasurer or assistant Treasurer," and in section 2, first line, the same words; and also in fourth line, after the word "and" the words "it is hereby made the duty of the Treasurer or assistant Treasurer to keep a record of the whole financial condition of such Company," which amendments were adopted.

Mr. Duncombe moved to strike out sections 5, 6 and 7, and called the yeas and nays, which were as follows :

The yeas were, Senators Angle, Brown, Burdick, Duncombe, Esteb, Gray, Hammer, Jennings, McPherson, Pattison, Pollard, Potter and Trumbull—13.

The nays were, Senators Ainsworth, Boardman, Bowen, Dixon, Dungan, Dysart, English, Foote, Gue, Hagans, Hatch, Hastings, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—25.

Absent and not excused, Senators Hesser, Holmes, Kern, Neal and Williams.

Motion to strike out, lost.

On motion of Mr. Williams, Mr. Green was excused.

Mr. Leake moved to strike out section 7, and on this motion Mr. Woolson called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull and Williams—37.

The nays were, Senators Hatch, Shaffer, Watson, Woodward and Woolson—5.

Absent and not voting, Senators Kent, Kern and Udell.

The motion to strike out prevailed.

On motion of Mr. Leake the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—26.

The nays were, Senators Angle, Brown, Burdick, Duncombe, Esteb, Gray, Hammer, Jennings, Kern, McPherson, Neal, Pattison, Pollard, Potter, Trumbull and Williams—16.

Absent and not voting, Senators English, Kent and Udell.

The Bill was passed and its title agreed to.

Mr. Angle, from Committee on Railroads, reported back Senate File No. 164, with Substitutes.

Mr. Woodward moved to lay the Report and Bills on the table, on which motion Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Dixon, Dungan, Foote, Hagans, Hatch, Hesser, Howard, Hurley, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Woodward and Woolson—19.

The nays were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Duncombe, Dysart, Esteb, Gray, Gue, Hammer, Hastings, Holmes, Jennings, Kent, Kern, Leake, Lewis, McPherson, Neal, Pattison, Potter, Trumbull, Watson and Williams—25.

Absent or not voting, Senator English.

So the motion did not prevail.

On motion of Mr. Duncombe, the Bill in relation to the Dubuque and Sioux City Railroad, being Senate File No. 264, was taken up. Read first and second time.

Mr. Woodward moved to strike out "1854," and insert "1858," on which motion Mr. Duncombe called the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Dungan, Foote, Gue, Hatch, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of

Van Buren, Pollard, Redfield, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Hagans, Hammer, Hastings, Howard, Jennings, McPherson, Neal, Pattison, Potter and Trumbull—21.

Absent or not voting, Senators Hesser and Kent.

The motion was lost.

Mr. McCrary of Lee moved to strike out Section five.

On motion of Mr. Neal, Section five was amended by striking out all between the word "acre," in sixth line, and the word "and," in seventh line.

On Mr. McCrary's motion to strike out, Mr. Dixon called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Baren, Neal, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—34.

The nays were, Senators Angle, Brown, Duncombe, English, Esteb, McPherson, Pattison, Potter and Trumbull—9.

Absent or not voting, Senators Bowen and Hastings.

Motion to strike out prevailed.

Mr. Leake moved to strike out of Section one that portion relating to the School Lands in Webster and Hamilton counties, sold by Talman.

Mr. Bowen moved to re-commit with instructions; upon which motion the yeas and nays were called, and were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Hatch, Hesser, Howard, Lewis, McCrary of Van Baren, Redfield, Shaffer, Teter, Woodward and Woolson—13.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McPherson, Neal, Pattison, Pollard, Potter, Trumbull, Udell, Watson and Williams—29.

Absent or not voting, Senator Smith.

So the motion was lost.

Mr. Redfield moved to strike out all after the word "heretofore," and insert, "selected as School Lands under any law of Congress, and certified to this State." On which motion he called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Gue, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Teter, Udell, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Angle, Brown, Burdick,

Duncombe, Dysart, English, Esteb, Gray, Hagans, Hammer, Hastings, Jennings, McPherson, Neal, Pattison, Potter, Trumbull, Watson and Williams—18.

Absent or not voting, Senators Hastings and Smith.

Amendment adopted.

On motion of Mr. Ainsworth, the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 THURSDAY, April 3, 1862. }

Senate convened at the usual hour.

Prayer by the Rev. Mr. Turner.

On motion of Mr. Esteb, the reading of the Journal was dispensed with.

Mr. Duncombe moved to take up the unfinished business of yesterday.

Mr. Woolson moved to amend by taking up messages from the House. Carried.

House Substitute for Senate File No. 1 was read first and second time and referred to the Senators from the Third and Fifth Judicial Districts.

House File No. 84 was read first and second time and referred to Judiciary Committee.

House File No. 85 was read first and second time and referred to Committee on Township and County Organization.

House File No. 89 was read first and second time, and referred to Committee on Military Affairs.

House File No. 136 was read first and second time, and referred to Committee on Public Lands.

House File No. 220 was read first and second time, and referred to Committee on Railroads.

House File No. 250 was read first and second time, and referred to Committee on Printing.

House File No. 266 was read first and second time, and referred to Committee on Township and County Organization.

House File No. 267 was read first and second time, and referred to Judiciary Committee.

House File No. 285 was read first and second time, and referred to Committee on Ways and Means.

House File No. 309 was read first and second time, and referred to Judiciary Committee.

House File No. 314 was read first and second time, and referred to Committee on Charitable Institutions.

House File No. 321 was read first and second time, and referred to Committee on Public Buildings.

House File No. 268 was read first and second time, and referred to Judiciary Committee.

House File No. 269 was read first and second time, and referred to Judiciary Committee.

House File No. 273 was read first and second time, and referred to Judiciary Committee.

House File No. 295 was read first and second time, and referred to Judiciary Committee.

House File No. 287 was read first and second time, and referred to Committee on Charitable Institutions.

Substitute for House File No. 304 was read first and second time, and referred to Committee on Military Affairs.

House File No. 305½ was read first and second time, and referred to Committee on Claims.

House File No. 316 was read first and second time, and referred to Committee on Elections.

House File No. 326 was read first and second time, and referred to Committee on Federal Relations.

House File No. 328 was read first and second time, and referred to Judiciary Committee.

House File No. 330 was read first and second time, and referred to Committee on Commerce.

House File No. 332 was read first and second time, and referred to Committee on Public Buildings.

House File No. 340 was read first and second time, and referred to Committee on Public Lands.

House File No. 348 was read first and second time, and referred to Committee on Township and County Organization.

House File No. 346 was read first and second time, and referred to Committee on Senatorial and Representative Districts.

House File No. 103 was read first and second time, and referred to Committee on Elections.

House File No. 337 was read first and second time, and referred to Committee on Judiciary.

House File No. 329 was read first and second time, and referred to Judiciary Committee.

House File No. 294 was read first and second time, and referred to Judiciary Committee.

Mr. Duncombe moved to take up the unfinished business of yesterday. Lost.

Mr. Woodward, by leave, submitted a Report, and asked that it be laid on the table; which was done.

Mr. Hagans introduced Senate File No. 259: A Bill for an Act transferring the Recording of Deeds and other instruments from

the officer now required to perform the same, to the Co. Judge's office of the several counties of the State, and provide the compensation for performing the same. Read first and second time, and referred to the Committee on Township and Co. Organization.

Also, Senate File No. 260. Read first and second time, and referred to Special Committee of the Senators from the 3rd and 5th Judicial Districts.

Mr. Kern introduced Senate File No. 261: A Joint Resolution in relation to 2nd and 3rd Regiments of Iowa Volunteers. Read first and second time, and referred to Com. on Federal Relations.

Mr. Holmes, from Committee on Ways and Means, reported back Bills in relation to Revenue, with amendments.

House File No. 227: An Act to amend Chap. 45 of the Revision of 1860, in relation to Revenue Law, with Substitute recommended by the Committee, were read, when Mr. Leake moved to lay the Bill and amendments on the table. Which motion did not prevail.

The question being on the adoption of the Substitute, Mr. Redfield called the yeas and nays, which were as follows:

The yeas were, Senators Foote, Gray, Hastings, Holmes, Hurley, Lewis, McCrary of Van Buren, Shaffer and Woolson—9.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gue, Hammer, Hatch, Howard, Jennings, Kent, Leake, McCrary of Lee, Neal, Pattison, Pollard, Redfield, Teter, Trumbull, Udell, Watson and Woodward—27.

Absent and not excused, Senators Burdick, Hesser, McPherson, Pollard and Smith.

So the Substitute was not adopted.

On motion, Senators Green and Williams were excused.

On motion of Mr. Holmes, the Bill was laid on the table.

Mr. Neal, from Special Committee, submitted the following report:

MR. PRESIDENT:—The Select Committee, to whom was referred Senate File No. 113: A Bill for an Act authorizing the Boards of Supervisors to levy taxes on lands for the years 1857 and 1858, in certain cases, have had the same under consideration, and report a substitute therefor and recommend its adoption.

JAIRUS E. NEAL,
A. H. McCRARY,
J. S. HURLEY,
A. M. PATTISON,
E. B. POTTER.

The substitute reported by the Committee was read, and on its adoption Mr. Neal called the 'yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Dixon, Duncombe, Dungan, English, Esteb, Gray, Hagans, Hammer, Hastings, Hurley, Jen-

nings, Kent, Kern, McCrary of Lee, McCrary of Van Buren, Neal, Pattison, Potter, Smith, Trumbull, Udell and Watson—24.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dysart, Foote, Gue, Holmes, Howard, Leake, Lewis, Redfield, Shaffer, Teter, Woodward and Woolson—16.

Absent but not excused, Senators Burdick, Green, Hatch, McPherson, Pollard and Williams.

Substitute was adopted.

On motion of Mr. Neal, the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Dixon, Duncombe, Dungan, English, Esteb, Hagans, Hastings, Hesser, Kent, Kern, Lewis, McCrary of Van Buren, Neal, Pattison, Potter, Smith and Watson—18.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dysart, Foote, Gray, Gue, Hammer, Hatch, Holmes, Howard, Jennings, Leake, McCrary of Lee, McPherson, Redfield, Shaffer, Teter, Trumbull, Udell, Woodward and Woolson—24.

The Bill not having received a constitutional majority, was lost.

Mr. Pattison from Committee on Agriculture, submitted the following report:

The Committee on Agriculture, to whom was referred a certain petition, asking that for the present there be no more appropriations for the College Farm, that said Farm be rented out, so as to be no further expense to the tax-payer, during our present troubles, and by which the expenses of the Board of Directors and Secretary may be dispensed with, &c., would respectfully represent that they have carefully considered the prayer of the petitioners, and would say in reference to the same, that no appropriation for said farm is asked for at the present session. Also, that said farm is now rented out, and all expenses incurred thereon, which are trifling, are derived from private subscriptions exclusively, as appears from the Secretary's report to the Legislature. Your Committee believe that the Board of Trustees could not be abolished without destroying the Institution, as they are needed to manage its affairs, and take charge of the lands, bonds, &c., donated to the Institution. The Seed Department, your Committee believe, should not be dispensed with, as in their opinion it has proven beneficial beyond the small amount necessary to sustain it. And, lastly, your Committee would say, that a Bill has passed this Body which will likely become a law, reducing the Secretary's salary to \$800; so that the tax-payer can have but little to complain of in the way of any increased taxation on account of this, the only Agricultural Institution in the State.

A. M. PATTISON, Chairman.

Mr. Redfield moved that the Report be adopted; on which motion Mr. Dungan called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Trumbull and Watson—35.

The nays were, Senators Dungan, English, Esteb, Neal, Pollard, Udell and Woolson—7.

So the Report of Committee was adopted.

Mr. Pattison from Committee on Agriculture submitted the following report:

The Committee on Agriculture to whom was referred House File No. 288, being a Bill in relation to fences, have had the same under consideration, and a majority of said Committee have instructed me to report the same back and recommend its passage.

A. M. PATTISON, Chairman.

House File No. 288 was read when Mr. Trumbull moved to refer to Judiciary Committee. Lost.

On motion of Mr. Pattison the 11th rule was suspended, Bill read third time, and on the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Brown, Dungan, Dysart, Gray, Hatch, Hastings, Kent, Pattison, Redfield, Smith, Woodward and Woolson—13.

The nays were, Senators Boardman, Bowen, Duncombe, English, Esteb, Foote, Gue, Hagans, Hammer, Hesser, Holmes, Howard, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Teter, Trumbull, Udell and Watson—27.

The Bill not having received a constitutional majority, was lost.

Mr. Gue, from Committee on Printing, reported back House File No. 299: A Bill for an Act to provide for the publication and distribution of the Report of the Adjutant General, and recommend its passage.

On motion of Mr. Redfield, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Udell, Watson and Woodward—28.

The nays were, Senators Ainsworth, English, Esteb, Gray, Holmes, Jennings, Neal, Pollard, Potter, Teter, Trumbull and Woolson—12.

The Bill passed and the title was agreed to.

On request of Mr. Dysart, Senator Hammer was excused.

Mr. McCrary of Lee, from Committee on Military Affairs, submitted the following report, which was adopted :

MR. PRESIDENT:—Your Committee on Military Affairs, to whom was referred Senate File No. 167: A Joint Resolution providing for auditing the claim of Captain Wm. Edwards of Lee County, have had the same under consideration, and have directed me to report the same back and recommend that the preamble be stricken out, and thus amended, recommend its passage.

McCRARY of Lee, Chairman.

On motion of Mr. McCrary, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows :

The yeas were, Senators Bowen, Brown, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Howard, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woodward—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Jennings, Neal and Trumbull—8.

The Bill passed and its title was agreed to.

Mr. Dysart from the Committee on County and Township Organization, reported back House File No. 120: A Bill for an Act to allow organized Counties to fund their outstanding Warrants, and recommend its passage.

On motion of Mr. Hatch "10" was stricken out and "6" inserted in regard to the rate of interest.

On motion of Mr. Leake, Section one was amended by inserting after "warrant" the words "or warrants hereafter issued."

On motion of Mr. Duncombe the 11th Rule was suspended, Bill read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Gray, Gue, Hagans, Hastings, Hesser, Jennings, Kern, Leake, McCrary of Lee, Pattison, Pollard, Smith, Teter, Trumbull, Woodward and Woolson—23.

The nays were, Senators Ainsworth, Brown, English, Esteb, Foote, Hatch, Holmes, Howard, Hurley, Lewis, McCrary of Van Buren, McPherson, Potter, Redfield, Shaffer, Udell and Watson—17.

The Bill not having received a Constitutional majority, was lost.

Mr. McPherson, from Special Committee on Congressional Districts, submitted the following report :

The Committee to whom was referred House File No. 312: A Bill for an Act to divide the State into six Congressional Districts, have had the same under consideration and have made sundry amendments thereto, which are herewith reported to the Senate, together with the Bill and the Committee asks that the Senate

adopt the amendments, and then recommend that the Bill so amended pass the Senate.

McPHERSON, Chairman.

Mr. Gue moved that the Senate concur in the amendments of the Committee.

Mr. Dungan moved to amend by striking Lucas and Wayne counties from the fourth District and attach them to the fifth.

Mr. English moved to adjourn. Lost.

On Mr. Dungan's motion Mr. Leake call for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Brown, Duncombe, Dungan, English, Esteb, Gray, Hastings, Hesser, Holmes, Jennings, Kern, McPherson, Neal and Trumbull—16.

The nays were, Senators Boardman, Dixon, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—24.

The motion to amend was lost.

Mr. Angle moved to adjourn. Lost.

The question being upon the adoption of the Report of the Committee, Mr. Angle offered the following amendment: Strike out the county of Linn from the third District and attach it to the second District; upon the adoption of which Mr. Jennings called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Duncombe, English, Esteb, Gray, Hammer, Hastings, Hesser, Holmes, Jennings, Neal, Pollard, Trumbull and Woodward—17.

The nays were, Senators Boardman, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woolson—26.

Absent but not excused, Senators Burdick, Green, Kern, Potter and Williams.

The amendment was not adopted.

Mr. Esteb moved to adjourn, upon which motion Mr. Jennings called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Hammer, Hastings, Hesser, Jennings, Kern, Neal, Trumbull and Woodward—14.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woolson—28.

Absent and not voting, Senators Burdick, Greer, Potter, and Williams.

So the Senate refused to adjourn.

Question being upon the adoption of Report of Committee—

Mr. Angle moved to lay on the table, and called for the yeas and nays which were as follows :

The yeas were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Hammer, Hastings, Hesser, Jennings, Kern, Neal, Pollard, Trumbull and Woodward—15.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woolson—27.

Motion to table was lost.

The following Messages from the House were received :

MR. PRESIDENT :—I return herewith Senate File No. 258 : A Bill for an Act to provide for the taking up of Estray animals. The same having passed the House without amendment.

Senate File No. 256 : A Bill for an Act to apportion the State into Senatorial Districts. The same having passed the House without amendment.

The House has passed the following Bills in which the concurrence of the Senate is asked :

House File No. 250 : A Bill for an Act to provide for the publication of the laws of a general nature, of the Ninth General Assembly, in certain German newspapers, and for the translation thereof.

The House has also concurred in the Senate's amendment to House File No. 79 : A Bill for an Act amendatory to an Act entitled an Act to provide for the making and repairing of Public Highways, and prescribing the further duties of Township officers, in certain cases, approved March 23d, 1858.

Also in the amendment to House File No. 6 : A Bill for an Act authorizing Cities, Towns and Villages to regulate and license the sale of property by auctioneers.

And passed the Bills as so amended.

The House has also passed the following Bill in which the concurrence of the Senate is asked :

House File No. 285 : Joint Resolution for the publication of a Legislative Manual.

I also return herewith substitute for Senate File No. 90 : A Bill for an Act making appropriations for the Hospital for the Insane. The same having passed the House without amendment.

Also House File No. 294 : A Bill for an Act to legalize the acts of Geo. W. Clark, a Notary Public.

House File No. 329 : A Bill for an Act to amend section 1851 of the Revision of 1860, relating to Mechanics' Liens.

House File No. 337 : A Bill for an Act to amend section 1568 of the Revision of 1860.

I am directed to ask that House File No. 337 : A Bill for an Act

to amend section 1568 of the Revision of 1860, be returned to the House.

And return herewith Senate File No. 255 : A Bill for an Act to provide for the publication, distribution and transcribing of the Journals of the Ninth General Assembly. The same having passed the House with sundry amendments, in which the concurrence of the Senate is asked.

CHA'S. ALDRICH, Chief Clerk.

Mr. Bowen moved to strike out Tama and Marshall Counties from the Central District, and attach to the Sixth District.

Mr. Bowen moved to adjourn, upon which motion Mr. Ainsworth called the yeas and nays and the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, English, Gray, Hammer, Hesser, Jennings, Kent, Kern, McCrary of Lee, Neal, Pattison, Trumbull and Woodward—17.

The nays were, Senators Boardman, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Leake, Lewis, McCrary of Van Buren, McPherson, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Watson and Woolson—25.

So the Senate refused to adjourn.

Mr. Leake moved the previous question which was seconded.

Mr. Jennings moved a call of the Senate, which motion prevailed.

The roll was called and the following Senators were present.

Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson.

Absent and not excused, Senators Green, Burdick, Potter and Williams.

Mr. Pollard moved that further proceedings under the call be dispensed with ; upon which motion Mr. Ainsworth called for the yeas and nays, which were as follows :

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Hammer, Hastings, Jennings, Kern, Neal and Trumbull—12.

Absent or not voting, Senators Brown and Potter.

The motion prevailed.

The question now being, " Shall the main question be now put ? "

Mr. Jennings moved to adjourn.

Mr. McPherson raised the point of order that the motion was out of order at this time, as the previous question was pending.

Chair decided the point well taken; from which decision Mr. Ainsworth appealed and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—41.

The nays were, none.

The decision of the Chair was sustained.

The question now being, "Shall the main question now be put?" Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Hammer, Hastings, Hesser, Jennings, Neal, Trumbull and Udell—13.

Question now being upon the amendments of Committee, Mr. Ainsworth called for the yeas and nays.

Mr. Angle called for a division of the question.

Mr. Woolson raised the point of order that the question was not divisible.

Chair decided the point well taken.

The vote was then taken upon adopting the amendments of the Committee, and resulted as follows:

The yeas were, Senators Boardman, Dixon, Dungan, Foote, Gue, Hagans, Hatch, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—23.

The nays were, Senators Ainsworth, Angle, Bowen, Duncombe, Dysart, English, Esteb, Gray, Hammer, Hastings, Hesser, Holmes, Jennings, Kern, McPherson, Neal and Trumbull—17.

The amendments of Committee were adopted.

The question being, "Shall the Bill be read a third time to-morrow?" Mr. Ainsworth called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Angle, Duncombe, Dysart,

English, Esteb, Gray, Hammer, Hastings, Jennings, Kern, Neal and Trumbull—13.

Bill was ordered to be read a third time to-morrow.

Mr. Kent moved to take a recess until 3 o'clock, P. M.

Mr. Ainsworth arose to discuss the motion, when the Chair decided it not debatable.

Mr. Ainsworth appealed and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull and Woodward—32.

The nays were, Senators Kern and Neal—2.

The Chair was sustained.

Senate took a recess until 3 o'clock, P. M.

AFTERNOON SESSION.

Senate convened at three o'clock.

Mr. Shaffer from Committee on Enrolled Bills submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, April 3d, 1862, presented the following to his Excellency the Governor for his approval:

Senate File No. 242: An Act for the relief of Jacob Minturn.

Senate File No. 227: An Act to legalize acts of Joseph G. Tanner.

Senate File No. 257: Fixing time of holding Court in Pocahontas County.

Senate File No. 68: A Bill fixing time of holding Court in the Sixth Judicial District.

Senate File No. 90: An Act making further appropriation for Insane Hospital.

House File No. 6: An Act relating to sales by auctioneers and transient merchants.

House File No. 79: An Act relating to repairing public highways, &c.

Also, have examined the following, corrected errors therein, and present the same for your signature:

Senate File No. 256: An Act to apportion the State into Senatorial Districts.

Mr. Burdick from Committee on Public Lands submitted the following report :

MR. PRESIDENT:—The Committee on Public Lands have instructed me to make the following report :

FIRST—On Senate File No. 228 : A Bill for an Act to secure the remainder of the University Land Grant, they recommend its passage.

SECOND—On Senate File No. 229 : A Bill for an Act to provide a complete list of lands selected under the Swamp Land Grant, they recommend its passage.

THIRD—On House File No. 139 : An Act to provide for the making of deeds for swamp lands, a majority of the Committee refuse a Substitute, and recommend its passage.

M. V. BURDICK, Chairman.

Senate File No. 228 was read, and on motion of Mr. Ainsworth the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Foote, Gray, Gue, Hagens, Hammer, Hesser, Holmes, Howard, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Potter, Redfield, Shaffer, Smith, Teter, Watson and Woodward—27.

The nays were, Senators Ainsworth, English, Esteb, Trumbull and Udell—5.

Absent and not voting, Senators Angle, Brown, Dysart, Hatch, Hastings, Kent, Neal, Pattison and Woolson.

The Bill passed and its title agreed to.

Senate File No. 229 was read, and on motion of Mr. McCrary of Van Buren the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—33.

The nays were, Senators Hagens and Hammer—2.

Absent and not voting, Senators Angle, Brown, Gue, Jennings, Kent, Neal, Pattison and Pollard.

The Bill was passed and the title agreed to.

On motion of Mr. Burdick the remainder of the report was laid on the table.

Mr. Woolson from Select Committee reported Substitute for House File No. 230 : An Act regulating proceedings in actions on Bonds and Coupons issued by a County or City. The Substitute being a Bill for an Act limiting the doctrine of Estoppel in certain cases, was adopted and ordered to be read third time to-morrow.

Mr. Redfield from Special Committee reported back House Substitute for Senate File No. 1: A Bill for an Act to alter the boundaries of the 3d and 5th Judicial Districts of Iowa. Bill read, and on motion of Mr. McPherson, laid on the table. The Committee also report back Senate File No. 260, and recommend its passage.

Mr. McPherson offered the following amendment: "In the county of Cass on the Monday next preceding the last Monday in January and July in each year." Amendment adopted.

On motion of Mr. Hagans the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Potter, Redfield, Smith, Teter, Udell, Woodward and Woolson—37.

The nays were, none.

Absent and not voting, Senators Angle, Kent, Trumbull and Watson.

The Bill was passed and its title agreed to.

Mr. Udell moved to reconsider the vote whereby the following amendment to Senate File No. 268 was adopted: Strike out all between the words "heretofore" and "nor" in 13th line, and insert "selected as School lands under any law of Congress and certified to this State." The motion prevailed.

Mr. McPherson, upon leave, introduced a Bill, Senate File No. 262: A Bill for an Act to legalize certain contracts made by certain Counties of this State with the American Emigrant Company. Read first and second time, and referred to Judiciary Committee.

Mr. Teter, upon leave, submitted the following report:

MR. PRESIDENT:—Your Committee on Charitable Institutions have had under consideration House File No. 287: A Bill authorizing the Principal of the Institution for the education of the Blind, to remove said Institution to the building erected for that purpose, at Vinton, and have instructed me to report it back to the Senate, and recommend its passage. Also, House File No. 314: A Joint Resolution relating to the appointment of Trustees for the Hospital for the Insane, and recommend its passage.

TETER, Chairman.

Committee report back House File No. 287. Read and re committed.

House File No. 314: Joint Resolution, was read, and on motion of Mr. Teter, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings,

Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—34.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray and Hammer—6.

The Bill passed and the title was agreed to.

The unfinished Report of Judiciary Committee was taken up.

Senate file No. 174: A Bill for an Act to legalize and declare valid certain judgments of the Fifth and Eleventh Judicial Districts of the State of Iowa, was reported back and its passage recommended.

On motion of Mr. Duncombe, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Shaffer, Smith, Trumbull, Udell, Watson and Woodward—36.

The nays were, none.

The Bill passed and title agreed to.

House File No. 157: A Bill for an Act to amend Sections 4779 and 4780 of the Revision of 1860, respecting peremptory challenges in criminal cases, was, on motion of Mr. Ainsworth, referred back to Judiciary Committee.

House File No. 243: A Bill for an Act to repeal Chapter 68 of the laws of the 7th General Assembly, in relation to keeping in repair a Levee on Muscatine Island. Passage recommended.

On motion of Mr. Woodward, the 11th Rule was suspended, Bill was read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Woodward and Woolson—39.

The nays were, none.

The Bill passed and its title agreed to.

Substitute for House File No. 271: A Bill to prevent counties having less than a certain number of inhabitants disposing of their Swamp and other lands, was reported back by Committee, and its indefinite postponement recommended.

On motion of Mr. Udell, the Report of Committee was concurred in.

Senate File No. 148: A Bill to legalize the acts of the County

Judge of Wayne County, Iowa, was reported back without recommendation.

On motion of Mr. Esteb, the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Jennings, Kern, Lewis, McCrary of Van Buren, Neal, Pattison, Potter, Redfield, Trumbull, Udell, Watson and Woodward—31.

The nays were, Senators Angle, Hesser, Kent, Leake, McCrary of Lee, McPherson, Shaffer, Smith and Woolson—9.

Bill passed and title was agreed to.

Senate File No. 236: A Bill for an Act to prevent the unlawful sale or incumbering of certain Railroad lands, was taken up and amendments of Committee were adopted.

Mr. Duncombe moved to amend as follows: Insert after Section 5,

Sec. 4. All of the provisions of this Act shall apply with equal force and effect to the Keokuk, Fort Des Moines & Minnesota Rail Road Company, or to any other Company having grants of land from the State of Iowa to aid in the construction of their Road.

Upon which amendment, Mr. McCrary of Lee, called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hammer, Hastings, Howard, Jennings, Kern, Pattison, Potter and Trumbull—18.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Hagans, Hatch, Hesser, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—22.

So the amendment was not adopted.

Mr. McPherson offered the following as an additional section :

The provisions of this Act shall not apply to the Cedar Rapids & Missouri River Rail Road Company.

Amendment lost.

Mr. Hammer moved to indefinitely postpone, upon which motion Mr. Ainsworth called for the yeas and nays which were as follows :

The yeas were, Senators Angle, Brown, Duncombe, Dysart, Esteb, Gray, Gue, Hammer, Hastings, Jennings, McPherson, Pattison, Potter and Trumbull—14.

The nays were, Senators Ainsworth, Boardman, Dixon, Dungan, English, Foote, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—26.

Absent and not voting, Senators Bowen, Burdick, Dysart, Green, Kern, Pollard and Williams.

Motion to postpone was lost.

Mr. McCrary of Lee, moved to make special order for to morrow at half past nine o'clock. Lost.

Mr. Duncombe moved to amend as follows: After section 1 insert: *Provided*, That nothing herein contained shall in any manner conflict with the rights of any of said companies now existing under the acts of the General Assembly of the State of Iowa, now in force, nor shall the same in any manner interfere with any rights of parties holding mortgages, or deeds of trust, or other incumbrances, or any of said lands under any of said acts; upon which motion he called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Jennings, Kent, McPherson, Neal, Pattison, Potter and Trumbull—23.

The nays were, Senators Boardman, Dixon, Dungan, Foote, Hatch, Hesser, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—18.

Absent and not voting, Senators Kern, Pollard, Udell and Williams.

The amendment was adopted.

Mr. Duncombe moved to suspend the 11th Rule and put Bill upon its passage. Lost.

Mr. Duncombe moved to amend as follows: "Provided, however, that nothing in this Act shall be construed to affect the lands lying outside of the six mile limits of the line of said road," and upon which amendment he called the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hammer, Hastings, Howard, Jennings, Kent, McPherson, Pattison, Potter and Trumbull—20.

The nays were, Senators Dixon, Dungan, Foote, Hatch, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—19.

Absent or not voting, Senators Boardman, Hagans, Kern and Udell.

So the amendment was adopted.

Mr. Leake moved to suspend the 11th Rule and put the Bill on its passage. Carried.

The Bill was read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Dungan, Foote, Hatch, Hesser, Howard, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Shaffer, Smith and Woodward—16.

The nays were, Senators Ainsworth, Angle, Bowen, Brown, Bur-

dick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Jennings, Kent, Neal, Pattison, Potter, Redfield, Teter, Trumbull, Watson and Woolson—25.

Absent or not voting, Senators Dixon, Pollard, Udell and Williams.

The Bill not having a constitutional majority was lost.

Message from the House :

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

Substitute for House File No. 258 : A Bill for an Act for the protection of fruit.

I also return herewith Senate File No. 166 : A Bill for an Act to amend and consolidate an Act passed by the Board of Education, December 24, 1859, entitled "An Act to amend an Act entitled an Act to provide a system of Common Schools," and the amendments thereto, the same having passed the House with sundry amendments, in which the concurrence of the Senate is asked.

House File No. 351 : A Bill for an Act to amend Section 2849, of the Revision of 1860.

House Substitute for Senate File No. 243 : A Bill for an Act to amend Section 1874, of the Revision of 1860, in relation to limited partnerships :

And that the House has refused to adopt Substitute for Senate File No. 99, as a Substitute for Substitute for House File No. 155, and that both Bills are herewith returned.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Redfield, the vote by which the Bill in relation to funding County Bonds was defeated, was reconsidered.

Mr. Duncombe moved to reconsider the vote by which Senate File No. 236 was defeated.

On motion of Mr. Ainsworth, the motion was laid on the table.

FIVE O'CLOCK, P. M.

On motion of Mr. McPherson of Madison, the Senate went into Executive Session, on a communication from the Governor.

SIX O'CLOCK, P. M.

Senate came out of Executive Session and adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 FRIDAY, April 4, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Turner.

On motion of Mr. Ainsworth the reading of the Journal was dispensed with.

Mr. Hatch from Committee on Public Buildings submitted the following report:

MR. PRESIDENT:—Your Committee on Public Buildings to whom was referred House File No. 332: A Bill for an Act providing for the selection of seats in the Hall of the House of Representatives by members of the General Assembly, have examined the same and report the Bill back to the Senate without any recommendation.

We have had also under consideration a Bill for an Act to confer additional powers on the Warden of the Penitentiary, and report the same back, and recommend its passage.

J. H. HATCH, Chairman.

House File No. 332: A Bill for an Act providing for the selection of seats in the Hall of the House of Representatives, by members of the General Assembly, was read.

Mr. Ainsworth moved to amend by making the provisions of the Act, apply to the Senate. Lost.

On motion of Mr. Redfield the 11th rule was suspended, Bill read third time, and on the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Boardman, Dixon, Dungan, Dysart, Esteb, Hagans, Jennings, Kern, Pattison, Udell, Woodward and Woolson—12.

The nays were, Senators Ainsworth, Angle, Bowen, Brown, English, Foote, Gray, Green, Gue, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson and Williams—27.

The Bill not having received a constitutional majority was lost.

House File No. 321: An Act to confer additional powers on the Warden of the Penitentiary, was read and on motion of Mr. Redfield the 11th rule was suspended, Bill read third time and on the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—30.

The nays were, Senators Ainsworth, English, Esteb, Gray, Hammer, Jennings, McPherson and Potter—8.

Absent but not excused, Senators Angle, Burdick, Duncombe, Green, Hastings, Kent, Leake, Lewis and Pollard.

The Bill passed and its title was agreed to.

Mr. Holmes moved to suspend the regular order and take up House File No. 227: An Act to amend Chapter 45 of the Revision of 1860, being an Act in relation to revenue.

On this motion Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Angle, Duncombe, English, Esteb, Gray, Hammer, Kern, Neal, Potter, Trumbull and Williams—12.

So the motion prevailed.

The Bill was then taken up and the amendments of the Committee to Section 1 adopted.

Mr. Leake offered the following amendment to Section 16: Insert in fifth line from the bottom after "run," "in proportion to the number of miles of main track of road in each County. Adopted.

On motion of Mr. Woolson Section 19 was amended by inserting after the word "Recorder," "file for record or." The third amendment of the Committee was then adopted.

Mr. Leake offered the following amendment to section 16: Strike out from the word "Counties to the tax" and insert "if any Rail Road Company shall fail to make a sworn statement required by this Act, the Treasurer of State shall ascertain as near as may be the gross earnings of each delinquent Company, and assess thereupon the said one per centum, and shall seize and levy upon the whole or any part of the property, rights and franchises of said Company, and after giving ten days' public notice of the time and place of sale, shall proceed to sell the same at public auction, to satisfy the amount of said assessment, together with all costs and expenses incurred in making the assessment and sale. Adopted.

Mr. Leake moved to amend Section 19 by adding, "and the said Treasurer and Recorder, before recording said deed, shall note the transfer of title on the tax list, and the property described in said deed shall, at the next enlistment for taxation, be listed by the Assessor in the name of the person to whom said property shall have been so conveyed." Adopted.

Mr. Leake moved to amend by striking out the words "other property," &c., and inserting the following: "The capital and property of Rail Road Companies (except town lots and other real estate not used in the business of running the road, and lands granted after the same being certified to the Company) shall be named as provided in this Act, and in no other manner.

Mr. Jennings called for the yeas and nays, which were as follows:

The yeas were, Senators Angle, Burdick, Duncombe, Dungan, Dysart, Gue, Hatch, Hesser, Holmes, Jennings, Kent, Leake, Neal, Pattison, Potter, Redfield, Smith, Trumbull and Woodward—18.

The nays were, Senators Ainsworth, Boardman, Bowen, English, Esteb, Gray, Green, Hagans, Hammer, Hastings, Howard, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Teter, Udell, Watson, Williams and Woolson—22.

Absent and not excused, Senators Brown, Dixon, Foote and McPherson.

The amendment was lost.

Mr. Redfield moved to amend as follows:

Provided, That such tax shall be paid into the State Treasury: and provided further, that if said companies shall respectively build twenty continuous miles of their roads in any one year, the Auditor of State shall draw his warrant on the State Treasurer for the full amount of such tax paid by each Company, in favor of such Company.

Mr. Ainsworth moved to amend by adding, "to each individual and corporation which has paid taxes." Adopted.

Mr. Redfield's amendment was then lost.

Mr. Trumbull moved to amend 8th Section. Lost.

Mr. Smith offered an additional section, providing for the publication of the Bill, which was adopted.

Mr. Duncombe offered the following as section 20, which was adopted:

"That in any action now or hereafter pending in any of the Courts of this State, to hinder, delay or prevent the collection of delinquent taxes levied upon any lands, on the ground of any want of title to such land at the time such tax was levied, the party resisting the collection of such tax must show that he has paid or offered to pay the proper legal tax upon the money invested in such land, for the proper year, before he shall be permitted to contest the collection of such taxes."

Mr. Dixon moved to strike out "30" and insert "10" in section 13. Lost.

Mr. Neal offered the following additional section, on which he called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Duncombe, Dysart, English, Esteb, Gray, Green, Hammer, Kern, Neal, Potter and Williams—12.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—31.

Absent and not excused, Senators Jennings and Pollard.

The amendment was lost.

That the Recorder and Treasurer shall receive in full compensation for his services for all sums collected by him as revenue, three per cent. upon the first ten thousand dollars; two per cent. upon the second ten thousand dollars, and one per cent. upon all sums over twenty thousand dollars.

Mr. Woolson moved to strike out section 16 of the Bill. Lost.

On motion of Mr. Holmes the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dungan, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Watson and Woodward—25.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Green, Hammer, Hesser, Jennings, Kern, Neal, Potter, Teter, Trumbull, Udell, Williams and Woolson—20.

Absent or not voting, Senator Pollard.

Bill passed and title agreed to.

Mr. Foote from Committee on Commerce reported back House File No. 330: An Act to repeal section 1814 of the Revision of 1860, and to enact in lieu thereof a Substitute relating to proceeding to be observed in the acceptance and payment of bills and notes, and recommend its passage.

On motion of Mr. Hatch the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—37.

The nays were, Senators English, Esteb, Hammer, Neal, Udell and Williams—6.

Absent or not voting, Senators Holmes, Pollard and Trumbull.

Bill passed and title agreed to.

Mr. Redfield from Committee on Public Lands reported back Joint Resolution in relation to Des Moines River Grant, and recommended its indefinite postponement.

Mr. Ainsworth moved to concur in the report, upon which motion the yeas and nays were called, as follows:

The yeas were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Green, Gue, Hammer, Howard, Jennings, Pattison, Potter, Smith and Trumbull—17.

The nays were, Senators Boardman, Bowen, Dixon, Dungan, Foote, Hagans, Hatch, Hesser, Holmes, Hurley, Kern, Leake,

Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—24.

Absent or not voting, Senators Dysart, Hastings, Kent, Neal and Pollard.

The motion was lost.

Mr. Burdick submitted the following minority report :

MR. PRESIDENT :—The undersigned, of the Committee on Public Lands, to whom was referred Senate file No. 249 : A Joint Resolution in relation to the Des Moines River Grant, would respectfully report that, in the opinion of the undersigned, no resolution of the kind should pass, for the following reasons, to-wit :

FIRST—Because there is a dispute between the Des Moines River Company and certain Railroad Companies, as to the title to the lands in question, which dispute is now before the Courts for adjustment, and it is believed to be bad policy for the State to attempt to interfere in any manner with the matters in controversy.

SECOND—If the request contained in the resolution is complied with, by the General Government, it will retard the settlement of the State, as it requests the withdrawal from market of a large portion of lands which are now open for settlement.

THIRD—The title to the lands occupied by actual settlers, along the Des Moines River, is now sufficiently complicated, and in the opinion of the undersigned, no action should be had by this General Assembly which will raise new questions as to these titles, and it is believed that this resolution, if adopted, and acted upon by the General Government, will have this effect.

FOURTH—In the opinion of the undersigned, the moneys already raised by the sale of lands heretofore granted by the General Government for the improvement of the Des Moines River, have been squandered, without any material benefit to the State, and to ask the grant of more lands would only tend to prejudice the General Government against the granting of any lands for any other purpose, however much the interests of the State may require it.

FIFTH—Said resolution asks the grant of lands which, in the opinion of the undersigned, have already been granted to the State for Railroad purposes, and this opinion has been sustained by the Supreme Court of the United States.

For these and other reasons, the undersigned would recommend the indefinite postponement of the resolution.

M. V. BURDICK.

Though I do not concur in all the statements in the foregoing report, yet I do concur in recommending the indefinite postponement of the Bill.

S. G. SMITH.

Mr. Duncombe offered the following amendment, which was adopted :

Provided, That no such Act shall in any manner apply to any

lands heretofore granted to the State for Railroad purposes, or for any other purposes whatever.

The Substitute was then adopted.

On motion of Mr. Udell the 11th rule was suspended, Resolution read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Green, Hagans, Hatch, Hesser, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Teter, Udell, Watson, Williams, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Gue, Hammer, Howard, Jennings, Kent, Potter, Smith and Trumbull—15.

The Bill passed and its title was agreed to.

Mr. Neal, from Committee on Public Lands, reported back Substitute for Senate File No. 245: A Bill for an Act authorizing Boards of Supervisors to dispose of the swamp and overflowed lands, and recommend its passage.

The Substitute was adopted, the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Hagans, Hatch, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Udell, Watson, Williams, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Angle, Brown, Duncombe, English, Esteb, Gue, Hammer, Hastings, Holmes, Jennings, Potter and Trumbull—13.

Absent or not voting, Senators Howard and Pollard.

The Bill passed and title agreed to.

The Committee on Public Lands reported back House File No. 136.

Mr. Duncombe moved to lay on the table. Lost.

On motion of Mr. Woolson, Section 13 was stricken out.

On motion of Mr. Duncombe, the Bill was recommitted.

Mr. Redfield, from majority of Committee on Public Lands, reported back House File No. 340: A resolution in relation to swamp and overflowed lands, and recommend its passage.

On motion of Mr. Redfield, the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

The business before the Senate was the consideration of House

File No. 136: A Bill for an Act to authorize the Governor and Boards of Supervisors to appoint agents in regard to swamp lands belonging to the State of Iowa and defining their duties.

Mr. Burdick moved to reconsider the vote by which Section 13 was stricken out. Carried.

The motion to strike out was then withdrawn.

Mr. Ainsworth moved to strike out all after the enacting clause and insert the following amendment, which was not adopted:

That the Boards of Supervisors of the several Counties of this State are hereby authorized to employ and appoint agents to act in obtaining patents for the swamp lands in their respective Counties. And it is hereby made the duty of the Governor to commission the persons, so appointed, as agents of the State for the Counties by which they are appointed.

SEC. 2. The several Counties of this State are hereby required to pay all the expenses, incurred by such agents, by them appointed in obtaining patents for lands in their respective Counties.

On motion of Mr. Bowen, the 11th Rule was suspended, the Bill read a third time, and on the question "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dysart, Foote, Hatch, Hastings, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—25.

The nays were, Senators Ainsworth, Brown, Duncombe, Dungan, English, Esteb, Gray, Hagans, Howard, Jennings, Potter, Trumbull and Williams—13.

Absent and not voting, Senators Green, Gue, Hammer, Hesser, Kent, Pattison and Pollard.

The Bill passed and title was agreed to.

Received the following messages from the House:

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

Substitute for House File No. 91: A Bill for an Act to amend Section 823 of Chapter 46 of the Revision of 1860, in relation to bridges.

I also return herewith Senate No. 260: A Bill for an Act fixing the time of holding Courts in the Third Judicial District, the same having passed the House without amendment.

I am also instructed to inform the Senate that the House has indefinitely postponed Senate Files Nos. 110 and 217.

Also, has passed House File No. 349: (Substitute for Substitute for Senate File No. 117 and House File No. 261.) A Bill for an Act amendatory of an Act entitled an Act providing for auditing all accounts and disbursements arising under the call for Volunteers

from Iowa, and also for all men organized as the State Militia of Iowa.

Also, House File No. 335: A Bill for an Act in relation to witnesses' fees.

Also, House File No. 345: A Bill for an Act making it the duty of the Clerk of the District Court to act in the place of the County Judge in certain cases.

Also, House File No. 833: A Bill for an Act in relation to recording powers of Attorneys for conveying real estate.

Also, House File No. 343: A Bill for an Act to amend Section 4246 of the Revision of 1860.

Also, House File No. 339: A Bill for an Act to amend an Act entitled an Act to amend an Act to confer certain powers on towns and cities for school purposes.

Also, House File No. 331: A Bill for an Act to amend Chapter 90, Article 20 of the Revision of 1860.

CHA'S. ALDRICH, Chief Clerk.

Upon the request of Mr. Williams, Senators Neal and Green were excused.

House File No. 340, a Joint Resolution in relation to swamp and overflowed lands reported back by Committee on Public Lands, was taken up; and on motion of Mr. Hatch the 11th Rule was suspended, the Bill read third time, and upon the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Dungan, Foote, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Kern, Lewis, McCrary of Lee, McPherson, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hagans, Hammer, Jennings, Leake, McCrary of Van Buren, Pattison, Potter, Trumbull and Williams—17.

Absent or not voting, Senators Green, Hesser, Neal and Pollard.

The Bill passed and its title was agreed to.

Mr. McPherson moved to take up Bills on third reading.

Mr. Duncombe called for the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Hammer, Jennings, Kern, Potter, Trumbull, Udell and Williams—12.

Absent and not voting, Senators Angle and Hesser.

The motion prevailed.

Senate File No. 147: An Act providing for Assistant Collectors

and for the better collection of Taxes, was read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Duncombe, Dysart, Gray, Hammer, Hatch, Hastings, Kern and Potter—9.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, English, Esteb, Foote, Gue, Holmes, Howard, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams and Woodward—29.

Absent but not excused, Senators Hagans, Hesser, Kent and Woolson.

Bill not having received a Constitutional majority, was lost.

Senate File No. 237 was read a third time: A Bill for an Act to amend the Code of Civil Practice; and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—39.

The nays were, Senators Hagans, Hammer and Potter—3.

The Bill passed and the title was agreed to.

Senate File No. 238: A Bill for an Act to amend Section 2858, in the Code of Civil Practice. Read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dysart, Foote, Gue, Hatch, Howard, Kent, Kern, Leake, McPherson, Redfield, Shaffer, Watson and Woolson—16.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, English, Esteb, Gray, Hagans, Hammer, Hastings, Hurley, Jennings, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Smith, Trumbull, Udell, Williams and Woodward—22.

Absent and not excused, Senators Angle, Hesser, Holmes, Lewis and Teter.

Bill not having received a Constitutional majority, was lost.

House File No. 312: A Bill for an Act to divide the State into six Congressional Districts. Read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Angle, Brown, Burdick, Duncombe, English, Esteb, Gray, Hammer, Hastings, Jennings, Kern, Potter, Trumbull, Udell and Williams—16.

Absent and not excused, Senators Hesser and Neal.

Bill passed and title agreed to.

Senate File No. —: A Bill for an Act defining the duties of Recorders of Deeds. Read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dungan, Dysart Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Trumbull, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Hammer, Jennings, Kern, McCrary of Lee, Potter, Redfield and Williams—12.

Bill passed and title agreed to.

Mr. McPherson moved a call of the Senate. Carried.

The roll was called and the following Senators were absent: Senators Dixon, Hesser and Watson.

Mr. McPherson moved that further proceedings under the call be dispensed with. Carried.

Senate File No. 223: A Bill for an Act to amend Chapter 32 of the laws of the present Session of the General Assembly, and to further provide for the collection of moneys due the State and Counties, was read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Burdick, Angle, English, Esteb, Gray, Hammer, Trumbull, Udell and Williams—10.

Bill passed and title was agreed to.

Mr. Leake moved to take up House File No. 120: A Bill for an Act to allow organized Counties to fund their Warrants. Carried.

Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Gray, Gue, Hagans, Hastings, Hesser, Jennings, Kern, Leake, McCrary of Lee, Pattison, Redfield, Smith, Teter, Trumbull, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Angle, Brown, English, Foote, Hammer, Holmes, Howard, Hurley, Lewis, McCrary of Van Buren, McPherson, Potter, Shaffer, Udell and Watson—16.

Bill passed and the title was agreed to.

Senate File No. 166: A Bill for an Act to amend and consolidate an Act passed by the Board of Education December 24th, 1859, entitled "An Act to amend an Act entitled an Act to provide a System of Common Schools," and the amendments thereto, was

taken up and the amendments of House were read, and upon the question, "Shall the Senate concur?" the yeas and nays were called and were as follows:

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Hagans, Hammer, Pattison, Potter, Trumbull, Udell and Williams—12.

Amendments of House concurred in.

W. Woolson moved to take up Bill in relation to taxing incomes.

Lost.

Mr. Duncombe moved to take up unfinished business. Carried.

House File No. 347: Joint Resolution in relation to 17th Regiment, was read, and on motion of Mr. Redfield, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dungan, Dysart, Gue, Hagans, Hastings, Hesser, Holmes, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Udell, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Foote, Gray, Hammer, Hatch, Jennings, Kern, Leake, Potter, Smith, Trumbull, Watson and Williams—17.

The Bill not having received a constitutional majority, was lost.

Substitute for House File No. 125: A Bill for an Act to exempt the property of Iowa Volunteers in the Military service of the United States from levy and sale, was read, and on motion of Mr. Redfield, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Howard, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—32.

The nays were, Senators Duncombe, English, Esteb, Gray, Hastings, Leake, Potter and Williams—8.

Bill passed and title was agreed to.

Senate File No. 263: An Act to require the Dubuque & Sioux City Railroad Company to release certain Swamp, School and Des Moines River Lands on the line of their Roads, and providing for the compensation therefor by an extension of the time of the building said Road, was read.

Mr. Duncombe moved a call of the Senate. Call ordered.

The roll being called, the following Senators were absent and not excused, viz: Senator Brown.

On motion of Mr. McPherson, the Sergeant at-Arms was sent for Mr. Brown.

On motion of Mr. McPherson, further proceedings under the call were dispensed with.

The question being upon the pending amendment of Mr. Redfield, it was lost.

Mr. Woodward moved to amend by striking out "1854," and insert "1859," and called the yeas and nays with the following result:

The yeas were, Senators Boardman, Dungan, Foote, Hagans, Hatch, Hesser, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Angle, Bowen, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hammer, Hastings, Holmes, Howard, Jennings, Kent, Leake, McPherson, Pattison, Potter and Trumbull—21.

So the amendment was lost.

Mr. Woolson moved to insert after the word "situated," in sixteenth line, first section, the following: "Including all such Swamp or overflowed lands as were returned and certified to the general land office, and certified to the State by Act of Congress of March 3, 1857." Amendment adopted.

Mr. McCrary of Lee, moved to amend first section by inserting after "1854," the following:

"And all lands claimed by the State as belonging to the Des Moines River Grant, and set apart by the State for the payment of claims against the Des Moines River Improvement, or to aid in building the Keokuk, Fort Des Moines & Minnesota Rail Road."

Upon the amendment he called the yeas and nays and the vote was as follows:

The yeas were, Senators Boardman, Dungan, Foote, Hatch, Hesser, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Redfield, Shaffer, Udell, Watson, Williams, Woodward and Woolson—16.

The nays were, Senators Ainsworth, Angle, Bowen, Brown, Burdick, Duncombe, Dysart, English, Esteb, Gray, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Jennings, Kent, Kern, Leake, McPherson, Pattison, Potter, Smith, Teter and Trumbull—26.

The amendment was lost.

On motion of Mr. Duncombe 11th rule was suspended, and Bill read third time, and on the question: Shall Bill pass? the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Gray,

Gue, Hagans, Hammer, Hastings, Hesser, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson and Woodward—36.

The nays were, Senators Dungan, Foote, Hatch, Holmes, Shaffer, Williams and Woolson—7.

The Bill passed, and title was amended by striking out all relating to State warrants, and was then agreed to.

Senate File No. 164: A Bill for an Act to require the Cedar Rapids and Missouri River Rail Road Company, to release certain Swamp, School and Des Moines River lands, on the lines of their roads, and providing for the compensation therefor by an extension of time of building said road, and the issuing of State warrants in certain cases, was read, and Mr. Udell moved to strike out section five.

Mr. Holmes offered substitute for Bill.

Received the following message from the House :

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

House File No. 301: A Bill for an Act fixing the time when taxes shall become a lien upon real estate.

CHA'S. ALDRICH, Chief Clerk.

On motion of Mr. Kern the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
SATURDAY, April 5, 1862. }

Senate called to order at two o'clock.

Prayer by the Rev. Mr. Turner.

On motion of Mr. Holmes reading of the Journal was dispensed with.

Mr. Shaffer from Joint Committee on Enrolled Bills, made the following report :

MR. PRESIDENT :—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, find the same correctly enrolled and present the same for your signature, viz :

Senate File No. 258: An Act to provide for taking up of estray animals.

House File No. 299: An Act to provide for publication and distribution of Adjutant General's Report.

House File No. 314: Joint Resolution to fill vacancies in Board of Trustees of Iowa Hospital for Insane.

House File No. 243: An Act to repeal Chapter 68 of Seventh General Assembly.

Mr. McCrary of Van Buren, offered the following resolution:

Resolved, by the Senate, That the Chair now occupied by the President and filled with dignity and honor to the State, be tendered to him as a token of respect for the able and impartial manner he has discharged the duties during the session.

McCRARY, of Van Buren.

Mr. Angle offered the following concurrent resolution:

Resolved by the Senate, the House of Representatives concurring, That a Committee of five on the part of the Senate be appointed to meet a like Committee on the part of the House, whose duty it shall be to examine all bills pending in either branch of the General Assembly, and report to each House on to-morrow morning, such bills as in their judgment should be first considered and acted upon to subserve the best interests of the State.

Resolution adopted.

Mr. Angle offered the following resolutions which were adopted:

Resolved, That the Governor be requested to inform the Senate as soon as practicable, the length of time which the Adjutant General of this State will probably be employed in the discharge of the duties of his office for the next two years. The probable number of clerks necessary for said office. Also, if the expenses of that office can be reduced without impairing its efficiency, and if there be a necessity for such complete records as are now kept in that office.

Resolved, That no new business will be received for the consideration of the Senate after two o'clock to-day, unless it be by consent of three-fourths of the members present and voting therefor, except it be the Appropriation Bill.

Resolved, That hereafter no person shall speak but five minutes to any question.

Mr. Kent offered the following which was adopted:

Resolved, That the Committee on Rail Roads be and they are hereby requested to report back to the Senate House File No. 220, by two o'clock this P. M.

Mr. Holmes introduced Senate File No. 268: Joint resolution authorizing the Auditing Commissioners to audit certain accounts incurred by the Adjutant General's office. Read a first and second time, and Mr. Neal offered the following amendment: At prices 33½ per cent. less than the price now allowed by law to the State Printer and State Binder, and called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Duncombe, Dungan, English, Gray, Green, Hammer, Hesser, Holmes, Jennings, Kern, Lewis, Neal, Pollard, Potter, Teter, Watson and Williams—17.

The nays were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dysart, Foote, Gue, Hagans, Hatch, Howard, Hurley, Kern,

McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Trumbull, Udell, Woodward and Woolson—23.

Amendment was lost.

Mr. McPherson moved to suspend the 11th rule and put the Bill on its passage, which motion prevailed. Bill was read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, English, Gray, Green Hagans, Hammer, Hesser, Jennings, Kern, Neal, Pollard, Potter, Smith, Teter and Williams—15.

Bill passed and its title was agreed to.

On motion of Mr. Udell, the messages from the House were taken up:

House File No. 324. Read a first and second time and referred to Committee on Printing.

Substitute for Senate File No. 222. Read a first and second time.

Mr. Woodward moved to strike out "Lyon's Mirror" and insert "State Register." Which motion prevailed.

Question being on concurring in House amendments, the yeas and nays were called, with the following result:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—31.

The nays were, Senators Ainsworth, English, Gray, Jennings, Kern, Neal, Potter, Trumbull and Williams—9.

So the Senate concurred in the House amendments.

Substitute for House File No. 155: A Bill for an Act in relation to taxing salaries and incomes. Read, and Mr. Woolson moved that the Senate insist on their amendments, and appoint a Committee of Conference.

Mr. Leake moved to lay the whole subject upon the table. Upon which motion Mr. Neal called for the yeas and nays, which were as follows:

The yeas were, Senators Dixon, Dysart, Leake, McPherson, Shaffer—5.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dungan, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, Neal,

Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward, and Woolson—36.

Motion to lay on the table was lost.

Question now being upon Mr. Woolson's motion to insist, the motion prevailed.

On motion of Mr. Angle, a Committee of two was appointed on the part of the Senate, consisting of Senators Redfield and Woolson.

Substitute for Senate File No. 72: A Bill for an Act to provide for the support of the Deaf and Dumb and Blind Asylums, was read with House amendments.

Question being upon concurring in first amendment of House, Mr. Brown moved to concur in first amendment; the yeas and nays were called, with the following result:

The yeas were, Senators, Angle, Boardman, Bowen, Brown, Burdick, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Ainsworth, Dixon, Dungan, Dysart, Kern and Neal—6.

First amendment concurred in.

Question being upon concurring in the second amendment of the House, the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Green, Hatch, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woodward—21.

The nays were, Senators Ainsworth, Dixon, Duncombe, English, Foote, Gray, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Lewis, Neal, Pollard and Smith—19.

Amendment not receiving a Constitutional majority, was not concurred in.

House File No. 123: A Bill for an Act entitled an Act to protect young men's rights, was read, and on motion of Mr. Leake, the Bill was laid on the table.

Senate File No. 127: An Act to amend the Acts to protect game. House amendments were read, and Mr. Angle moved to concur, on which the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hammer, Hatch, Holmes, Howard, Hurley, Jennings, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Shaffer, Smith, Teter, Trumbull and Woodward—31.

The nays were, Senators Ainsworth, Hagans, Hastings, Hesser, Kent, Kern, Neal, Pattison, Pollard, Potter, Udell, Watson, Williams and Woolson—14.

Amendments of the House were concurred in.

Substitute for House File No. 91: A Bill for an Act to amend Section 823 of Chapter 46 of the Revision of 1860, in relation to bridges, was read, and Mr. Smith moved to add the words, "or upon." Lost.

On motion of Mr. Smith, the last Section of the Bill was stricken out.

On motion of Mr. Dungan, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Williams and Woodward—28.

The nays were Senators Ainsworth, Angle, Burdick, English, Gray, Green, Hammer, Hastings, Jennings, Neal, Pollard, Potter, Trumbull, Udell, Watson and Woolson—16.

The Bill passed and the title was agreed to.

Substitute for Senate File No. 243: A Bill for an Act to amend section 1847 of the Revision of 1860, in relation to limited partnerships, was read with House amendments, and on the question: Shall the Senate concur, the vote was as follows:

The yeas were, Senators Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Howard, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Teter, Udell, Watson, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Angle, Bowen, Duncombe, English, Gray, Green, Hagans, Hammer, Hesser, Hurley, Jennings, Kern, Lewis, Neal, Pattison, Pollard, Potter, Smith, Trumbull and Williams—21.

The amendments not having received a constitutional majority were not concurred in.

House File No. 294: A Bill for an Act to legalize the acts of George W. Clark, Notary Public, read first and second time, and on motion of Mr. Hatch 11th rule was suspended, Bill read third time, and on the question: Shall the Bill pass? the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Woodward and Woolson—36.

The nays were, Senators Ainsworth, English, Neal, Potter and Williams—5.

So the Bill was passed and the title agreed to.

House File No. 329: A Bill for an Act to amend section 1851 of the Revision of 1860, relating to mechanics' liens, was read first

and second time, 11th rule suspended, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—32.

The nays were, Senators Ainsworth, Angle, Burdick, Dixon, Duncombe, English, Gray, Green, Kern, Pollard, Potter and Udell—12.

The Bill was passed and its title agreed to.

House File No. 351 was read first and second time, and referred to Judiciary Committee.

House File No. 335 was read first and second time, and referred to Judiciary Committee.

House File No. 345 was read first and second time, and referred to Judiciary Committee.

Substitute for House File No. 258 was read first and second time. Mr. Kern offered the following amendment:

SEC. —. Provided, that section 4247 of the Revision of 1860 shall not apply to the provisions of this Act. Lost.

The 11th rule was then suspended, Bill read third time, and on the question "Shall the Bill pass?"

The yeas were, Senators Boardman, Bowen, Dixon, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hatch, Holmes, Howard, Hurley, Jennings, Kent, Leake, McCrary of Lee, McPherson, Neal, Pattison, Redfield, Smith, Teter, Trumbull, Watson, Williams and Woodward—28.

The nays were, Senators Ainsworth, Brown, Burdick, Duncombe, Hagans, Hammer, Hastings, Hesser, Kern, Lewis, McCrary of Van Buren, Potter, Shaffer, Udell and Woolson—15.

The Bill was passed and its title agreed to.

House File No. 301: A Bill for an Act fixing the time when taxes shall become a lien upon real estate, was read first and second time, and on motion of Mr. Woodward the publication clause was stricken out, the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woolson—36.

The nays were, Senators Duncombe, English, Hesser, Smith, Williams and Woodward—6.

Absent or not voting, Senators Esteb, Kern, McCrary of Lee and Pollard.

The Bill passed and the title was agreed to.

House File No. 311 was read first and second time and referred to the Committee on Schools and Universities.

House File No. 331 was read first and second time and referred to Committee on Charitable Institutions.

House File No. 333: An Act in relation to recording powers of Attorney for conveying real estate, was read first and second time, the 11th rule was suspended, Bill read third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Trumbull, Watson, Williams, Woodward and Woolson—39.

The nays were, Senators Burdick, Kern, Potter, Teter and Udell—5.

Bill passed and title was agreed to.

House File No. 339: An Act entitled an Act to amend an Act entitled an Act to amend an Act to confer certain powers on towns and cities for school purposes, was read first and second time, the 11th Rule was suspended, the Bill read third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—40.

The nays were, Senators English, Green and Williams.

Bill passed and title agreed to.

House File No. 343: An Act to amend Section 4246, of the Revision of 1860. Read a first and second time, the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—40.

Bill passed and title agreed to.

Senate File No. 255: A Bill for an Act to provide for the publi-

cation, distribution and transcribing of the Journals of the Ninth General Assembly, returned from the House with two amendments: 1st. Strike out "six weeks," and insert "ninety days." 2d. Strike out of Section five, all after the words "when the," and insert, "Clerks shall have certified under oath that they have distributed the Journals according to the provisions of this Act."

The question being, "Shall the Senate concur in House amendments?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Dungan, Dysart, Foote, Gray, Green, Gue, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Duncombe, English, Hagans, Hammer, Hesser, Neal, Pollard, Potter and Williams—10.

The amendment was concurred in.

Substitute for House File No. 276 was referred to Committee on Military Affairs.

House File No. 227: An Act to amend Chapter 45 of the Revision of 1860, being an Act in relation to Revenue, reported back from the House, stating that the House refused to concur in Senate's amendments.

Mr. Smith moved that the Senate recede.

Mr. McPherson called for a division of the question, and the vote was taken on receding from the first amendment with the following result:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, English, Foote, Hagans, Hammer, Hastings, Hesser, Howard, Hurley, Jennings, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson and Woodward—31.

The nays were, Senators Ainsworth, Green, Gue, Hatch, Holmes, Kent, Neal, Udell, Williams and Woolson—10.

So the Senate receded from the first amendment.

The question being on receding from the second amendment, the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Dysart, English, Hammer, Hesser, Holmes, Kent, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson and Woolson—21.

The nays were, Senators Ainsworth, Brown, Burdick, Dungan, Foote, Gray, Green, Gue, Hagans, Hatch, Howard, Hurley, Kern, Lewis, McPherson, Neal, Pollard, Smith and Woodward—19.

So the Senate refused to recede from the second amendment.

Message from the House:

Mr. PRESIDENT:—I am directed to inform your Honorable Body

that the House has passed the following Bills, in which the concurrence of the Senate is asked :

House File No. 324: A Bill for an Act to provide for the publication and distribution of the laws of the 9th General Assembly.

House Substitute for Senate File No. 222: A Bill for an Act to legalize the acts of James N. Miles, a Notary Public of Clinton County, Iowa.

I am also directed to inform the Senate that the House has indefinitely postponed Senate Files No.'s 239 and 137, and that the House refuses to concur in the amendments adding new Sections 19 and 20 to House File No. 227: A Bill for an Act to amend Chapter 45 of the Revision of 1860, being an Act in relation to Revenue, and that the Bill is herewith returned.

I am also directed to inform the Senate that the House has passed the following Bill, in which the concurrence of the Senate is asked: House File No. 276: A Bill for an Act to amend the Militia Law.

The House has appointed Messrs. Bowdoin and Lane as Committee of Conference on the part of the House on the disagreement of the two Houses upon House File No. 155, and Substitute for Senate File No. 99.

The House has also adopted the Senate resolution in regard to the classifying of bills required by the public interest, and Messrs. Van Ande, Shipman, Martin, Fairall and Porter have been appointed as such Committee on the part of the House.

CHA'S. ALDRICH, Chief Clerk.

Mr. Neal moved to reconsider the vote whereby House Bill in relation to apportionment of seats in the House of Representatives was lost. Motion prevailed.

Committee on Schools and Universities ask leave to be excused from further consideration of resolution in relation to limiting levy of taxes. Excused.

Mr. Bowen, from Committee on Claims, reported back House File No. 305½: Joint Resolution in relation to the claim of John Johns, Jr. On motion, the 11th Rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Woodward—29.

The nays were, Senators Ainsworth, English, Gray, Hammer, Hesser, Holmes, Jennings, Neal, Pollard, Potter and Williams—11. Bill passed and title was agreed to.

Mr. Ainsworth entered the following protest: Protest against the passage of House File No. 136: The undersigned would most respectfully protest against the action of the Senate in passing House File No. 136: "An Act providing for the appointment by the Gov-

error of an Agent to attend to matters relating to Swamp Lands in this State," for the following reasons:

1st. The counties of Fayette and Bremer, which I represent in the Senate, have already employed and paid Agents who had no commission from the Governor, and this bill does not provide for the recognition or sanction of the acts of those Agents already performed, and by clothing an Agent with State authority the acts of those Agents will be discredited.

2d. The bill will operate to allow the Governor to appoint a personal or political friend as Agent, who, by holding such commission, will be able to supplant others now engaged in such business, and by that means the better speculate off of the counties in which the Swamp Lands lie. Believing the counties amply qualified to select their own Agents, and that when they have so selected them they should be commissioned by the Governor, and not only their future but their past acts recognized as legal and binding, I ask that this, my protest, may be spread upon the Journal of the Senate.

L. L. AINSWORTH.

House File No. 349 was read first and second time, and referred to Committee on Military Affairs.

Chair announced as Special Committee in relation to selecting Bills, Senators Angle, Gray, Leake, Udell and McCrary of Van Buren.

Mr. McPherson asked leave to introduce a Resolution, which was not granted.

On motion, the Senate took a recess until 2 P. M.

AFTERNOON SESSION.

Senate convened at 2 o'clock.

Mr. Bowen, from Committee on Claims, introduced Senate File No. 269: A Joint Resolution for auditing the claim of Capt. Gottschalk for shoes purchased for Company "H" First Regiment Iowa Volunteers, was read first and second time, the 11th Rule was suspended, the Bill read a third time, and on the question "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Smith, Trumbull, Udell, Watson, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Burdick, Hammer and Neal—4.

Absent and not excused, Senators Angle, Dixon, English, Esteb,

Gray, Green, Hastings, Howard, Jennings, Pollard, Shaffer, Teter and Williams.

The Bill passed and the title was agreed to.

Messages from the House:

MR. PRESIDENT:—I herewith return House File No. 312: A Bill for an Act to divide the State into six Congressional Districts, the House having refused to concur in the Senate's amendment.

I also return Senate File No. 243, the same having passed the House without amendment.

The House has indefinitely postponed the Substitute for Senate File No. 245, and the Bill is herewith returned.

The House has passed Substitute for House File No. 237: A Bill for an Act prescribing the manner in which the incorporated town of Newton, Jasper County, Iowa, may dissolve its act of incorporation.

House Substitute for Senate File No. 252: A Bill for an Act to change and fix the time of holding Courts in the Seventh Judicial District.

I also return herewith Senate File Nos. 249, 263 and 32, the same having passed the House without amendment.

Also, the House adheres to its refusal to concur in the Senate's amendment, adding Section 20 to House File No. 227, and asks a Committee of Conference, and that Messrs. Bowdoin and Martin have been appointed such Committee on the part of the House.

The House has also passed House File No. 336: A Bill for an Act to define the lien of judgments on a homestead.

I also return herewith Senate Files Nos. 148 and 228, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Gue, from Committee on Printing, submitted the following reports:

The Committee on Printing, to whom was referred House File No. 250: A Bill for an Act to provide for the publication of the laws of a general nature, of the Ninth General Assembly, in certain German newspapers, have had the same under consideration, and a majority of the Committee have directed me to report it back and recommend its passage.

B. F. GUE, Chairman Com. Printing.

The Committee on Printing, to whom was referred House File No. 215: A Bill for an Act to provide for the publication of the laws, have had the same under consideration, and a majority of the Committee report the accompanying Substitute and recommend its passage.

B. F. GUE, Ch'n Com. on Printing.

The Committee on Printing, to whom was referred House File No. 324: A Bill for an Act to provide for the publication and dis-

tribution of the laws of the Ninth General Assembly, have had the same under consideration and a majority of the Committee have directed me to report the Bill back and recommend its passage.

B. F. GUE, Ch'n Com. on Printing.

House File No. 250: An Act to provide for the publication of the laws of a general nature of the Ninth General Assembly in certain German newspapers and for the translation thereof.

Mr. Hatch moved to strike out "Edmund Jæger" and insert "Francis Jungk." Lost.

Mr. Neal moved to insert the name of "Peter Barendryt" in the place of "Edmund Jæger." Lost.

Mr. Angle moved to lay the Bill on the table, and upon which motion Mr. Gue called the yeas and nays which were as follows:

The yeas were, Senators Duncombe, English, Esteb, Hammer, Hesser, Holmes, Howard, Kent, Kern, Lewis, McCrary of Van Buren, Pattison, Pollard, Potter, Udell, Williams and Woolson—17.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Green, Gue, Hagans, Hatch, Hurley, Leake, McCrary of Lee, McPherson, Neal, Redfield, Shaffer, Smith, Teter, Trumbull, Watson and Woodward—24.

Absent and not voting, Senators Dixon, Foote, Gray, Hastings, Jennings, Kern, Pollard and Udell.

The motion was lost.

On request, Senator Jennings was excused.

Mr. Hatch moved to suspend the 11th Rule and put the Bill on its third reading, and upon this motion Mr. Angle called the yeas and nays which were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson and Woodward—29.

The nays were, Senators Ainsworth, Angle, English, Esteb, Green, Hammer, Kern, Neal, Pollard, Potter, Udell, Williams and Woolson—13.

Absent or not voting, Senators Dixon, Gray, Hastings and Jennings.

So the 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Dysart, Gue, Hammer, Hatch, Hesser, Hurley, McCrary of Lee, McCrary of Van Buren, Trumbull, Watson and Woodward—16.

The nays were, Senators Angle, Duncombe, Dungan, English, Esteb, Foote, Green, Hagans, Howard, Kent, Kern, Leake, Lewis,

McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter, Udell, Williams and Woolson—24.

The Bill not having received a Constitutional majority, was lost. House File No. 215 was read, when Mr. Neal offered the following amendment:

After the enacting clause insert, "That Sections No. 65, 66, 67, and 69, of the revised Code, be and the same are hereby repealed."

Mr. Udell moved to lay the Bill on the table; on which motion Mr. Gue called for the yeas and nays, which were as follows:

The yeas were, Senators Dungan, English, Foote, Green, Lewis, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Shaffer, Teter, Udell, Williams and Woolson—16.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dysart, English, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, Pattison, Redfield, Trumbull, Watson and Woodward—24.

Absent and not excused, Senators Dixon, Esteb, Gray and Smith.

So the motion was lost.

The vote was then taken on the amendment offered by Mr. Neal, which was lost.

Mr. Dungan moved to strike out "shall" and insert "may in their discretion." Adopted.

The Substitute was then adopted, the 11th rule suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hammer, Hatch, Hastings, Kent, Kern, Leake, McCrary of Lee, McPherson, Pattison, Redfield, Teter and Woodward—21.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hagans, Hesser, Holmes, Lewis, McCrary of Van Buren, Neal, Pollard, Potter, Shaffer, Smith, Trumbull, Udell, Watson, Williams and Woolson—21.

So the Bill was lost.

House File No. 324 was read.

Mr. Holmes moved to strike out "\$15,00" and insert "\$800,00.

Mr. Woolson moved to add after "\$1500" the following: "or so much thereof as may be necessary to be determined by the actual disbursements to be audited, or bills of items to be presented by such Secretary, to the Auditor."

Amendment adopted.

Question now being upon the motion of Mr. Holmes, it was lost.

On motion, the 11th rule was suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Ha-

tings, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Udell, Watson, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Holmes, Neal, Pollard, Potter, Trumbull and Williams—13.

Bill passed and title agreed to.

Mr. Dungan, from Committee on Military Affairs, reported back House File No. 349, Substitute for Senate File No. 117, House File No. 261, and Substitute for Senate File No. 117: A Bill for an Act amendatory of an Act entitled an Act providing for auditing all accounts and disbursements arising under the call for Volunteers from Iowa, and also for all men organized as the State Militia of Iowa, and recommend its passage.

Mr. Angle moved to strike out the provisos of Sections 2, 3 and 4. Lost.

Mr. Neal offered the following amendment:

Provided, No officer shall be entitled to receive over fifty dollars per month for services rendered under the provisions of this Act. Lost.

Mr. Ainsworth moved to insert the names of Leroy, Templeton and Aaron Brown, and called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Burdick, English, Gray, Green, Hammer, Hastings, Holmes, Kent, Kern, Neal, Potter, Trumbull, Watson and Woodward—16.

The nays were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Teter, Udell and Woolson—24.

So the amendment was lost.

Mr. English moved to amend by inserting the names of Lipple and Mallory. Lost.

Mr. Ainsworth offered the following amendment:

Provided, That appropriations made by Counties for the subsistence of Volunteers who have actually gone into the military service, shall be audited and allowed in the same manner as the claims provided for in Section 2, of this Act. Lost.

The question now being on the adoption of the Substitute, the yeas and nays were called, and were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Esteb, Foote, Gue, Hagans, Hatch, Hurley, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Udell, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Gray, Green, Hammer, Hastings, Howard, Kent, Lewis, Neal, Potter, Trumbull and Williams—15.

The Substitute was adopted.

Mr. McCrary of Lee, from Committee on Military Affairs, reported back House File No. 89: An Act to repeal Chapter 7, of the Laws of the State of Iowa, passed at the Extra Session of the Eighth General Assembly: An Act entitled an Act for the relief of the Volunteer soldiers of this State, and recommend its passage.

On motion of Mr. Burdick, the 11th rule was suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—36.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Hastings and Neal—7.

Bill passed and title agreed to.

Mr. Teter from Committee on Charitable Institutions submitted the following report:

Your Committee on Charitable Institutions have had under consideration a Bill for an Act to remove the Institution for the education of the Blind to Vinton, in Benton County, where the Building at that place is ready to be occupied, and have amended the Bill, and recommend that the amendment be adopted and the bill passed.

TETER, Chairman.

The Bill being House File No. 287, was read, and amendments of the Committee adopted. The 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—42.

The nays were, none.

The Bill was passed and its title agreed to.

Mr. Teter, from Committee on Charitable Institutions, submitted the following report:

Your Committee have had under consideration House File No. 331, and have amended the Bill by striking out, commencing after the word "that" in 2d line, to the word "County," including the word "County" in the 5th line, and commencing with the 10th line, including the word "Assembly" in the 14th line; also beginning

with the 18th line, embracing the remaining part of the section, and recommend that the Bill pass.

(Signed,)

TETER, Chairman.

The amendments proposed by the Committee were adopted.

Mr. Teter moved to suspend the 11th rule and put the Bill upon its passage.

Mr. Ainsworth called the yeas and nays, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Neal, Pollard and Potter—9.

The motion prevailed.

The Bill was then read third time, and on the question, " Shall the Bill pass ?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—36.

The nays were, Senators Ainsworth, English, Gray, Greer, Neal and Williams—6.

Bill passed and title agreed to.

Mr. Holmes moved to take up message from the House in relation to the Revenue Bill. Carried.

On motion of Mr. Neal a Committee of Conference on the part of the Senate was appointed, consisting of Senators Holmes and McCrary of Van Buren.

Mr. Shaffer from Committee on Enrolled Bills made the following report :

MR. PRESIDENT :—The Joint Committee of Enrolled Bills of the General Assembly have this day, April —, 1862, presented the following to his Excellency the Governor for his approval :

Senate File No. 256 : An Act to apportion the State into Senatorial Districts.

Senate File No. 258 : An Act to provide for taking up of stray animals.

House File No. 299 : An Act to provide for publication and distribution of Adjutant General's Report.

House File No. 314 : A Joint Resolution to fill vacancies in Board of Trustees of Iowa Hospital for Insane.

House File No. 243 : An Act to repeal Chapter 68 of the Laws of the Seventh General Assembly.

Also, have examined the following, corrected errors therein, and present the same for your signature, viz :

Senate File No. 260 : An Act fixing times of holding Courts in 3d Judicial District.

Senate File No. 127 : An Act to amend Acts to protect Game.

House File No. 380 : An Act to repeal Section 1814 of the Revision.

House File No. 321 : An Act to confer additional power on Warden of Penitentiary

House File No. 120 : An Act to allow organized Counties to fund their outstanding Warrants.

House File No. 125 : An Act to exempt property of Iowa Volunteers, &c.

House File No. — : A Joint Resolution concerning swamp and overflowed lands.

House File No. 136 : An Act to authorize the Governor, &c., to appoint agents in regard to swamp lands.

Mr. Dysart from Committee on County and Township Organization submitted the following report :

The Committee on Township and County Organization have considered the following Bills :

FIRST—House File No. 85 : A Bill for an Act prescribing the duties of Township Trustees and Road Supervisors in certain cases, and have instructed me to report it back with an amendment and recommend its passage.

SECOND—House File No. 266 : A Bill for an Act to amend an Act entitled an Act to require County Judges to give bond. The Committee recommend that it be passed.

FOURTH—Senate File No. 259 : A Bill for an Act transferring the recording of deeds from the County Treasurer to the County Judge ; the majority of the Committee recommend it be indefinitely postponed.

FIFTH—Senate File No. 248 : A Bill for an Act to amend section 313 of the Revision of 1860 ; the Committee recommend that it be passed.

J. DYSART, Chairman.

House File No. 85 was read, and the amendment by the Committee adopted. On motion the 11th rule was suspended and the Bill, being an Act prescribing the duties of Township Trustees and Road Supervisors in certain cases, was read third time, and on the question, " Shall the Bill pass ? " the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Neal, Pollard, Potter and Udell—11.

The Bill passed and its title was agreed to.

House File No. 266 : A Bill for an Act to amend an Act entitled an Act to require County Judges to give Bond, was read and 11th rule suspended, Bill read third time, and on the question : Shall the Bill pass ? the yeas and nays were called and the vote was as follows :

The yeas were, Senators Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, English, Foote, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Ainsworth, Duncombe, Esteb, Gray and Trumbull—5.

The Bill passed and its title was agreed to.

House File No. 348 : An Act supplementary to an Act for the Incorporation of Cities and Towns, Chapter 51 of the Revision of 1860.

Mr. Woolson offered the following amendment, which was adopted :

Section 7, Chapter 51, of the Revision of 1860, shall not apply to any City or Incorporated Town, which was incorporated before the 1st day of July 1858, except upon the adoption thereof, as above provided.

Mr. Bowen moved that the 11th rule be suspended, upon which motion Mr. Ainsworth called the yeas and nays, and the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hesser, Holmes, Hurley, Howard, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Udell, Watson, Woodward and Woolson—32.

The nays were, Senators Neal, Pollard, Potter, Trumbull and Williams—5.

Absent but not excused, Senators Burdick, English, Esteb, Green, Hammer, Hatch, Hastings, Jennings and Teter.

The Bill was ordered to its third reading.

The Bill was then read third time, and on the question : Shall the Bill pass ? the yeas and nays were called and the vote was as follows :

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Howard, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison,

Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—31.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Gray, Neal, Pollard, Potter, Trumbull and Williams—11.

The Bill passed and its title was agreed to.

On Senate File No. 259: An Act to transfer the recording of Deeds &c., from the office of the Recorder to the County Judge, the Committee recommend its indefinite postponement, and on the question of concurring in the recommendation, Mr. Hagans called the yeas and nays and the vote was as follows:

The yeas were, Senators Angle, Bowen, Dixon, Dysart, Foote, Gue, Hammer, Hesser, Holmes, Hurley, Howard, Kent, Leake, McCrary of Van Buren, McPherson, Neal, Pollard, Shaffer, Smith, Trumbull, Watson, Woodward and Woolson—23.

The nays were, Senators Ainsworth, Bowen, Burdick, Duncombe, Dungan, English, Esteb, Gray, Hagans, Kern, Lewis, Pattison, Redfield, Teter, Udell and Williams—16.

The motion prevailed.

Senate File No 248: A Bill for an Act to amend section 313 of the Revision of 1860 was read and on motion of Mr. Burdick 11th rule was suspended, Bill read third time, and on the question: Shall the Bill pass? the yeas and nays were called and the vote was follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hastings, Hesser, Holmes, Howard, Hurley, Kern, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—36.

The nays were, Senator Burdick—1.

Absent but not excused, Senators Boardman, Hammer, Hatch, Jennings, Kent, Leake, McCrary of Lee, Potter and Udell.

The Bill was passed and its title agreed to.

Mr. Angle, from Committee on Rail Roads, reported back House File No. 220: entitled a Bill for an Act to regulate the carrying of freight and passengers over connecting Rail Roads, without recommendation.

Mr. Redfield moved the indefinite postponement of the Bill.

Mr. Kent moved to amend as follows: Insert after "request" in Section 1, "permit any other Rail Road to connect with and," which was adopted.

Mr. Kent moved to amend Section 2, as follows: Strike out of Section 2 the words "through or in which any part of either of said Road" and insert "in which said connection," which was adopted.

On motion the eleventh rule was suspended, Bill read a third

time, and upon the question, Shall the Bill pass? the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Kern, Lewis, McCrary of Lee, McPherson, Neal, Pattison, Pollard, Shaffer, Smith, Teter, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Ainsworth, English, Esteb, Leake, McCrary of Van Buren, Redfield and Trumbull—7.

Absent and not voting, Senators Angle, Hagans, Jennings and Potter.

Bill passed and title agreed to.

On motion of Mr. Woodward the Senate adjourned.

SENATE CHAMBER, DES MOINES, IOWA, }
 MONDAY, April 7, 1862. }

Senate convened at the usual hour.

Prayer by Rev. Mr. Turner.

On motion of Mr. Smith the reading of the Journal was dispensed with.

On motion of Mr. Smith the Bill in relation to Congressional Districts was taken up.

Mr. McPherson moved that the Senate recede from their amendment to the House Bill, on which motion Mr. Watson called for the yeas and nays which were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dysart, Esteb, Gray, Hammer, Hastings, McPherson, Pattison, Potter and Woodward—13.

The nays were, Senators Boardman, Brown, Dixon, Duncombe, Dungan, English, Foote, Green, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams and Woolson—31.

Absent and not voting, Senators Lewis and Shaffer.

The Senate refused to recede.

Mr. Smith moved that the Senate insist on their amendment and appoint a Committee of Conference. Carried.

The President appointed Senators Smith and Pollard as such Committee.

Mr. Holmes, from Conference Committee on the Revenue Bill, submitted the following report :

The Committee of Conference, appointed by the two Houses as to the disagreement on the adoption of Section 20, being an amendment proposed by the Senate to the Bill amendatory of the Revenue law, have had the same under consideration and recommend that the Senate recede from its action in insisting upon said amendment, and permit the same to be stricken out.

W. H. HOLMES,
A. H. McCrARY,
E. G. BOWDOIN,
H. M. MARTIN.

The question being on the adoption of the report, the yeas and nays were called, which were as follows :

The yeas were, Senators Boardman, Bowen, Brown, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Holmes, Howard, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Angle, Burdick, Duncombe, English, Esteb, Gray, Green, Hagans, Hammer, Hastings, Hesser, Hurley, Jennings, Kern, Neal, Pollard, Potter and Williams—19.
Absent and not voting Senator McCrary of Lee.

The report was adopted.

Mr. Brown moved that the Committee on Ways and Means be instructed to provide in the Appropriation Bill for the full payment of Senators who have been here only a part of the session.

Mr. Bowen called for the yeas and nays which were as follows :

The yeas were, Senators Brown, McPherson and Shaffer—3.

The nays were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—35.

Absent and not voting, Senators Boardman, Esteb, Potter and Redfield.

The motion was lost.

Mr. McCrary of Lee, presented the following communication, which was read :

To the Honorable Senators of the Ninth General Assembly:

The Keokuk, Fort Des Moines & Minnesota Rail Road Company hereby invites you to visit the City of Keokuk, over its road, free of charge.

C. W. LOWRIE.
Per order of Superintendent.

Mr. Redfield, from majority Committee of Conference on the Bill reducing salaries of certain officers, and the Income Tax Bill, submitted the following report :

The Joint Committee of Conference, appointed by the Senate and House of Representatives, in reference to the disagreement of the two Houses on the Bill for an Act providing for the taxing of salaries and incomes, for State purposes, have had the same under consideration, and a majority of the Committee have instructed me to submit the following report :

The majority of the Committee recommend that the words "or compensation" be inserted after the word "salary" in the eleventh line of the first section, for the reason that the word "salary" does not embrace all the incomes which ought to be, and which are intended to be, taxed by the Bill.

The majority of the Committee would further recommend, that all the words after the word "viz" in the sixteenth line of the first Section, and down to the word "provided" in the twenty-second line, be stricken out, and in lieu thereof, there be inserted the following words : "On all incomes, on the first five hundred dollars, or less, of such excess, five per centum, and one per centum additional to said five per centum, on each one hundred dollars above one thousand dollars, that is to say : on eleven hundred dollars, a tax of thirty-one dollars ; and on twelve hundred dollars, a tax of thirty-eight dollars ; and so on, increasing one per centum on each one hundred dollars above one thousand dollars."

The majority of the Committee find some difficulty in expressing clearly the intention of the Bill ; but they believe that the amendments recommended remove any obscurity and make the intention clear.

The majority of the Committee therefore recommend the adoption of these amendments, and that the Bill so amended be adopted.

JAMES REDFIELD,
JAMES T. LANE,
E. G. BOWDOIN.

Mr. Woolson, from the same Committee, submitted the following Minority Report :

The undersigned, a minority of the Joint Committee of Conference upon House File No. 155, and the Senate's amendment thereto by a substitute by an Act to change and fix the salaries of the Judges, State Officers &c., beg leave to report that he can not join in the report of the majority of such Committee, for sundry reasons, some of which are the following :

FIRST—The adoption of such report will not produce such a reduction of salaries as the times demand. If adopted and the taxes collected, the reduction would be only as follows, viz :

On a salary of \$600,	Tax \$5.00,	Reduces to \$595.90.
" " " " 1000,	" 25.00,	" " 975.00.
" " " " 1100,	" 31.00,	" " 1,969.00.

On a salary of \$1200,	Tax	38.00,	Reduces to	\$1,169.00.
“ “ “ “ 1500,	“	56.00,	“ “	1,444.00.
“ “ “ “ 2000,	“	86.00,	“ “	1,014.00.

Making a much less reduction than has fallen upon all other sources of income, and much less than is demanded by the universal voice of our constituents.

SECOND—If adopted, it will prove fallacious; while it seems to tax all incomes, it permits an opportunity for persons disposed to shun taxation by subterfuges. It provides that no income shall be taxed which is derived from the use of property otherwise taxed; under this provision, no physician, lawyer or other person whose income is derived from the use of his Library, horse and carriage, medicines or the like; no broker whose income is derived from the use of his banking house or his capital, or the like, will be obliged to list any part of such income for taxation, because no one can say what part thereof is derived from the use of property otherwise taxed. So that these classes of persons upon whom so much reliance was placed by the advocates of the House Bill, refuted by the majority of the Committee, will entirely fail in meeting the expectation so confidently predicted by the friends of the House Bill. Again, if the report of the majority of the Committee be adopted, there will immediately follow the greatest reduction on a small scale, of salaries of the officers, clerks and employees of banks, railroads and other employers, that history has ever recorded. No one of such officers or clerks will hereafter receive as a salary or income more than the \$500, but, of course, their contract of employment will provide for the payment of the house rent, the support of the family of such employee, or some other subterfuge to avoid all the liability of taxation.

Besides the above suggestion, the undersigned is of the opinion that it will not be wise to present so great an inducement to prevarication. It is useless to deny that there is a tendency in most men to avoid taxation, even to adopting, in some cases, measures that savor of immorality when it can be safely done. Will it not be worthy our attention whether the evil likely to result to public morals from the adoption of the Majority Report, will be compensated by any advantage resulting from the income to be derived from the proposed tax?

SECOND—The Federal Government is providing for a heavy income tax which will be rigidly enforced. This State has not, so far, ever imposed this species of tax on its citizens. Is it advisable for this State to now also impose an income tax, before experience which we are sure to have, has taught the propriety of such tax?

FOURTH—The undersigned can but think it bad policy for the State and Counties to pay to their officers large salaries and then run the risk of collecting back a tax on such salaries. It seems but poor policy, to say the least, to pay to an officer money for the purpose of collecting it back, especially, as in many cases, it must be

doubtful whether it can be so collected. In every aspect of the case the undersigned is constrained to the opinion that the adoption of the report of the majority of the Committee will be bad policy. He therefore recommends that the Senate insist on the adoption of the Substitute heretofore presented by the Senate for such House Bill, with the following amendments, and insert at the end of Section 4 the following: "Except as provided in Section five of this Act."

Respectfully submitted.

T. W. WOOLSON.

Received the following message from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House adheres to its amendments to Substitute for Substitute for Senate File No. 72, and asks a Committee of Conference, and that Messrs. Kellogg, Holyoke and Mitchell of Polk have been appointed as such Committee on the part of the House.

Also, the House has passed the following Resolution :

Resolved by the General Assembly of the State of Iowa, That the Governor or Adjutant General of this State shall have full power to give a pass to any soldier of an Iowa Regiment who has been absent from his Regiment on furlough, whenever in the opinion of the Governor or Adjutant General, there is a necessity to furnish such aid.

Also, House File No. 228: A Bill for an Act to require the Cedar Rapids & Missouri River Railroad Company to release certain Swamp and River Lands on the line of their Road, and providing for the compensation therefor by an extension of the time of building said Road.

Also, Substitute for House File No. 65: A Bill for an Act to pay Capt. James F. Martin and others, for services rendered in protecting the north-western frontier during the months of May and June, 1861.

I also return herewith Senate Files No.'s 269 and 169, the same having passed the House without amendment.

The House has also concurred in Senate amendments to House File No. 324.

The House has also passed the following Bills, in which the concurrence of the Senate is asked :

House File No. 240: A Bill for an Act to amend an Act entitled an Act to amend an Act for the government and regulation of the State University of Iowa.

House File No. 342: A Bill for an Act to amend Section 4222 of the Revision of 1860.

I am also instructed to inform the Senate that the House has concurred in the Senate amendments to House Files No.'s 331, 287 and 220, and passed the same as so amended, and that Messrs. Young, Pendleton and Eaton have been appointed as a Committee of Conference on the part of the House, in relation to the disagreement of

the two Houses upon House File No. 312: A Bill for an Act to divide the State into six Congressional Districts; and has passed House File No. 327: A Bill for an Act to amend Section 843 of the Revision of 1860, in relation to roads.

Also, House File No. 344: A Bill for an Act to amend Section 4360 of the Revision of 1860.

I also return herewith Substitute for Senate File No. 84, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Kern moved the adoption of the minority Report. Mr. Neal called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hamner, Hesser, Howard, Holmes, Hurley, Kent, Kern, Lewis, Neal and Woolson—24.

The nays were, Senators Angle, Brown, Dungan, Hagans, Hatch, Jennings, McCrary of Lee, McPherson, Pattison, Potter, Redfield, Trumbull and Woodward—13.

Absent or not voting, Senators Hastings, Leake, Smith, Teter, Udell, Watson and Williams.

The Minority report was adopted.

Mr. Shaffer, from Committee on Enrolled Bills, submitted the following Report:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, have examined the following, corrected errors therein, and present the same for your signature:

House File No. 266: An Act to require County Judges to give bonds.

House File No. 258: An Act for the protection of fruit.

House File No. 343: An Act to amend Section 4246 of Revision of 1860.

House File No. 339: An Act to confer powers on towns and cities for School purposes.

House File No. 333: An Act relating to record of powers of Attorney.

House File No. 329: An Act to amend Section 1851 of Revision of 1860.

House File No. 305½: Joint Resolution concerning claim of John Johns.

House File No. 301: An Act fixing time when taxes shall become a lien on real estate.

House File No. 222: An Act to legalize acts of James N. Miles.

House File No. 91: An Act to amend Chapter 46 of Revision.

House File No. 89: An Act to repeal Chapter 7, Laws of Extra Session of Eighth General Assembly.

Senate File No. 255: An Act relating to distribution, &c., of Journals.

Senate File No. 249: Joint Resolution relating to Des Moines River Grant.

Senate File No. 243: An Act to amend Section 1874 of Revision of 1860.

Senate File No. 228: An Act to secure remainder of University Land Grant.

Senate File No. 32: An Act to require officers of Railroad Companies to reside within the State.

Mr. Dixon moved that Mr. Hastings be added to the Committee of Conference on Congressional Districts.

Mr. Hastings moved to amend by substituting Mr. Burdick, in place of Mr. Howard, and called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Gray, Green, Hammer, Hatch, Hastings, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Trumbull, Udell and Woodward—25.

The nays were, Senators Ainsworth, Bowen, Duncombe, English, Foote, Gue, Hagans, Hesser, Holmes, Lewis, Neal, l'attison, Teter, Watson, Williams and Woolson—14.

Absent or not voting, Senators Esteb, Pollard, Potter and Smith.

The motion to substitute prevailed.

Mr. Brown moved to lay the motion, as amended, on the table. Carried.

Mr. Angle, from Committee on the Selection of Business, submitted the following Report, which was adopted:

The Joint Committee whose duty it was to examine the Bills pending in the two Houses of the General Assembly, and Report what Bills should, in their opinion, be first considered and acted upon, have performed that duty, giving a full half day's consideration to that important subject, and beg leave respectfully to Report:

That they have divided the Bills into four classes as follows:

Class first comprises all those Bills deemed of State importance, and that were not likely to provoke much discussion.

Class No. 2 is comprised of all those Bills of local importance not likely to cause discussion.

Class No. 3 comprises all those Bills of general or local interest supposed to require considerable discussion.

Class four includes a large number of Bills, mostly reported upon by the different Standing Committees of the two Houses, in which they recommend their indefinite postponement.

Your Committee recommend the consideration of the Bills as herein classified.

Your Committee further state that there were some Bills in the hands of the several Committees that they could not get access to. They therefore ask leave to make a supplementary Report at two o'clock this afternoon.

H. G. ANGLE, Ch'm.

Mr. Holmes, from Committee on Ways and Means, reported the following substitute for the Resolution offered by Mr. Jennings:

Resolved, That the per diem of the officers of the Senate for the Ninth General Assembly, be as follows: The Secretary, \$5 00; Assistant Secretary, \$4 00; Engrossing Clerk, and for acting as Assistant Secretary, \$4 00; Enrolling Clerk, \$3 00; Sergeant-at-Arms, Door-Keeper and Fireman, \$3 00; Messengers and Paper-folders, \$2 00 each.

Mr. McCrary of Lee moved to amend by making the per diem of Enrolling Clerk four dollars, and the per diem of Secretary the same as Chief Clerk of House.

Mr. Kent moved to amend by making the per diem of Fireman four dollars. Mr. Kent's amendment prevailed.

Mr. Bowen moved to allow the Doorkeeper \$3 50. Lost.

On the amendment offered by Mr. McCrary, Mr. Holmes called for a division of the question, being first of the per diem of Secretary. Mr. Watson called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Boardman, Brown, Burdick, Dixon, Dungan, Dysart, Gray, Green, Hammer, Hatch, Hastings, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Redfield, Trumbull, Udell, Woodward and Williams—26.

The nays were, Senators Bowen, Duncombe, English, Foote, Gue, Hagans, Hesser, Holmes, Lewis, Neal, Pattison, Teter Watson and Woolson—14.

The amendment as to Secretary prevailed.

The question now being on the amendment in relation to Enrolling Clerk, it was adopted.

The report of the Committee was adopted.

The Committee on Ways and Means reported House File No. 291, being appropriation Bill.

Mr. Holmes moved to strike out \$10,000 and insert \$5,000 of the Contingent Fund of the Governor.

Mr. Gray offered the following amendment: For the salary of the State Superintendent of Weights and Measures and for the contingent expenses of his office, the sum of Four Hundred Dollars or so much thereof as may be necessary, which was adopted.

Mr. Dixon moved to take up the Bill by Sections. Carried.

Mr. Udell moved to strike out of Section 15, \$1,500 and insert \$1,000. The motion prevailed.

Mr. Bowen moved to reconsider the last vote. Carried.

Mr. Jennings moved to strike out of Section — \$1,500 and insert \$1,200, which motion prevailed.

Mr. Neal moved to strike out of Section — \$900 and insert \$700, which motion was lost.

Mr. Udell moved to reconsider the vote by which \$1,500 was struck out and \$1,200 inserted. Carried.

Mr. Leake moved to suspend the 11th Rule, which was done

The Bill was then read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown Dixon, Dungan, Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Trumbull, Udell, Watson and Woodward—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Jennings, Kern, Neal, Williams and Woolson—12.

The motion to reconsider was carried.

Mr. Teter moved to take up the message from the House. Carried.

Mr. Teter moved to appoint a Committee of Conference of which the Senator from Benton shall be Chairman. Carried.

The Chair appointed Senators Dysart and Trumbull said Committee.

Mr. Hagans, upon leave, offered the following Resolution:

Resolved, That the four Senators elected during the sitting of the present General Assembly be and they are hereby authorized to receive per diem from the days of their several elections.

Adopted.

Mr. Kent moved to reconsider the vote fixing the compensation of Senate officers. Adopted.

Mr. Redfield moved to amend by allowing Assistant Secretary \$5 per day, upon which Mr. Bowen called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dysart, Foote, Gue, Hammer, Hatch, Holmes, Howard, Jennings, Kent, Leake, McCrary of Lee, McPherson, Pattison, Potter, Redfield, Teter, Udell and Woodward—24.

The nays were, Senators Brown, Duncombe, Dungan, English, Green, Hastings, Hesser, Kern, Lewis, McCrary of Van Buren, Neal, Pollard, Watson, Williams and Woolson—15.

The amendment was adopted.

Mr. Ainsworth moved to allow Enrolling Clerk \$5 per day. Carried.

The Report as amended was adopted.

Mr. Redfield moved to reconsider vote by which the Bill for Printing Laws in German newspapers was lost.

Mr. Duncombe moved to lay on the table. The motion prevailed.

Mr. Leake moved to take up the Report of the Committee on Business. Carried.

The Committee on Enrolled Bills reported as follows:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, corrected errors therein, and present the same for your signature:

Senate File No. 148 : An Act to legalize certain acts of Seth Anderson.

Senate File No. 167 : An Act to Audit the Claim of William Edwards.

House File No. 349 : An act concerning claims of War and Defense Fund.

House File No. 209 : An Act relating to duties of Railroad Companies.

Senate File No. 263 : An Act relating to Dubuque and Pacific Railroad Company.

Senate File No. 166 : An Act to consolidate and amend certain School Laws, &c.

The Resolution in relation to Supreme Court Reports was taken up, and on motion the 11th Rule was suspended, the Bill was read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Duncombe, Dysart, English, Esteb, Green, Gue, Hammer, Hatch, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull and Woodward—27.

The nays were, Senators Ainsworth, Brown, Dungan, Foote, Gray, Hagans, Hesser, Holmes, Howard, McPherson, Neal, Watson and Woolson—13.

The Resolution was adopted.

Substitute for House File No. 230 being on its third reading, the question was, "Shall the Bill pass?" and the yeas and nays were as follows :

The yeas were, Senators Bowen, Brown, Dysart, Gue, Hagans, Hesser, Holmes, Hurley, Kent, Leake, McCrary of Lee, Neal, Potter, Udell, Watson and Woolson—16.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, English, Foote, Gray, Green, Hammer, Hatch, Howard, Jennings, McCrary of Van Buren, McPherson, Redfield, Teter, Trumbull, Williams and Woodward—20.

The Bill did not pass.

House Substitute for Senate File No. 252. On motion the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Potter, Redfield, Shaffer, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—39.

The nays were, none.

The Bill passed and its title was agreed to.

Mr. Shaffer reported a Bill, Senate File No. 270.

Mr. Duncombe moved to suspend the 11th rule, which was done, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Shaffer, Teter, Trumbull, Woodward and Woolson—29.

The nays were, Senators English, Esteb, Green, Hagans, Harmer, Kern, Neal, Pattison, Potter, Redfield, Udell and Williams—12.

The Bill passed and the title was agreed to.

Substitute for Senate File No. 78 was read. On motion the 11th rule was suspended, Bill read third time, and on the question, shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hatch, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Teter, Trumbull, Watson and Woodward—31.

The nays were, Senators Duncombe, English, Esteb, Kern, Neal, Udell and Williams—7.

Bill passed and title was agreed to.

On motion of Mr. Teter the Senate adjourned.

AFTERNOON SESSION.

Senate convened at the usual hour.

Mr. Shaffer from Committee on Enrolled Bills presented the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, find the same correctly enrolled, and present them for your signature, viz:

Senate File No. 269: Joint Resolution for auditing claims of Captain Gottschalk.

House File No. 324: An Act to provide for publication, &c., of Laws.

House File No. 220: An Act to regulate conveying of freight, &c., on connecting Railroads.

House File No. 287: An Act providing for removal of Asylum for Blind.

House File No. 331: An Act to amend Chapter 90, Article 2d, of the Revision.

The Bills from the Committee on Business were taken up.

Senate File No. 132: A Bill for an Act to define further the duties of Supervisors and their Clerks, with House amendments, was read.

Mr. Brown moved that the Senate concur in the House amendment, upon which motion the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Brown, Burdick, Dungan, Gue, Hagans, Hatch, Hesser, Holmes, Kent, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Teter, Woodward and Woolson—22.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Kern, Neal, Pollard, Potter and Trumbull—9.

The Senate refused to concur.

Substitute for Senate File No. 230: A Bill for an Act to authorize the Board of Supervisors of Lee County to loan a portion of the School Fund in said County to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa, was read, and Mr. Udell offered a Substitute.

Mr. Bowen moved a call of the Senate, which was seconded. Upon the call of the roll the following Senators were absent, and not excused: Gray, Green, Hammer, Hastings, Hurley, Jennings and Williams.

Mr. Udell moved that further proceedings under the call be dispensed with. Lost.

On motion the Sergeant-at-Arms was instructed to proceed to bring in the absentees.

Mr. Angle moved that further proceedings under the call be dispensed with. Carried.

Substitute for Senate File No. 230 was adopted.

On motion the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Dixon, Dungan, Gue, Hagans, Hatch, Hesser, Howard, Kent, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Trumbull, Udell, Watson, and Woodward—25.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Green, Hammer, Leake, Lewis, Neal, Teter, Williams and Woolson—13.

Absent and not voting, Senators Dysart, Foote, Gray, Hastings, Hurley, Jennings and Smith.

The Bill passed and title agreed to.

Mr. Angle, from Committee on Order of Business, reported back Bills as follows:

Substitute for House File No. 276: A Bill for an Act to amend the Militia Law. Read a first and second time.

Mr. Holmes moved to strike out of Section 46, "\$1500," and insert "\$1200." Lost.

Mr. Holmes moved to amend by inserting, "provided that the compensation of such Clerks shall not exceed \$600 per annum." On which motion he called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Green, Hammer, Hatch, Hastings, Hesser, Holmes, Kent, Kern, Lewis, McCrary of Van Buren, Neal, Pollard, Potter, Smith, Teter, Udell, Watson, Williams and Woolson—30.

The nays were, Senators Bowen, Hagans, Howard, McCrary of Lee, McPherson, Redfield, Shaffer and Trumbull—8.

Absent but not excused, Senators Angle, Hurley, Jennings, Leake, Pattison and Woodward.

Carried.

Mr. Ainsworth moved to amend as follows: "Provided that when the duties of that office are performed by the Adjutant General, no additional compensation shall be allowed." Adopted.

Mr. Bowen moved to strike out section 49, in relation to Surgeon General. Motion prevailed.

Mr. Dungan moved to strike out, and insert in Section 45. Carried.

Mr. Neal moved to strike out the last Section of the Bill. Carried.

Mr. Dixon offered the following amendment: Strike out "Section 48" and insert, "The office of Paymaster General is hereby abolished, and the duties of that office shall be performed by the Adjutant General."

On motion of Mr. Dungan, the vote by which the last Section was stricken out, was reconsidered, and the motion to strike out, lost. The 11th rule was then suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Bowen, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Watson, Woodward and Woolson—26.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Green, Neal, Pollard, Potter, Trumbull, Udell and Williams—12.

Absent or not voting, Senators Boardman, Bowen, Gray, Hammer, Jennings, Kern, Smith and Teter.

The Bill passed and title agreed to.

Message from the House:

MR. PRESIDENT:—I herewith return Substitute for Senate File No. 99, and House File No. 155: A Bill for an Act to change and fix the salaries of the Judges of the Supreme and District Courts,

and of certain State Officers, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Smith, from Committee of Conference on Congressional Districts, upon leave, made the following majority report :

The Joint Committee of Conference, to whom was referred the disagreement, between the two Houses, in relation to the Senate amendments of House File No. 312, have had the same under consideration, and a majority have agreed upon the following as compromise amendments to the original Bill :

Strike "Johnson County" from the Fourth District and add it to the Second District.

Strike "Buchanan County" from the Sixth District, and add it to the Third District.

Strike "Bremer County" from the Third District and add it to the Sixth District. And thus amended, recommend its passage.

S. G. SMITH, on the part of Senate,

J. B. YOUNG, on part of House,

ISAAC PENDLETON, part of House.

Mr. Pollard submitted Minority Report.

Mr. Leake raised the point of order, that the Committee of the House had no authority to sign the report to the Senate, as the Committee was not a Joint Committee.

The President decided the point well taken.

The Chair also decided that there could be no Minority Report from a Committee of Conference.

The question now being on the adoption of the Majority Report of Mr. Smith, Mr. Teter called for the yeas and nays, which were as follows :

The yeas were, Senators Brown, Burdick, Dysart, Esteb, Hagens, Hastings, Hurley, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Watson, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Angle, Duncombe, Green, Gue, Hatch, Hesser, Holmes, Howard, Jennings, Leake Neal, Pollard, Potter, Trumbull, Udell and Williams—16.

Absent and not voting, Senators Angle, Boardman, Bowen, Dixon, English, Hammer and Kent.

Mr. Leake moved that another Committee of Conference be appointed, consisting of three persons. Carried.

The Chair appointed as such Committee, Messrs. Leake, English and Burdick.

House File No. 84 read. The Judiciary Committee recommended its indefinite postponement. The Bill was so postponed.

The Judiciary Committee recommended the passage of House File No. 345: A Bill for an Act making it the duty of the Clerk of the District Court to act in place of County Judge, in certain cases.

On motion, the 11th rule was suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Green, Hagans, Hammer, Hastings, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Watson, Woodward and Woolson—28.

The nays were, Senators Ainsworth, Dixon, Gray, Hammer, Neal, Pollard, Potter, Trumbull, Udell and Williams—9.

The Bill passed and its title agreed to.

The Judiciary Committee reported House File No. 335: A Bill for an Act in relation to witness fees, and recommended its passage.

On motion, the 11th rule was suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hatch, Hastings, Holmes, Hurley, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators Hagans, Neal and Pollard—3.

Absent and not excused, Senators Burdick, Hammer and Potter.

The Bill passed and title agreed to.

House File No. 351: A Bill for an Act to amend section 2849 of the Revision of 1860, was read, and on motion the 11th rule was suspended and the Bill read third time, and on the question: Shall the Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Woodward—89.

The nays were Senators Neal and Williams—2.

The Bill passed and its title was agreed to.

House File No. 267: A Bill in relation to estates of decedents, was reported, and on motion the Bill was indefinitely postponed.

House File No. 311: A Bill for an Act repealing certain acts and amendatory of certain other acts of the Board of Education, at its December Session, 1861, on motion was indefinitely postponed.

House File No. 269: A Bill for an Act to amend section 4515 of the Revision of 1860, in relation to the time of commencing criminal actions, in certain cases, was reported by Judiciary Committee.

On motion of Mr. Duncombe the 11th rule was suspended, Bill

read third time, and on the question: Shall the Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Senators, Ainsworth, Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kern, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—37.

The nays were, Senator Udell—1.

Absent and not voting, Senators Burdick, English, Esteb and Williams.

The Bill passed and its title was agreed to.

The Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day, April 7, 1862, presented the following to His Excellency the Governor for his approval, viz:

Senate File No. 260: An Act fixing times of holding courts in the third Judicial District.

Senate File No. 127: An Act to amend Acts to protect game.

House File No. 330: An Act to repeal section 1814 of the Revision.

House File No. 321: An Act to confer additional powers on the Warden of the Penitentiary.

House File No. 120: An Act to allow organized Counties to fund their outstanding warrants.

House File No. 125: An Act to exempt property of Iowa Volunteers, &c.

Joint Resolution concerning Swamp and overflowed lands.

House File No. 136: An Act to authorize the Governor to appoint agents in regard to Swamp lands, &c.

Also the following House Files Nos.: 266, 258, 343, 339, 333 329, 305½, 301, 222, 91 and 89.

House File No. 328: A Bill for an Act to amend section 1842 of the Revision, relating to removal and appointment of assignees, was read and on motion the 11th rule was suspended, Bill read third time and on the question: Shall the Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Ainsworth, Angle, Boardman, Bowen, Brown, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Woodward and Woolson—39.

The nays were, none.

Absent and not voting, Senators Burdick, English, Esteb, Kent, Kern, Leake and Williams.

The Committee on Enrolled Bills made the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have this day, April 7, 1862, presented the following to His Excellency the Governor for his approval :

Senate Files Nos. 148, 167, 263, 166, 269, 228, 32, 243, 249, 255, 237.

House Files Nos. 349, 209, 324, 220, 287, 331.

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, corrected errors therein, and present them for your signature, viz :

Senate File No. 84 : An Act to amend acts in relation to dower.

House File No. 85 : An Act prescribing duties of Township Trustees, &c.

Senate File No. 99 : An Act to change and fix salaries of Supreme Judges, &c.

Senate File No. 237 : An Act to amend Code of Civil practice.

House File No. 252 : An Act fixing times of holding court in the Seventh District.

House File No. — : Joint Resolution concerning Supreme Court Reports.

House File No. 348 : An Act to amend Chapter 51 of the Revision.

Mr. Jennings moved to take a recess until 7 o'clock this evening, upon which motion Mr. McPherson called the yeas and nays and the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Dixon, Duncombe, Dungan, Gray, Green, Gue, Hammer, Hesser, Holmes, Howard, Hurley, Jennings, Kent, McCrary of Lee, McCrary of Van Buren, Pattison, Potter, Smith, Teter, Trumbull, Udell and Watson—25.

The nays were, Senators Bowen, Brown, Dysart, Foote, Hagans, Hastings, Kern, Lewis, McPherson, Redfield, Shaffer, Williams and Woodward—13.

Absent and not voting, Senators Burdick, English and Esteb.

Senate took a recess until 7 o'clock P. M.

EVENING SESSION.

The Senate convened at 7 o'clock P. M., pursuant to adjournment.

Senate called to order by the Secretary.

Mr. Leake was nominated President *pro tem*.

Mr. Ainsworth was also nominated. Messrs. Green and McCrary of Van Buren were also nominated.

The Secretary proceeded to call the roll.

Those voting for Mr. Leake were Senators Angle, Boardman, Bowen, Burdick, Dungan, Foote, Gue, Hagans, Hatch, Holmes, Lewis, McPherson, Pattison, Redfield and Shaffer—15.

Those voting for Mr. Green were Senators Ainsworth, English, Gray, Jennings, Pollard, Potter, Udell and Williams—7.

Those voting for Mr. Holmes were Senators Watson, Woolson and Burdick—3.

Those voting for Mr. Ainsworth was Senator Green—1.

Mr. Jennings moved to take from the table motion to reconsider vote to print laws in certain German newspapers, upon which motion the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, English, Gray, Green, Gue, Hagans, Hammer, Hatch, Holmes, Howard, Hurley, Jennings, Leake, McCrary of Lee, Pollard, Potter, Redfield, Trumbull, Udell and Williams—25.

The nays were, Senators Esteb, Kent, Lewis, McPherson, Pattison, Redfield, Shaffer, Smith, Watson and Woolson—9.

Absent and not voting, Senators Angle, Dixon, Dysart, Foote, Hastings, Hesser, Kern, McCrary of Van Buren, Neal, Teter and Woodward.

The Bill was taken from the table.

The question being on reconsideration, the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Holmes, Howard, Jennings, Leake, McCrary of Lee, McPherson, Pollard, Potter, Redfield, Teter, Trumbull, Udell and Williams—29.

The nays were, Senators Kent, Lewis, Pattison, Shaffer, Smith, Watson and Woolson—7.

Absent and not voting, Senators Brown, Dixon, Esteb, Hastings, Hesser, Hurley, Kern, McCrary of Van Buren, Neal, and Woodward.

The motion prevailed.

Mr. McPherson moved that the 11th rule be suspended for the remainder of the evening.

Mr. Watson called for the yeas and nays which were as follows :

The yeas were, Senators Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Hagans, Hammer, Howard, Jennings, Kent, Leake, McPherson, Pattison, Potter, Redfield, Smith, Trumbull and Udell—20,

The nays were, Senators Ainsworth, English, Foote, Gray, Green, Gue, Hatch, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Neal, Pollard, Teter, Udell, Watson, Williams and Woolson—20.

Absent or not voting, Senators Boardman, Brown, Hastings, Hesser, Kern, Shaffer and Woodward.

Motion was lost.

Mr. Dysart, from Committee on Conference, in reference to Substitute for Substitute for Senate File No. 72, reported as follows:

The Committee of Conference on the disagreement between the two Houses, on the Substitute for Substitute for Senate File No. 72, have had the same under consideration, and have agreed to recommend that the Senate concur in the amendment of the House.

J. DYSART,
G. W. TRUMBULL.

The question being upon concurring in the House amendments, the yeas and nays were called and were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hammer, Hatch, Hastings, Heeser, Howard, Hurley, Jennings, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Redfield, Shaffer, Teter, Trumbull, Udell and Williams—31.

The nays were, Senators Ainsworth, Dixon, English, Esteb, Gray, Hagans, Holmes, Lewis, McPherson, Neal, Potter, Smith, Watson and Woolson—14.

Absent or not voting, Senators Brown and Woodward.

The Senate concurred.

Mr. Burdick, from Committee of Conference on Congressional Districts, made the following report:

The Committee of Conference on the part of the Senate, appointed to meet the Committee of Conference on the part of the House, in relation to the disagreement between the Senate and the House, upon House File 312: A Bill for an Act to divide the State into six Congressional Districts, report that they have met the Committee on the part of the House, and that after consultation the majority of each Committee have agreed upon the following basis of settlement: The Senate to amend the House Bills as follows: Strike out of the Third District the counties of "Worth and Cerro Gordo" and insert "Buchanan." Strike out of the Sixth District the county of "Buchanan" and insert the counties of "Worth and Cerro Gordo," and that so amended the Bill do pass. Which action is respectfully recommended.

J. B. LEAKE,
M. V. BURDICK,
H. W. ENGLISH.

Mr. Watson moved to lay the Report of the Committee on the table, upon which Mr. Gue called the yeas and nays, which were as follows:

The yeas were, Senators Howard, Kern, Neal, Pollard, Potter, Teter, Udell and Watson—8.

The nays were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings,

Hesser, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Williams and Woolson—34.

The motion was lost.

The question being upon the adoption of the amendment of the Committee, the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Watson and Woodward—24.

The nays were Senators Ainsworth, Dixon, Duncombe, English, Esteb, Foote, Gray, Green, Hammer, Hesser, Howard, Hurley, Jennings, Kern, Neal, Pollard, Potter, Teter, Trumbull, Williams and Woolson—20.

Absent and not voting, Senators Brown, Holmes and Udell.

The Bill passed and its title was agreed to.

Mr. Shaffer from Committee on Enrolled Bills reported as follows:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, find them correctly enrolled, and present the same for your signature, viz:

House File No. 238: An Act making appropriations for use of Iowa Penitentiary.

House File No. 227: An Act relating to Revenue.

Senate File No. 233: An Act to amend Chapter 32, Laws of the Ninth General Assembly.

House File No. 335: An Act in relation to witness fees.

House File No. 345: An Act concerning duty of Clerk of District Court, &c.

House File No. 250 was read, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, Gray, Green, Gue, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Leake, McCrary of Lee, McPherson, Pollard, Potter, Redfield, Trumbull, Williams and Woodward—27.

The nays were, Senators English, Esteb, Hagans, Kent, Kern, Lewis, Neal, Shaffer, Smith, Teter, Udell, Watson and Woolson—15.

Absent and not voting, Senators Angle, Brown, Dixon, Foote, McCrary of Van Buren and Pattison.

Bill passed and title agreed to.

House File No. 346: A Bill for an Act apportioning the State into Representative Districts, was taken up.

Mr. Potter moved to strike out Hamilton county in the 55th District and attach and insert the same in 45th District. Lost.

On motion of Mr. Gue the 11th Rule was suspended, Bill read a

third time, and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hastings, Holmes, Howard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Watson, Williams, Woodward and Woolson—29.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hammer, Hesser, Jennings, Neal, Pollard, Potter, Trumbull and Udell—14.

The Bill passed and its title was agreed to.

Mr. McCrary moved to take up the Militia Bill, in order to appoint a Committee of Conference. Carried.

Mr. Duncombe moved that a Committee of Conference be appointed.

Mr. Redfield moved that Senate recede from its amendments, and called for the yeas and nays which were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dysart, Gue, Hatch, Kent, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, and Udell—19.

The nays were, Senators Ainsworth, Dixon, Duncombe, Dungan, English, Esteb, Foote, Gray, Green, Hagans, Hammer, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Neal, Potter, Watson, Williams, Woodward and Woolson—25.

The Senate refused to recede.

Mr. Duncombe moved that a Committee of Conference be appointed. Carried.

Mr. Udell moved that the Committee consist of three Senators. Carried.

The Committee were as follows : Senators Duncombe, McCrary of Lee, and Boardman.

Substitute for House File No. 304 taken up, and on motion, the 11th rule was suspended, Bill read a third time, and on the question, " Shall the Bill pass ?" the vote was as follows :

The yeas were, Senators Angle, Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee; McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Watson, Williams and Woodward—40.

The nays were, none.

Bill passed and title agreed to.

House File No. 294 was taken up: A Bill for an Act to legalize the acts of George W. Clark, Notary Public in Polk County.

On motion, the 11th rule was suspended, Bill read a third time,

and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Boardman, Brown, Burdick, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Hesser, Holmes, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Smith, Tetter, Udell, Watson and Woodward—35.

The nays were, Senators English, Neal and Williams—3.

The Bill passed and its title agreed to.

The following messages were received from House :

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

House File No. 338 : A Bill for an Act legalizing the issuing of certain orders.

I return herewith Senate File No. 174, the same having passed the House without amendment.

I return herewith Substitute for Senate File No. 230: A Bill for an Act to authorize the Board of Supervisors of Lee County to loan a portion of the School Fund in said County to the College of Physicians and Surgeons at Keokuk, known as the Medical Department of the University of the State of Iowa ; the same having passed the House without amendment.

I also return Substitute for Senate File No. 78 ; the same having been indefinitely postponed.

I herewith return Senate File No. 132 ; the same having passed the House without amendment.

The House has concurred in the amendments recommended by the Committee of Conference, to House File No. 312: A Bill for an Act to divide the State into six Congressional Districts, and passed the Bill as so amended.

I also return Senate File No. 152 ; the same having been rejected by the House.

CHA'S. ALDRICH, Chief Clerk.

House File No. 273 : A Bill for an Act to provide for legalizing the acts of Griffin & Scobey.

Mr. Jennings moved to lay the same on the table. Carried.

Substitute for House File No. 237 was taken up, the 11th rule suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hastings, Hesser, Holmes, Hurley, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Tetter, Udell, Watson and Woolson—36.

The nays were, Senators Neal and Williams—2.

Absent and not excused, Senators Ainsworth, Brown, Dysart, English, Esteb, McPherson, Trumbull and Woodward.

Bill passed and title agreed to.

Mr. Shaffer from the Committee on Enrolled Bills made the following report :

MR. PRESIDENT :—The Joint Committee of Enrolled Bills have this day, April 7th, 1862, presented the following to his Excellency the Governor, for his approval :

Senate Files Nos. 84, 237, 99, and 223.

House Files Nos. 252, 348, 85, 227, 238, 335, and 345.

Joint Resolution concerning Supreme Court Reports.

J. M. SHAFFER, Chairman Sen. Com.

Senate File No. 109 was taken up.

Mr. Angle moved to strike out the words "of the Clerk of the U. S. District Court of the District of Iowa." Carried.

On motion of Mr. Jennings the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dysart, Esteb, Foote, Gue, Hatch, Holmes, Hurley, Howard, Jennings, Kent, Leake, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull and Watson—24.

The nays were, Senators Ainsworth, Dungan, English, Gray, Green, Hagana, Hammer, Hesser, Kern, Lewis, McCrary of Van Buren, McPherson, Neal, Udell, Williams, Woodward and Woolson—18.

Bill passed and title agreed to.

The following messages were received from the House :

MR. PRESIDENT :—I am directed to inform your Honorable Body that the House has appointed Messrs. Lane, Kellogg and Bowdoin as a Committee of Conference upon the disagreement of the two Houses upon House File No. 276 : A Bill for an Act to amend the Militia Law of the State.

I also herewith return Senate Files Nos. 246 and 270, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

House Substitute for Senate Substitute for Senate File No. 51, read by title and laid on table.

Substitute for House File No. 65 was read first and second time.

Mr. Smith moved to strike out all of preamble of Bill, including the word "therefore." Carried.

Mr. McPherson moved that the Bill be indefinitely postponed. Carried.

Senate File No. 94 : A Bill for an Act to legalize the acts of J. D. Burkholder, was taken up. On motion the 11th rule was suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hatch, Hesser, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—35.

The nays were, Senators English and Neal—2.

The Bill passed and title agreed to.

Mr. Holmes moved to reconsider the vote whereby Substitute for House File No. 65 was lost. Carried.

Mr. Duncombe from Committee of Conference on Bill with reference to Adjutant General's office, reported :

[Report missing.—PRINTER.]

Mr. Ainsworth moved to re-commit the report to the Conference Committee. Carried.

The motion to postpone Substitute for House File No. 65 was withdrawn.

Mr. Gray moved to reconsider the vote whereby the preamble to House File No. 65 was stricken out. Carried.

The motion to strike out the preamble was withdrawn.

On motion of Mr. Duncombe the 11th rule was suspended, Bill read third time, and on the question, " Shall the Bill pass ? " the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hatch, Jennings, Kern, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Smith, Teter, Trumbull, Udell, Watson and Woodward—25.

The nays were, Senators Angle, Burdick, Gue, Hagans, Hammer, Hastings, Holmes, Howard, Hurley, Leake, Lewis, Neal and Williams—13.

Bill passed and title agreed to.

The following messages were received from the House :

I return, herewith Substitute for Senate File No. 138 : A Bill for an Act further defining the duties of County Treasurers, and fixing their compensation.

Also, Senate File No. 109, without amendment.

The House has also passed the following Resolution, in which the concurrence of the Senate is asked :

Be it Resolved by the General Assembly of the State of Iowa, That the " Board of Auditing Commissioners " be and are hereby authorized to audit and allow the claims of A. Greenwald, Rogers & Waples, and Beecher & Guilbert, of Dubuque County, for clothing, boots and caps furnished Iowa Volunteers, as per accounts now on file in the office of said Board.

CHA'S. ALDRICH, Chief Clerk.

Senate File No. 262: A Bill for an Act to legalize certain con-

tracts of the State of Iowa with the American Emigration Company, was taken up and read.

Mr. McPherson moved to strike out the following: "And whereas liabilities to other slight inaccuracies and irregularities exist, arising out of the facts that Boards of Supervisors are new features in the institutions of this State, and the laws creating them and defining their powers imperfectly understood." Carried.

Motion by Mr. Redfield that the 11th Rule be suspended and the Bill put upon its passage, was lost.

The question being upon the engrossment of the Bill, Mr. Ainsworth called the yeas and nays, which were as follows:

The yeas were, Senators Angle, Bowen, Dungan, Dysart, Foote, Gue, Hagans, Hastings, Hesser, Howard, Hurley, Leake, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Teter and Woodward—22.

The nays were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, English, Esteb, Gray, Green, Hammer, Holmes, Jennings, Kern, Lewis, Smith, Trumbull, Watson, Williams and Woolson—19.

Absent or not voting, Senators Hatch, Kent, McCrary of Lee, McCrary of Van Buren, and Udell.

Motion prevailed.

Mr. Shaffer, upon leave, offered Senate File No. 271: Joint Resolution in relation to pay of Assistant Enrolling Clerks of Ninth General Assembly, which was read first and second time, and on motion, the 11th Rule was suspended, the Bill read the third time, and upon the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hammer, Hastings, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Potter, Redfield, Shaffer, Smith, Teter, Watson and Woodward—30.

The nays were, Senators English, Jennings, Neal, Trumbull and Williams—5.

Absent and not voting, Senators Duncombe, Esteb, Hatch, Hesser, Udell and Woolson.

Bill passed and title agreed to.

Mr. Smith moved that the Rule be suspended in order that the Library Committee have leave to report. Motion was lost.

The following message was read from the House:

MR. PRESIDENT:—I return herewith Senate File No. 94: A Bill for an Act to legalize the official acts of J. D. Buckholder, Clerk of District Court of Webster County, the same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

House File No. 295 was taken up, and on motion, the 11th Rule was suspended and the Bill read the third time, and on the ques-

tion, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Trumbull, Watson, Woodward and Woolson—32.

The nays were, Senators Duncombe, English, Esteb, Gray, Green, Hagans, Kern, Neal, Potter, Udell and Williams—11.

Absent and not voting, Senators Hammer and Teter.

The Bill passed and the title was agreed to.

Senator Hammer was excused.

The Committee of Conference on Militia Law reported as follows:

The Committee of Conference, to whom was referred the disagreement of the two Houses relative to Senate amendments to Substitute for House File No. 276, beg leave to report, that in lieu of Senate amendment to Section 46, the following be added at the end of said Section:

1. *Provided*, That the compensation for said Clerks shall not, in the aggregate for both, exceed the sum of fifteen hundred dollars per annum.

2. That Senate insist upon amendment to Section 48, and that the House recede.

3. That in lieu of Senate amendment to Section 49, the Committee recommend that Senate recede from its amendment, and insert the Section stricken out, with one thousand dollars inserted in said Section in place of fifteen hundred dollars.

J. F. DUNCOMBE, Chairman.

Mr. Angle moved to concur in first amendment of the Committee, on which motion the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Watson and Woodward—31.

The nays were, Senators Ainsworth, English, Esteb, Gray, Green, Hagans, Hesser, Holmes, Neal, Potter, Williams and Woolson—12.

First amendment was concurred in.

The question being upon the second recommendation of the Committee, insisting on the second amendment of the Senate, the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Dixon, Duncombe, Dungan, Dysart, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—38.

The nays were, Senators Angle, Burdick, English and Potter,
—4.

Absent but not excused, Senators Bowen, Brown, Hammer, and Shaffer.

The motion to insert on second amendment, adopted.

The question being upon the third recommendation of the Committee as per report, the yeas and nays were called, which were as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Hagans, Hatch, Hastings, Hesser, Howard, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Smith, Udell, Williams and Woodward—37.

The nays were, Senators Potter, Teter, Trumbull, Watson and Woolson—5.

The third recommendation of the Committee was adopted.

Mr. Holmes moved to take up Bills from the House, which was lost.

Mr. McPherson raised the point of order that the Bills of the second class were now in order.

The Chair decided that the Bills of the first class from the House were now in order.

Mr. Jennings appealed, and the question being, Shall the decision of the Chair stand as the judgment of the Senate? Mr. Holmes called the yeas and nays, which were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Dungan, Foote, Gray, Green, Gue, Hatch, Hastings, Holmes, Hurley, Howard, Lewis, McCrary of Lee, McCrary of Van Buren, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—27.

The nays were, Senators Angle, Duncombe, Dysart, English, Esteb, Hagans, Jennings, McPherson, Neal, Pattison, Pollard, and Potter—12.

Absent and not voting, Senators Brown, Hammer, Hesser, Kent, Kern, Leake and Redfield.

The decision of the Chair was sustained.

Mr. Neal moved to take up Senate File No. 145.

Mr. Neal offered the following amendment: That said Commission be and they are hereby authorized to adjust, audit and allow the claim of Absalom Black of Marion county, for clothing and supplies furnished by order of William Horner to Captain J. C. Furgison's Company of the 8th Regiment of Iowa Volunteers, so far as the same may be just and proper, which was adopted.

Mr. Kern moved to amend the same Bill as follows: And the claim of George W. Jones of Indianola, Warren county, for clothing furnished Captain Ogg's Company of the third Regiment, which was also adopted.

On motion the 11th Rule was suspended, the Bill read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Dixon, Duncombe, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, Hurley, Holmes, Howard, Kent, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Redfield, Shaffer, Smith, Udell, Watson and Woolson—28.

The nays were, Senators Ainsworth, Burdick, English, Esteb, Gray, Green, Holmes, Jennings, Lewis, Pollard, Potter, Trumbull and Williams—13.

Absent and not voting, Senators Brown, Hammer, Hastings, Teter and Woodward.

The Bill was passed and its title agreed to.

Mr. Shaffer from the Committee on Enrolled Bills reported as follows:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, find the same correctly Enrolled, and present them for your signature, viz:

Senate File No. 79: An Act to provide for the support of the Deaf, Dumb and Blind, &c.

Senate File No. 230: An Act to relieve the Medical Department of the Iowa University.

Senate File No. 246: An Act to relieve Joseph Ketterer.

Senate File No. 3: An Act for the better protection of the School Fund.

House File No. 312: An Act to divide the State into Six Congressional Districts.

House File No. 291: An Act (Appropriation Bill.)

House File No. 294: An Act to legalize the acts of George W. Clark.

House File No. 250: An Act to publish the Laws in German.

House File No. 237: An Act in relation to Newton, Jasper Co.

House File No. 232: A Bill to regulate the compensation of County Judges was taken up, the 11th Rule was suspended, Bill read a third time and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gray, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pattison, Redfield, Shaffer, Udell, Watson, Williams, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Dixon, Duncombe, English, Esteb, Green, Gue, Hurley, Jennings, Kent, McPherson, Neal, Pollard, Potter, Smith, Teter and Trumbull—16.

Absent and not voting, Senators Brown and Hammer.

The Bill passed and its title was agreed to.

House File No. 341: A Bill in relation to evidence to vacate or

set aside a Judgment, was read, and on motion indefinitely postponed.

Mr. Redfield moved to take up the Appropriation Bill, House File No. 358. Carried.

The Bill was read a first and second time.

Mr. Hagans moved to amend by adding: J. W Keller 11 days at \$3 per day, which was lost.

Mr. Holmes moved to amend by appropriating to Mr. Woolson the sum of \$3 per day, while he occupied the Chair, as extra compensation as President *pro tempore*, in all \$21. The 11th Rule was suspended, the Bill read a third time, and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dixon, Dungan, Dysart, Foote, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, and Woodward—33.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Gray, Green, Hagans, Neal, Pollard, Potter and Woolson—11.

Absent and not voting, Senators Brown and Hammer.

The Bill passed and its title agreed to.

Mr. Redfield moved to take a recess until half-past 12 o'clock. Carried

AFTERNOON SESSION.

The Senate convened at half-past 12 o'clock, pursuant to adjournment.

The Senate was called to order by the President *pro tem*.

Mr. Holmes moved that when the Senate adjourn it be until one o'clock, A. M., Tuesday. Carried.

Mr. Holmes moved that the Senate do now adjourn. Carried.

SENATE CHAMBER, DES MOINES, IOWA, }
TUESDAY, April 8, 1862. }

Senate convened at 1 o'clock, A. M. pursuant to adjournment, and was called to order by the President *pro tem*.

Mr. Jennings moved that the reading of the Journal of yesterday be dispensed with. Carried.

Mr. Smith offered the following concurrent Resolution :

Resolved by the Senate, the House concurring, That the Secretary of State be requested to take charge of, and forward to the members and officers of the Ninth General Assembly, all mail matter coming to Des Moines after their departure home. Adopted

The following messages were received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that the House has passed the following 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 send to each of the members, clerks and Secretaries of the Ninth General Assembly, a copy of the 12th Volume of the Iowa Reports as soon as the same shall be published.

The House has also 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 Governor is hereby empowered to employ such additional assistance in the Adjutant General's office as he may from time to time deem necessary. And the Auditing Board are hereby directed to audit the same to be paid out of the War and Defense Fund.

CHA'S. ALDRICH, Chief Clerk.

Mr. Shaffer introduced Senate File No. 273, which was read first and second time, and on motion the 11th rule was suspended, Bill read third time and on the question : Shall the Bill pass ? the yeas and nays were called and the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Holmes, Hurley, Howard, Jennings, Kent, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Williams, Woodward and Woolson—39.

The nays were, Senators Kern and Neal—2.

Absent and not voting, Senators Brown, Hammer, Hastings, Hesser and Teter.

The Bill passed and the title was agreed to.

Mr. Dixon introduced the following resolution :

Resolved, That during the balance of the Session no Senator shall speak longer than two minutes on any question.

Mr. Ainsworth moved to amend, to strike out two and insert one.

Mr. Jennings moved to lay resolution on the table. Carried.

Mr. Shaffer from Joint Committee on Enrolled Bills, submitted the following report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have examined the following, corrected errors therein, and present the same for your signature, viz :

Senate File No. 174: An Act to legalize Acts in Fifth and Eleventh Judicial Districts, &c.

Senate File No. 109: An Act concerning records of U. S. District Court.

House File No. 295: An Act to protect owners of Treasurer's certificates of purchases of Real Estate at tax sales.

House File No. 292, was taken up.

Mr. Ainsworth moved to strike out the word "feels." Carried.

The 11th rule was suspended, the Bill was read third time, and on the question: Shall the Bill pass? the yeas and nays were called with the following result:

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—42.

The nays were, none.

Absent and not excused, Senators Brown, Hammer, Howard and Kent.

The Bill passed and the title was agreed to.

The Joint Resolution in relation to Supreme Court Reports, was taken up, read first and second time, and on motion the 11th rule was suspended, Bill read third time.

Mr. McCrary of Van Buren, moved to indefinitely postpone the Bill. Lost.

Upon the question: Shall the Bill pass? the yeas and nays were called and the vote was as follows:

The yeas were, Senators Bowen, Duncombe, Green, Hatch, Hastings, Howard, Jennings, Kern, Pattison, Redfield and Shaffer—11.

The nays were, Ainsworth, Angle, Boardman, Burdick, Dixon, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hagans, Hesser, Holmes, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pollard, Potter, Smith, Teter, Trumbull, Udell, Watson, Williams, Woodward and Woolson—32.

The Bill not having received a constitutional majority, was lost.

A Joint Resolution in relation to assistance in the Adjutant General's office, was taken up. Mr. Woolson moved to indefinitely postpone the same.

Mr. Ainsworth called for the yeas and nays and the vote was as follows:

The yeas were, Senators Ainsworth, Duncombe, English, Gray, Green, Holmes, Jennings, Neal, Pollard, Potter, Teter, Williams and Woolson—14.

The nays were, Senators Angle, Boardman, Bowen, Brown, Burdick, Dungan, Dysart, Foote, Gue, Hagans, Hatch, Hesser, How-

ard, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Smith, Trumbull, Udell, Watson and Woodward—27.

Absent and not voting, Senators Dixon, Hammer and Hastings. Resolution not adopted.

The following messages were received from the House :

MR. PRESIDENT:—I am directed to inform your Honorable Body that House has concurred in the recommendations of the Committee of Conference upon House File No. 276, and passed the bill as so amended.

I also return herewith Senate File No. 91 : A Bill for an Act to amend article 1, chapter 51 of the Revision of 1860, entitled an Act for the incorporation of cities and towns—

The same having passed the House with the following amendments, strike out sections 1 and 4.

CHA'S. ALDRICH, Chief Clerk.

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

House File No. 358 : A Bill for an Act making appropriation for the per diem of the members and officers of the Ninth General Assembly and for other purposes.

The House has also concurred in the amendment of the Senate to House File No. 358, and passed the same as so amended.

I return herewith Senate File No. 271 : A Joint resolution in relation to the pay of Assistant Enrolling Clerks of the Ninth General Assembly.

The same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

Mr. Holmes offered the following amendment : Strike out "Auditing Board" and insert "Auditor of State." Strike out "War and Defense Fund," and insert "General Revenue." Which was lost.

Mr. Redfield moved to suspend the 11th rule, which prevailed ; Bill read a third time and on the question, Shall the Bill pass the yeas and nays were called and were as follows :

The yeas were, Senators Angle, Bowen, Bardick, Dungan, Dysart, Gus, Hagans, Hatch, Hurley, Howard, Kent, Lewis, McCrary of Lee, Pattison, Redfield, Shaffer, Teter, Udell, Watson and Woodward—21.

The nays were, Senators Ainsworth, Dixon, Duncombe, English, Esteb, Gray, Green, Hesser, Holmes, Jennings, Kern, McCrary of Van Buren, Neal, Pollard, Potter, Trumbull, Williams and Woolson—18.

Absent and not voting, Senators Boardman, Brown, Hammer, McPherson and Smith.

Bill passed and title agreed to.

A Joint Resolution in relation to appointing Col. Tuttle a Brig-

adier General, was taken up and was read a first and second time, and on motion the 11th rule was suspended, Bill read a third time, and on the question, Shall the Bill pass? the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Gray, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Woodward and Woolson—35.

The nays were, Senators Angle, English, Esteb, Green and Williams—5.

Absent and not voting, Senators Brown, Hammer, Hastings, Shaffer, Udell and Watson.

The resolution was adopted.

A Bill for an Act to legalize the official acts of John C. Turk as Notary Public in and for Polk County, Iowa, was taken up and read a first and second time, the 11th rule was suspended, Bill read a third time, and on the question, Shall the Bill pass? the yeas and nays were called and were as follows :

The yeas were, Senators Ainsworth, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, Esteb, Gray, Green, Gue, Hagans, Hatch, Hesser, Holmes, Howard, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Trumbull, Watson, Woodward and Woolson—33.

The nays were, Senators English and Neal—2.

The Bill passed and the title was agreed to.

Mr. Shaffer, from Committee on Enrolled Bills, made the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day presented the following to his Excellency the Governor, for his approval :

Senate Files Nos. 72, 230, 246, 3, 174, 109. House Files Nos. 312, 291, 294, 250, 237, 295.

Joint Resolution in relation to the Trustees of the Agricultural College and Farm, was taken up and read a first and second time.

Mr. Hagans moved to strike out the name of "McDonald" and insert "J. T. Williams." Lost.

Mr. Ainsworth moved to strike out the name of "Sprague" and insert the name of "P. L. Hinckley" of Fayette County. The 11th rule was suspended, the Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer,

Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—39.

The yeas were, Senators Esteb and Potter—2.

Absent and not excused, Senators Brown, Dixon, Hammer, Holmes and Udell.

A Bill for an Act to legalize the official acts of Deles Arnold, as Notary Public of Marshall County, was taken up, read a first and second time, the 11th rule suspended, Bill read a third time, and on the question, "Shall the Bill pass?" the vote was as follows :

The yeas were, Senators Ainsworth, Angle, Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, English, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Hurley, Howard, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—39.

The nays were, Senators Esteb and Potter—2.

Absent and not excused, Senators Brown, Dixon, Hammer, Holmes and Udell.

The yeas were, Senators Boardman, Bowen, Burdick, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—36.

The nays were, Senators English, Neal and Williams—3.

The Bill passed and its title was agreed to.

House File No. 327 was taken up and read first and second time, the 11th rule suspended, Bill read third time, and on the question "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Angle, Burdick, Duncombe, Dungan, Dysart, English, Gray, Green, Gue, Hagans, Hatch, Hastings, Howard, Hurley, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Watson, Williams, Woodward and Woolson—28.

The nays were, Senators Jennings, Kent, Lewis, Neal, Pollard, Potter, Smith, Trumbull and Udell—9.

Bill passed and title agreed to.

House File No. 344 was taken up, and the Bill read first and second time, the 11th rule suspended, Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows :

The yeas were, Senators Angle, Boardman, Bowen, Burdick, Dungan, Dysart, Foote, Gray, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Williams, Woodward and Woolson—30.

The nays were, Senators Ainsworth, Duncombe, English, Esteb, Green, Gue, Hagans, Neal, Pattison, Pollard and Potter—10.

Absent and not voting, Senators Dixon, Kern and Udell.

The Bill passed and the title was agreed to.

House File No. 174: A Bill for an Act to legalize the acts of _____, was taken up, read first and second time, the 11th Rule was suspended, Bill read the third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Angle, Boardman, Bowen, Brown, Burdick, Duncombe, Dungan, Dysart, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Pattison, Pollard, Redfield, Shaffer, Smith, Teter, Trumbull, Watson, Woodward and Woolson—35.

The nays were, Senators Ainsworth, English, Neal and Williams—4.

Absent and not excused, Senator Esteb.

Bill passed and title agreed to.

House File No. 240: A Bill for an Act in relation to the State University of Iowa was taken up.

Mr. Neal moved to strike out \$1,200, and insert \$1,000. Carried.

Mr. Neal moved to strike out \$900 and insert \$800. Lost.

Mr. Burdick moved to reconsider the vote whereby \$1,200 was struck out and \$1,000 inserted. Carried.

The motion to strike out was lost.

Mr. Angle moved to lay the Bill on the table, upon which motion the yeas and nays were called, which were as follows:

The yeas were, Senators Angle, Bowen, Dysart, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Shaffer and Woodward—9.

The nays were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, English, Esteb, Foote, Gray, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Kern, Leake, Lewis, Neal, Potter, Redfield, Smith, Teter, Watson and Woolson—27.

The motion was lost.

The question being upon the suspension of the 11th Rule, Mr. Bowen called the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Watson and Woolson—34.

The nays were, Senators Boardman, Bowen, McCrary of Lee, Shaffer and Woodward—5.

The rule was suspended.

The Bill was read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Foote, Gray, Gue, Hatch, Hastings, Hesser, Holmes, Howard, Jennings, Kent, Kern, Lewis, McCrary of Van Buren, Neal, Pattison, Pollard, Potter, Redfield, Smith, Teter, Trumbull, Watson, Williams and Woolson—32.

The nays were, Senators Boardman, Bowen, Hagans, Hurley, Leake, McCrary of Lee, McPherson, Shaffer and Woodward—9.

The Bill passed and title agreed to.

Mr. Shaffer, from Committee on Enrolled Bills, made the following Report:

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly have examined the following, find the same correctly Enrolled, and present them for your signature:

House File No. 346: An Act apportioning the State of Iowa into Representative Districts.

Senate File No. 271: Joint Resolution concerning pay of Assistant Clerks.

Senate File No. 138: An Act further fixing duties of County Treasurer.

Senate File No. 94: An Act to legalize acts of J. Burkholder.

Senate File No. 270: An Act to amend Code of Civil Practice, &c.

House File No. 65: An Act to pay Captain Martin and others.
J. M. SHAFFER, Chairman Com.

Substitute for House File No. 228 was taken up, read first and second time, and Mr. Holmes moved to lay the Bill on the table.

Mr. McPherson called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Boardman, Burdick, Foote, Green, Gue, Hatch, Hesser, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Udell, Williams, Woodward and Woolson—20.

The nays were, Senators Angle, Bowen, Dixon, Duncombe, Dungan, English, Esteb, Gray, Hagans, Howard, Jennings, Kent, Kern, Leake, McPherson, Neal, Pattison, Potter, Smith and Trumbull—18.

Absent and not voting, Senators Dysart, Hastings, Teter and Watson.

The Bill was laid on the table.

House File No. 61: Bill for an Act for relief of Amity College.

Mr. Dixon moved to suspend the 11th Rule.

Mr. English moved to indefinitely postpone the motion. Motion prevailed.

Bill read third time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Boardman, Bowen, Dungan, Dysart,

Foote, Gue, Hagans, Hatch, Hesser, Hurley, Kent, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, McPherson, Pattison, Redfield, Shaffer, Smith, Teter, Woodward and Woolson—24.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Gray, Green, Holmes, Neal, Pollard, Potter, Trumbull and Williams—12.

The following messages were received from the House :

MR. PRESIDENT :—I am directed to inform the Senate that the House has passed Senate File No. 145, without amendment.

I also herewith return Senate File No. 272 the same having passed the House without amendment.

The House has also adopted the concurrent Resolution of the Senate in relation to the mail matter of Members and officers of this General Assembly.

The House has also concurred in the Senate's amendments to House Files No.'s 238 and 348.

I also return Substitute for Substitute for Senate File No. 72, in accordance with the recommendation of the Committee of Conference.

Also, has passed House File No. 232 : A Bill for an Act to amend an Act entitled an Act regulating the compensation of County Judges.

Also, House File No. 354 : A Bill for an Act to legalize the acts of Delos Arnold, as Notary Public of Marshall County, Iowa.

I am also directed to inform the Senate that the House has concurred in the Senate amendments to House File No. 291 : A Bill for an Act making appropriations for the payment of State and Judicial Officers, interest on State Bonds and loans, and for other purposes.

Substitute for House File No. 174 : A Bill for an Act to legalize the acts of C. H. Tolla, Notary Public in Clinton County.

House File No. 353 : Joint Resolution relating to Trustees for the Agricultural College and Farm.

House File No. 341 : A Bill for an Act in relation to evidence to vacate, modify or set aside a Judgment.

I also return herewith Senate File No. 237 : A Bill for an Act to amend the Code of Civil Practice.

House File No. 280 : A Bill for an Act to legalize the acts of John C. Turk, as Notary Public, in and for Polk County, Iowa. The same having passed the House without amendment.

CHA'S. ALDRICH, Chief Clerk.

I herewith return House File No. 276 : A Bill for an Act to amend the Militia Law ; the House having refused to concur in the last two Senate amendments to the same. I am also directed to inform the Senate that the House has appointed Messrs. Cutler, Fairall and Van Anda as a new Committee of Conference upon the disagreement of the two Houses upon House File No. 312 : A Bill for an Act to divide the State into six Congressional Districts.

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

Resolved by the General Assembly of the State of Iowa, That the Governor or Adjutant General of this State shall have full power to give a pass to any soldier of an Iowa Regiment, who has been absent from his Regiment on furlough, whenever, in the opinion of the Governor or Adjutant General, there is a necessity to furnish such aid.

I am also directed to inform the Senate that the House has concurred in the Senate's amendments to House File No. 353, and passed the same as so amended.

CHA'S. ALDRICH, Chief Clerk.

Mr. Ainsworth moved to reconsider the vote by which the Bill in relation to the Cedar Rapids Rail Road Company was laid on the table. On which motion Mr. Dungan called for the yeas and nays, which were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Duncombe, Dungan, Dysart, English, Esteb, Gray, Hagans, Howard, Jennings, Kent, McPherson, Neal, Pattison, Potter, Smith, Teter, Trumbull, Udell and Watson—22.

The nays were, Senators Boardman, Burdick, Dixon, Foote, Green, Gue, Hatch, Hastings, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Williams, Woodward and Woolson—21.

Absent and not voting, Senators Brown, Hammer and Hesser.
Motion carried.

The question being on the motion to lay on the table, Mr. McPherson called the yeas and nays, which were as follows:

The yeas were, Senators Boardman, Burdick, Foote, Green, Gue, Hatch, Hastings, Holmes, Hurley, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Williams, Woodward and Woolson—20.

The nays were, Senators Ainsworth, Angle, Bowen, Duncombe, Dungan, Dysart, English, Esteb, Gray, Hagans, Howard, Jennings, Kent, McPherson, Neal, Pattison, Potter, Smith, Teter, Trumbull, Udell and Watson—22.

Absent and not voting, Senators Brown, Hammer and Hesser.
Motion to lay on the table was lost.

Mr. Holmes moved to take up Resolution in relation to the Governor giving passes. The Resolution was read a first and second time, and on the question, "Shall the Bill pass?" the yeas and nays were as follows:

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, Foote, Green, Gue, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kern, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Mc-

Pherson, Neal, Pattison, Pollard, Potter, Redfield, Shaffer, Smith, Teter, Trumbull, Udell, Watson and Woolson—37.

The nays were, Senators English and Gray—2.

Absent and not voting, Senators Boardman, Brown, Esteb, Hammer, Kent, Williams and Woodward.

The Bill passed and the title was agreed to.

Mr. Duncombe moved to suspend the 11th Rule and put the Bill on its passage.

Mr. Woolson offered the following amendment which was lost, viz :

Provided, Nothing herein contained shall estop the State or any party in interest from denying that the said Railroad Company had title to any of said Lands, lying more than 20 miles West of its most Westerly terminus, or to the Lands selected by the agents of the State as Swamp or overflowed lands. Lost.

Mr. Redfield moved to strike out 1854 and insert 1858, and called the yeas and nays, which were as follows :

The yeas were, Senators, Dungan, Foote, Green, Hatch, Hesser, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Udell, Williams, Woodward and Woolson—17.

The nays were, Senator Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Gue, Hastings, Jennings, Kern, Leake, McPherson, Neal, Pattison, Potter, Smith, Trumbull and Watson—22.

The motion to strike out was lost.

Mr. Duncombe called the Senate which motion was seconded. Upon the call of the Senate Mr. Teter was absent and not excused.

Mr. Duncombe moved that further proceedings under the call be dispensed with. Carried.

The question being on the suspension of the 11th Rule, the yeas and nays were called, which were as follows :

The yeas were, Senators Ainsworth, Angle, Bowen, Burdick, Dixon, Duncombe, Dungan, Dysart, English, Esteb, Gray, Hagans, Howard, Jennings, Kent, Kern, Leake, McPherson, Neal, Pattison, Potter, Smith, Trumbull, Udell, Watson and Williams—26.

The nays were, Senators Boardman, Foote, Green, Gue, Hatch, Hastings, Hesser, Holmes, Hurley, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Woodward and Woolson—17.

Absent and not excused, Senators Brown and Hammer.

The 11th Rule was suspended.

Mr. Smith upon leave offered the following concurrent Resolution :

Resolved, the House concurring, That the State Printer be directed not to print anything in the Journals, except the Messages of the Governor, and legislative proceedings, not including the Reports

of State Officers, or other Reports required to be made to the General Assembly.

Mr. Ainsworth moved to strike out all after the word "or" in third line, and insert the following: Officers of Charitable Institution, which was done.

House File No. 356: Read first and second time, the 11th Rule suspended, Bill read a third time, and on the question, Shall the Bill pass? the yeas and nays were called, which were as follows:

The yeas were, Senators Ainsworth, Bowen, Dixon, Duncombe, Dungan, Dysart, Foote, Hagans, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Jennings, Kern, Leake, McCrary of Lee, McCrary of Van Buren, McPherson, Neal, Pattison, Pollard, Redfield, Shaffer, Smith, Udell, Williams, Woodward and Woolson—30.

The nays were Senators Boardman, Burdick and Kent—3.

Mr. Shaffer from the Committee on Enrolled Bills, reported as follows:

MR. PRESIDENT:—The Joint Committee on Enrolled Bills of the General Assembly, have examined the following, find the same correctly enrolled and present them for your signature, viz:

Senate File No. 272: An Act to authorize the publication of the Laws, &c.

House File No. 354: An Act to legalize the acts of Delos Arnold.

House File No. 280: An Act to legalize the acts of John C. Turk.

House File No. 292: An Act to prevent obstructions in public ditches.

House File No. 327: An Act to amend Section 843 of the Revision of 1860.

House File No 240: An Act concerning the State University.

House File No. 174: An Act to legalize the acts of C. H. Toll.

House File No. 232: An Act regulating the compensation of County Judges.

House File No. 359: A Joint Resolution respecting Col. Tuttle.

The following messages were received from the House:

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

House File No. 292: A Bill for an Act to prevent obstructions in any of the public ditches, for the benefit of the swamp lands.

House File No. 357: A Joint Resolution in relation to the appointment of Colonel Tuttle as Brigadier General.

House File No 359: A Bill for an Act to change the name of Buncombe county to Lyon county.

CHA'S. ALDRICH, Chief Clerk.

A Committee from the House, consisting of Messrs. Martin and Williams, announced that the House was ready to adjourn *sine die*.

Senate File No. 265 was taken up.

Mr. Duncombe moved to lay the Bill on the table. Carried.

Senate File No. 164 was taken up. Mr. Holmes moved to lay the same on the table, and on that motion the yeas and nays were as follows :

The yeas were, Senators Ainsworth, Boardman, Dungan, Foote, Green, Gue, Hatch, Hastings, Hesser, Holmes, Howard, Hurley, Leake, Lewis, McCrary of Lee, McCrary of Van Buren, Pollard, Redfield, Shaffer, Udell, Watson, Williams and Woolson—23.

The nays were Senators Angle, Burdick, Dixon, Duncombe, Dysart, English, Esteb, Gray, Hagans, Jennings, Kent, Kern, McPherson, Neal, Pattison, Potter and Smith—17.

Motion prevailed.

Mr. English moved to take up House File No. 197. Lost.

Mr. Woodward from Library Committee, asked leave to make report on behalf of Committee. Leave granted. Mr. Woodward made the following report with the accompanying Bill :

MR. PRESIDENT :—The Committee on the Library, to whom was referred a concurrent resolution in relation to the Library, would report that they have had the subject under consideration, and have visited the Library and taken a view of its condition ; that there are various works of, and relating to, our own State, the General Assembly, the Laws, &c., existing in pamphlet form, two or three copies of which should be upon the shelves of the Library, and should be preserved. That there are various publications of other States, in pamphlet form, one copy at least of which should be bound and placed in the Library for preservation and future use. Among these is a small number of volumes of Law Reports, which should be bound in the style of law binding. That the large and valuable volume of Indian Portraits and Biographies is in a tattered and loose condition. This is a rare work, out of print, and not likely ever to be printed again. The Committee recommend that it be re-bound substantially, either in one volume with spring back, or in two volumes. With a view to effect these objects, the Committee report a Bill, and recommend its passage.

W. B. LEWIS, Chairman Com.

The Committee recommend an appropriation of Six dollars, for the purchase of Mitchell's new General Atlas, for the Library.

The Bill reported from Library Committee was taken up, and read first and second time, the 11th rule was suspended, Bill read third time and on the question: Shall the Bill pass? the yeas and nays were called and the vote was as follows :

The yeas were, Boardman, Bowen, Dixon, Dungan, Dysart, Foote, Gray, Hagans, Hatch, Holmes, Hurley, Jennings, Kent, Kern, Leake, Lewis, McCrary of Lee, McPherson, Pattison, Redfield, Shaffer, Smith, Trumbull, Udell, Watson, Woodward and Woolson—27.

The nays were, Senators Ainsworth, Burdick, Duncombe, English, Esteb, Green, Hesser, McCrary of Van Buren, Neal, Pollard, Potter and Williams—12.

Absent but not excused, Senators Brown, Gue, Hammer, Hastings, Howard and Teter.

The Bill passed.

Mr. Redfield moved to take up the Bill which was ordered to its third reading, in relation to —. Lost.

Mr. Gray upon leave offered the following, which was adopted :

Resolved, That the Senate tender to Lieut. Gov. Nedham, their thanks for the able, dignified, courteous and impartial manner in which he has discharged the duties of presiding officer, during this Session.

Mr. McPherson entered the following as his protest :

The undersigned members of the Senate, hereby protest against the action of the Senate in refusing to pass the Bill requiring the Cedar Rapids and Missouri River Railroad Company, to relinquish their claim to certain lands mentioned in said Bill, for the following reasons :

FIRST—The action of the Senate in refusing to pass said Bill keeps in disquiet and suspense a large number of persons who have paid their money to the State for lands on which they now live and have made themselves homes. These lands the State sold to her citizens, and took their money for it, and now says to them : I will not keep you out of the grasp of those who are trying to take your lands from you, and whose only aim is your destruction. The undersigned believe that it is the duty of the State to protect her citizens to whom it has sold lands, for a valuable consideration. The action of the Senate, says the State will not protect her citizens. The first duty of the State is to take care of those who make and compose the State. When a State refuses to protect its citizens in rights which they have acquired or supposed they have acquired from the State, it then fails in the discharge of its duties.

SECOND—The action of the Senate prevents the extension of the only Railroad in the State which has made any considerable advance in the last two years, and has a direct tendency to prevent the fulfilment of the part assured by the State in accepting the land grant made to the State of Iowa by act of Congress May 15, 1856. The Cedar Rapids and Missouri River Railroad Company have, within the last ten months built and put in operation forty miles of Rail Road, and has graded thirty miles more of its road, reaching into the central part of the State, and opening up avenues of wealth which bring into the State Treasury large amounts of revenue which would not otherwise find its way there.

The Senate in refusing to pass said Bill has refused to do justice to those persons who have invested largely in this State upon its former legislation. The Bill defeated proposed to do no injury to any one but to protect the rights of all. It proposed to repeal no law effecting the rights of any parties, but simply provided for an extension of time, giving all parties the right to test in the proper tribunals whatever rights they had, and in the mean time permit-

ting the State to honestly fulfil the sacred trust it assumed in accepting the Land Grant above referred to. The action of the Senate has placed the State in such condition that it cannot protect its own citizens, nor can it discharge the trust it assumed to the General Government, and it is calculated to cause a reversion to the General Government of over six hundred thousand acres of land generously donated, for the purpose of building a Rail Road on or near the fifty-second parallel through the State of Iowa. The above are some of the reasons for protesting against the action of the Senate in reference to the said Bill, and ask that this protest may be placed in the Journal of the Senate.

M. L. McPHERSON,
JOHN F. DUNCOMBE,
E. F. ESTEB,
EDWIN B. POTTER,
H. W. ENGLISH.

Mr. Shaffer, from Special Committee, made the following report :

MR. PRESIDENT:—Your Special Committee, to whom was referred the memorial of certain County Officers of Jefferson County, praying for changes in the Revenue system, beg leave to report that the adoption of the Bill prepared by the House Committee of Ways and Means, being House File No. 227, in which are certain provisions that nearly accord with the wish of the petitioners and the views of your Committee, supercedes the necessity of any further action in respect to said memorial.

We recommend that the memorialists be permitted to withdraw their petition.

J. M. SHAFFER, Chairman,
J. C. HAGANS.

Received the following message from the House :

MR. PRESIDENT:—I am directed to inform the Senate that the House has adopted the Concurrent Resolution of the Senate in relation to the printing of the Journals of the two Houses.

CHA'S. ALDRICH, Chief Clerk.

Mr. Shaffer from Committee on Enrolled Bills made the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly having examined the following, find them correctly enrolled, and present the same for your signature :

House File No. 358 : An Act making appropriations, &c.

House File No. 276 : An Act to amend Militia Law.

House File No. 344 : An Act to amend section 4360 of the Revision of 1860.

House File No. 353 : Joint Resolution concerning Trustees of Agricultural College.

House File No. 356 : Joint Resolution concerning claims of Rogers, &c.

House File No. 360 : Joint Resolution concerning Governor and Adjutant General, as to passes.

House File No. 61 : An Act for relief of Amity College.

On motion of Mr. Udell, a Committee, consisting of Senators Udell, Dixon and Watson, were appointed to wait on the Governor and inform him that the Senate is ready to adjourn, and inquire if he has anything further to communicate.

Mr. Kern offered the following resolution, which was unanimously adopted :

Resolved, That this Senate duly appreciate the faithfulness, ability and courtesy of the Secretary, Assistant Secretary and Clerks and other officers of this Body in the discharge of their arduous duties, and that we tender them, severally, our cordial thanks.

Mr. Smith, by leave, offered the following resolution, which was unanimously adopted :

Resolved, That the thanks of this Senate are hereby tendered the Ladies of Des Moines for the ample repast of all good eatables furnished the Senate at low twelve.

On motion of Mr. Brown the Senate went into Executive session.

The Senate came out of Executive session at a quarter before five o'clock A. M., and the following communications were read :

SENATORS:—As the labors of this Session are about to close, I feel that I should neglect an imperative, though pleasant duty, did I fail to publicly express my gratitude for the cordial support and personal kindness which you have so generously and uniformly extended to me.

When I entered upon the discharge of the duties of my office, I did so with many misgivings as to my ability to perform its offices to your entire satisfaction : but the kind co-operation, gentlemanly forbearance, and dignified decorum that have marked all your deliberations, have not only diminished my labors, but have rendered them comparatively easy, and quite agreeable.

It has been my constant and earnest desire to act independent of all personal and partisan feeling, and though I may have sometimes erred, I have been prompted only by good intentions and honest purposes. Notwithstanding the conflicts of opinion that frequently arise about questions of order, on which Senators may honestly differ, and which at times render the duties of the Chair exceedingly perplexing, you have magnanimously sustained me in all my rulings. This assures me more strongly than words can express, that your respect for the Chair, and your desire to expedite the transaction of business, have caused you to generously throw the mantle of charity over any errors that I may have unwittingly committed.

I desire also, in this connection, to tender my acknowledgments to the Secretaries and other officers of the Senate, for their uniform courtesy and cheerful assistance.

For the kindly manner in which you have been pleased to compliment me, and for the generous tender to me of the Chair which

I have had the honor to occupy, and which has been so ably filled by my predecessors, please accept my grateful thanks.

Your labors in this capacity are now about to close; your actions are a part of the history of this State, and I hopefully trust that the verdict of an enlightened constituency will be, that your work has not only been done, but *well done*, and that your hearts may ever be cheered with the reflection that you have honestly, faithfully and beneficially served your State in this Session of the General Assembly.

A merciful Providence has smiled upon us in permitting us to depart for our respective homes in peace, and without the loss from our numbers of a single individual. May the continued favors of Heaven be showered upon us, and guide us in the performance of every duty, in whatever pursuits we may hereafter engage.

Since the convening of this body, our brave soldiers have achieved for the country many glorious victories over traitors that aim to destroy the Government. Our honored banner has been proudly borne aloft in triumph, into the very heart of the rebellious territory, and the undaunted courage of the "Iowa boys" has, in many hotly contested battles gained for our State a renown that will live forever and crown her with imperishable honors. It is my earnest and sincere prayer, that He who holds the destinies of nations in His hands, will speedily overthrow the wicked rebellion, restore peace to our distracted country, bring order out of confusion, and make our Government what we all desire, the happiest and best in all the earth.

Again, gentlemen, I thank you for numberless favors, and now bid you all an affectionate farewell.

JNO. R. NEEDHAM.

Mr. President and gentlemen of the Senate :

Permit me before the parting moment arrives, in behalf of myself and worthy assistants, and other officers of the Senate, to express to you our heartiest thanks for the uniform kindness and courtesy which have been extended to us in our official intercourse. It is unnecessary for me to say, that we have honestly and faithfully endeavored to discharge our responsible and laborious duties. How well we have succeeded, is left within the innermost recesses of your generous confidence. Our associations have been with pleasure to us, and we shall cherish a recollection of the same, as among the brightest and greenest spots in the journey of social life.

Gentlemen, in consonance with that kindly spirit, which has been so generously extended to us, accept our most earnest prayers, that you may safely reach your homes and surrounded by your most cherished idols, rest from the wearisome labors of Legislators. May your lives be long—pleasant and profitable to all men.

W. F. DAVIS, Sec'y Senate.

Mr. Shaffer, from Joint Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills of the General Assembly, have this day presented the following to his Excellency the Governor, for his approval :

Senate Files No's. 271, 138, 94, 270 and 358.

House Files No's. 346, 65, 354, 280, 292, 327, 240, 174, 232, 359, 276, 344, 353, 356, 360, 61.

J. M. SHAFFER, Ch'n. Sen. Com.

Mr. Shaffer moved that the Senate return their thanks to the Reporters for the fidelity and accuracy with which they had reported the proceedings of the Senate ; which was carried unanimously.

Mr. Shaffer, from Joint Committee on Enrolled Bills, submitted the following report :

MR. PRESIDENT:—The Joint Committee of Enrolled Bills have examined House File No. — : A Joint Resolution respecting additional Clerks, &c., find the same correctly enrolled and present the same for your signature.

Also, have this day presented the same to his Excellency the Governor, for his approval.

J. M. SHAFFER.

On motion of Mr. Holmes, a Committee consisting of Senators Holmes and Kent, were appointed to inform the House that the Senate was ready to adjourn.

On motion of Mr. Hagans, the Senate adjourned *sine die*.

APPENDIX.

The Committee on Schools and University, to whom was referred the Communication of Mr. J. A. Williamson, to the Governor, in which he asks the State to assume his indebtedness to the School Fund and in lieu thereof to receive his interest in "the Capitol Building Association,"

REPORT:

That from a careful examination of the matter they find the following to be the condition of the security which Mr. Williamson gave the Superintendent of Public Instruction, for money borrowed of the so called five per cent. School Fund, and which, or a greater part of which, is alleged by him to have been expended on the Capitol Building now occupied by the State.

On the 9th of January, 1857, Mr. Williamson mortgaged to the School Fund, certain lots in East Des Moines, Polk County, (a list of which is hereto annexed, together with other securities, marked A) to secure the payment of \$8,300, payable in five years from June 26, 1856, with annual interest at ten per cent.

It appears from an examination of the Records, that a prior mortgage was given on a greater portion of these lots, viz: to A. J. Stevens, on the 30th of May, 1856, to secure the payment of \$5681 80, payable one year from the date. This prior mortgage was foreclosed over two years ago, and the property held under it was sold under execution and deeded to other parties beyond the reach of the School Fund interest in them.

All the property now held under the mortgage given by Mr. W. to the School Fund is embraced in the following named lots, to-wit: The middle one-third of lots 13 and 14 in Block 9, and all of Lot 7 in Block 3, in East Des Moines, and 200 ft in Lot 11, in Block D, of Griffith's Addition. The value of these lots can not, in the opinion of the Committee, exceed the sum of \$500. There are no improvements on any of them.

The amount now due on the note given for \$8,300, in June 1856, including interest, is about \$12,500, for the payment of which the only security is in the lots above named, as Mr. Williamson is manifestly insolvent, and the estate of his endorser, W. A. Scott, now deceased, is so deeply involved, besides some questions of law which

arise in connection with the matter, that it is questionable whether anything could be realized from that source.

The Committee therefore come to the conclusion that the security on this loan is merely nominal and hardly worth the trouble of a foreclosure.

It appears also that Mr. Williamson assumed to pay the claim of the School Fund against T. K. Brooks, of \$4,000, and now amounting, with the interest thereon to a little over \$6,000. To secure the payment of this amount, Dr. Brooks gave a mortgage on forty acres of land situated about a mile East of the Capitol. When he gave the mortgage it was supposed that he was including the buildings upon his farm, but upon examination it appears that it did not include the land upon which they stand. The value of this security cannot exceed \$1,000.

A simple statement of the indebtedness and security is then as follows :

Amount due on Williamson's Note.....	\$12,550 00
Amount due on T. K. Brooks' Note.....	6,000 00
	<hr/>
Total.....	\$18,500 00
Amount of securities.....	1,500 00
	<hr/>
Loss.....	\$17,000 00

Mr. Williamson proposes that if the State will release the claims of the School Fund against him, he will transfer to the State his interest in the Capitol Building, being 200 shares of the stock in the Capitol Building Association of the value of \$20,000 of the original cost.

Although this would unquestionably be better security by far than that now held, the Committee would hardly deem it compatible with the interests of the State to hold part of the stock of the association, and become a partner in interest.

With this view of the case, the Committee have deemed it to be their duty to extend their inquiries, beyond the subject of Mr. Williamson's communication, referred specially to them, and to ascertain as far as circumstances would permit, the condition of other securities for loans from the School Fund, connected with the Capitol Building Association.

Attached hereto is an abstract marked "B" showing the names of the persons borrowing of the School Fund, including those named above, and the amount borrowed by each, together with the amounts due on the 1st of January last. Nearly the whole amount borrowed is alleged by these parties to have been expended on the Capitol Building, and it appears from the records that they composed the Capitol Building Association. These parties in interest propose to transfer the whole of the Capitol Building to the State upon receiving a release from the claims of the School Fund.

June 26 and 27, 1856: The total am't. borrowed was \$40,101 00
Interest unpaid to Jan. 1, '62 20,025 54

Total indebtedness Jan. 1, '62 60,126 54
From this amount deduct the
amount of indebtedness of J.
A. Williamson as shown above 18,459 04

Loans against the other parties 41,667 50

In estimating the amount of securities on this sum, the Committee draw their conclusions more from general facts than from a particular knowledge of them, and they do not claim to be as accurate as perhaps the importance of the subject demands. Indeed it would be impossible for any person to examine the records and trace titles of the securities, and ascertain the defects in them, without consuming more time than will be allotted to this session of the Legislature.

Unquestionably the best secured claim of these is that against Alexander Shaw, which now amounts to \$4,500, covering by mortgage the house and lots occupied by him as a residence directly opposite the capitol. Mr. J. M. Beck, in his report of Nov. 10, '57, estimated the value of this property at \$11,000; while your Committee do not regard it as worth over \$3,000, and taking a defect in the title which is said to exist into consideration, a person of ordinary prudence would hardly purchase it at any price. Besides it is a homestead, which, under the circumstances, the State of Iowa would be slow to violate.

The principal security for the claim against J. M. Griffith, which amounts to \$12,377 50, is his residence also, which is worth from \$1,500 to \$2,000, and the other property held under the mortgage to the School Fund is worth from \$800 to \$1,200. Without going farther into detail the following table of estimates is made, which we believe to be above rather than below the values of the securities:

NAME.	Amount.	Estimated value of Securities.
J. A. Williamson,.....	\$12,455 04	\$500 00
W. A. Scott,.....	12,450 04	5,000 00
J. D. Cavenor,.....	12,340 00	2,000 00
J. M. & H. H. Griffith.	12,377 50	3,200 00
Alexander Shaw,.....	4,500 00	3,000 00
T. K. Brooks,.....	6,004 00	1,000 00
Total.....	\$60,126 54	\$15,700 00

Showing an inevitable loss of the snug sum of \$44,426 54 which the State must make good to the School Fund, and whatever the Capitol Building may be considered worth over \$15,700 00 will be so much gain, in case the State accepts the proposition made.

It may be said that the State has a lease of the Capitol Building for fifty years, at the nominal rent of \$1 per year, and that the use of the building for that length of time as the Capitol, would be an equivalent, with the securities now held, to the claim against these parties.

The Committee suggest that it may not conform to the wishes of the General Assembly to hold this building as a Capitol for many years, and that if they should conclude not to do so, then the State will forfeit all claims on the building.

It would also seem to be unjust for the State to hold the Capitol Building, at the nominal rent of \$1 per year, built at the expense of these parties who have been so unfortunate in the financial crisis which has swept over the country, as to become bankrupts, and at the same time to drive the families of some of them from their homes.

A majority of the Committee therefore report the accompanying bill without recommendation, leaving the Senate to adopt such course as it may deem proper in the matter:

“A.”

List of property mortgaged to secure payment of School Fund borrowed of James D. Eads, Superintendent:

JAMES A. WILLIAMSON'S MORTGAGE.

Lots 1, 2, 3 and 4, in block No. 3, and lot No. 4 in block 6, in W. A. Scott's addition to Des Moines City.

And, also, lot No. 7, in block No. 18, and the middle ($\frac{1}{3}$) one-third of lot No. 14, and the middle ($\frac{1}{3}$) one-third of lot No. 13 in block No. 9, and lot No. 7 in block No. 3, according to the original plat of East Fort Des Moines.

And, also, 20 feet off the West end of lots No's. 11 and 12 in block “D,” in J. M. & H. H. Griffith's addition to East Fort Des Moines, all in Polk county and State of Iowa.

W. A. SCOTT'S MORTGAGE.

All of block No. 4 in W. A. Scott's addition to De Moine, known and recorded as Scott's block, containing twelve (12) lots. Also, lots No's. 1, 2, 3, 9 and 10 in block “C:” lots No's 1, 2, 7, and 8 in block “L.” lots No'e. 1, 2 and 3 in block “M,” in Scott & Dean's addition to Fort Des Moines, in Polk county. [*See Note “I.”*]

J. D. CAVENOR, MORTGAGE (NO. 48.)

The S. W. $\frac{1}{4}$ of Section No. 4, and the S. W. $\frac{1}{4}$ and S. $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of Section No. 15, and the West fractional $\frac{1}{2}$ of Section No. 7, and the North fractional $\frac{1}{2}$ of the N. W. $\frac{1}{4}$ of Section No. 18, and the West $\frac{1}{2}$ of N. E. $\frac{1}{4}$ of Section No. 30, all in Township

77, North of Range 25 West, all in Warren county, and State of Iowa. 880 acres. [*See Note "II."*]

J. D. CAVENOR, MORTGAGE (NO. 49.)

East $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section 25, in Township 78, North of Range 24, West.

Also, S. E. $\frac{1}{4}$ of N. W. $\frac{1}{4}$ of Section No. 19, in Township 79, North of Range 24, West.

Also, lots No's 6 in block 7; lot No. 14 in block No. 12; lot No. 7 in block No. 19; lots No's. 9 and 10 in block No. 28; lot No. 3 in block No. 32; lot No. 5 in block No. 34; lot No. 10 in block No. 43; lot No. 9 in block No. 42; lot No. 8 in block No. 46; lot No. 6 in block No. 47; lot No. 10 in block No. 55; lot No. 5 in block No. 53; lots No's. 7 and 10 in block No. 58; lot No. 8 in block No. 66; lot No. 5 in block No. 65; lot No. 14 in block No. 79; lot No. 2 in block No. 69; lot No. 11 in block No. 80; and lot No. 1 in block No. 71, all in the town of De Moine, Polk Co., Iowa.

Also, lot No. 11 in Dean's sub-division of out-lots adjacent to the town of Fort Des Moines, Polk county, Iowa, and lying in Section 3 of Township 78, Range 24 West, 5 acres.

J. M. & H. H. GRIFFITH'S MORTGAGE.

Lots No's. 3, 4, 5, 6 and 10 in block "E;" lots No's. 1, 2, 3 in block "H;" lots No's 1, 2, 3, in block "B;" lots No's. 5 and 6 in block "F;" and lot No. 5 in block "A" in Griffith's addition to East Fort Des Moines, now being in the City of Des Moines, in Polk county, Iowa.

ALEXANDER SHAW'S MORTGAGE.

The South fractional $\frac{1}{4}$ of the N. W. $\frac{1}{4}$, and the North fractional $\frac{1}{4}$ of the S. W. $\frac{1}{4}$ of Section 30, in Township 78, North of Range 27 West, 164 64-100 acres.

Also, the following land commencing at a point seventy-two and eight-elevenths rods West of and forty-four rods North of the S. W. corner of the N. E. fractional quarter of Section No. 3, in Township 79, North of Range 24 West, thence running North 44 rods, thence East 18 4-11 rods, thence South 44 rods, thence West 18 4-11 rods to the beginning, 5 acres; in Polk county, Iowa.

Also, the N. $\frac{1}{4}$ of the S. W. $\frac{1}{4}$, Section 26, Township 80, Range 24 West; 80 acres.

Also, lots 9, 10, 11 and 12 in block No. 5, in the town of De Moine, Polk county, Iowa. [*See Note "III."*]

T. K. BROOK'S MORTGAGE.

The S. E. $\frac{1}{4}$ of the N. E. $\frac{1}{4}$ of Section 2, Township 78, North of Range 24 West; 40 acres.

NOTE I.

The mortgage given by W. A. Scott includes the brick house and barn formerly occupied by him as a residence, on the east bank of the river, which is all the value there is to this mortgage, except perhaps that after the mortgage was given, his brother, Mr. — Scott, built a small frame house on two of the lots mortgaged, without the knowledge, as he informs us, of such incumbrance, which is now occupied by him as a residence. The lots are all on the low bottom of the Des Moines, and overflow at high water.

NOTE II.

The land mortgaged by Mr. Cavenor is unimproved prairie lying in Warren county, and is said to be of second or indifferent quality.

It could not probably be sold for \$1,50 per acre.

The lots are situated on the low bottom below the Scott Bridge, and are unimproved. They might bring \$5,00 per lot, but we think it doubtful. To the State they would be worth nothing.

The taxes have not been paid on any of this property for five years. It is probable that it has all been sold for taxes.

NOTE III.

The title to the land in Dallas county, mortgaged by Dr. Shaw, seems not to have been in him at the time the mortgage was given, and has not been since, consequently is not of any value here.

“ B.”

NAMES.	Amount.	Interest due.	Total.	Interest p'd
J. A. Williamson.....	\$8,300 00	\$4,155 04	\$12,455 04	\$ 422 00
W. A. Scott	8,300 00	4,150 04	12,450 04	462 37
J. D. Cavenor.....	4,125 00	2,062 50	6,187 50	211 98
J. D. Cavenor... ..	4,126 00	2,026 50	6,152 50	211 92
J. M. & H. H. Griffith...	8,250 00	4,127 50	12,377 50	421 50
Alexander Shaw	3,000 00	1,500 00	4,500 00	152 50
T. K. Brooks.....	4,000 00	2,004 00	6,004 00	200 44
Total	40,101 00	20,025 54	60,126 54	2,082 71

JAMES REDFIELD, Chairman.

I N D E X .

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22. An Act to legalize the sale of School Land, 220, 243, 322, 365, 372, 379, 383.
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98. An Act to amend Section 843, of Revision, 292, 305.
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